THE ORANGE RIVER SOVEREIGNTY. 1848 - 1854.

by

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FOREWORD.

The Orange River Sovereignty is of considerably greater interest and significance in South African history than the mere half-a-dozen years of its transient and chequered career might ordinarily seem to indicate.[1] In the first place much of its importance has not been appreciated owing to the absence of any special study of the subject as a whole, the fullest account of the period being that of Dr. G. M. Theal. The Devotees of Clio the Muse owe indeed a great debt to the pioneer literature of her late High Priest in South Africa but, as works of reference, Theal's volumes have at least one real shortcoming in terms of present day requirements. This is not to suggest that as a serious member of his profession he did not show something of the scientific spirit required of an historian in collecting and weighing evidence as to facts, on the contrary the research student finds ample proof of his integrity, but rather to point out that he has seldom provided the sources of his facts, of the documents and authorities he has used to establish cause and effect.[2] In the second place certain publications have tended to obscure the main issues beyond the Orange in the middle of the 19th century. If it is true that history can educate the minds of men by causing them to reflect on the past and to see their own age in proper perspective, then it is the duty of the historian to cause his neighbour to know that past as it actually happened.[3] His efforts may not be rewarded for it has been contended that the thought and feeling of the rising generation is but little affected by the historian qua historian. This may be attributed to philistine attempts to present facts and opinions in their full emotional and intellectual value. Unfortunately these have not always been very happily conceived and have on occasion degenerated into merely raking up a past gone with the wind. Much misunderstanding of our history has arisen not only from ignorance of all the facts and consequent misinterpretation, but also, horribile dictu, from what can only be described as deliberate suppression or misrepresentation according to the degree of prejudice of the writer. The aim, therefore, of this treatise on the Orange River Sovereignty has been to endeavour to make good the above deficiencies and to present a detailed, authoritative and sincere narrative of a critical phase in South African history.

1. Compare the rule of the Batavian Republic at the Cape, 1803-1806. 2. Admittedly there were inadequate facilities then for assembling, handling and cataloguing Archival records yet some references could have been readily traced eg. Despatches and their enclosures. Whether Theal meant to write a 'popular' history or not is another matter. He shows a perceptible bias in favour of the European colonist - not only during this period: see Dr. J. S. Marais' "Maynier and the first Boer Republic". 3. G. M. Trevelyan "The recreations of an historian" pp. 11-60.

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Among the chief clues to the understanding of South African history in the 19th century are the 'moving frontier' of the Trek-boer and the Missionaries' frontier, both of which ultimately induced the establishment of political sovereignty beyond the Orange in 1848.[1] "Neither the British, nor the Dutch before them, included in their imperial plan territorial expansion into the African hinterland".[2] All they wanted was a naval base and half-way house on the long sea route to India. The first Dutch Commander thought that a refreshment station of 6,000 acres would be large enough but the Dutch burghers soon "learnt the ways of a hunting and pastoral folk and they claimed for each citizen the right to a farm of 6,000 acres. This 6,000 acre farm is the most fundamental fact in South African history. It produced the Trekking Boer, the South African frontiersman who has[3] pushed his way a thousand miles and more inland dragging the Government after him." Neither the Dutch Government nor the British wanted to be dragged and each in turn tried without success "to tether this sprawling society" that "moved forward under the inner compulsion of its own being".[4] Moreover when the Trek-boers began to cross the Orange in the 1820's they found themselves jostling Coloured and Native peoples and impinging upon the Missionaries' frontier.[5] The Non-Europeans were not particularly enamoured of what they regarded as the intrusion of the Trek-boers and soon had recourse to the Colonial Government for protection in much the same way, however paradoxical it may at first appear, as those same Trek-boers appealed subsequently against the Voortrekkers in Transorangia.

No account of European expansion can ignore the point of view of the Non-Europeans who have felt its impact and of the missionaries who championed their claims to 'living-space'. "The epic of America and the 'epics' of New Zealand and South Africa would read quite differently if they were told by a Red Indian or a Maori or a Bantu".[6] It matters little that the Non-Europeans, with the exception of the wandering Bushmen and Koranas, were themselves recent immigrants in the land between the Orange and the Vaal. They were also impelled thither by force of circumstances beyond their control. The London Missionary Society early shepherded Griquas at Philippolis and the French and the Wesleyan missionaries had already founded various stations among the refugee Bantu tribes - in the mountainous eastern region before the Voortrekkers terminated the reign of terror of the Zulu and Matabele conquerors. "A great many people nowadays are critical of missionary enterprise. Some regard it as the screen of a scheming and cynical imperialism, others lament its philistine contempt for the anthropological diversity of human -life-

1. W.J. Leyd's "The First Annexation of the Transvaal" Chaps. I-VIII, pp. 1-116, published shortly after the South African War 1899-1902, at a very impressionable time, ignores this factor completely. 2. W. Hancock p. 67. V.Harlow p. 6. 3. W. Hancock p. 68 et seq. Of course the nature of the country and the unfavourable climatic conditions made large farms necessary. 4. Until Rhodes found 'the road to the north' in danger of being closed by a coast to coast project of the Portuguese supported by Germany who had taken possession of South West Africa. V. Harlow p. 15. 5. Which continued to outdistance the trekking Boer on the long road to the Zambesi. Hancock, p. 74. 6. "It is only fair to remember that European settlers have sometimes made reparation for their deeds of violence and greed: the white New Zealanders have made substantial reparation to the Maori": Hancock p. 72.

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the Orange the Governor's duties and responsibilities were considerably increased by those attached to the new office of High Commissioner, which was created in 1847,

"for the settling and adjustment of the affairs of the territories adjacent to the Frontier". 1 Naturally the Governor as a responsible official and 'the man on the spot' was in a much better position than the Secretary of State to judge the real nature of each local problem and also to recognize the best method for its solution. This was tacitly recognized, but unfortunately doubts and fears inevitably arose from the fact that London and the Cape were months apart in the matter of communications.

"It will be seen that there was in the South African situation a certain inevitability of conflict and misunderstanding". 2 Nevertheless an attitude of mind still persists in certain quarters that the extensive acquisitions of the British Government in South Africa, and elsewhere, have almost without exception been due to deliberate aggression and to a policy of expansion planned by the state. 3 With regard to the Orange River Sovereignty the corollary has been affirmed that in the main the various communities within its geographical limits strongly resented being placed under British rule and protection. On the contrary, British intervention was actively solicited by several sections of the inhabitants, white and black, south of the Sand River. Subsequent pages will reveal the hesitant advance of British authority in Transorangia and the reluctant assent of Earl Grey to the Proclamation of Sovereignty, not to mention his qualification, the Achilles' heel of the new State, that it should pay its way. Sir H. Smith's strategic and conciliatory action was the logical culmination of the measures of his immediate predecessors and his answer to "the contradictory instructions he received that our policy was to be 'non-extension', but that so much authority might be exercised on the part of the Queen beyond the Orange as would enable the natives and the farmers to manage their own affairs". 4 "That much misunderstood measure, the annexation of the Orange River Territory by Sir Harry Smith in 1848, was undertaken not solely to give a more adequate system of government, but also to resolve the chronic land disputes between the farmers and the natives". 5 Indeed such was its reception that the opposition to it had to be whipped up and Boers intimidated and dragooned into resistance at Boomplaats by a band of Voortrekkers under Andries Pretorius, most of whom came for this purpose from the Potchefstroom district across the Vaal. 6

The Orange River Sovereignty and its constitution were conceived in a spirit of optimistic idealism - to the quixotic Sir Harry, the Boers and the Natives were -all-

1. Eybers xli. 2. De Kiewiet, p. 5. 3. Cp. "Studies in Ancient Imperialism" by J. H. Hofmeyr and T. Haarhoff p. 14: "a detailed examination of Roman history bears out this general conclusion that save for a few persons and a few periods Imperialistic expansion was not the watchword of the Roman people".
4. C.B. Adderley's Review of Earl Grey's Colonial Policy, p. 167.
5. De Kiewiet, p. 5. 6. See also p. 66 below, P.J. v.d. Merwe.

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all children of his family - but there was too little of the cement of realism in the conduct of its affairs, to which more than anything else must be attributed the premature collapse of this "bold" undertaking.[1] Admittedly such unforeseen circumstances as the outbreak of the Eighth Kaffir War and the constitutional struggle in the Cape Colony, preceded by the Anti-Convict Agitation and by his illness during 1849, handicapped Sir Harry in giving adequate attention to the infant state he had brought into existence across the Northern Frontier. Yet in spite of his assertion that "no measure during my administration of this Government has caused me so much consideration as that relating to the Sovereignty"[2] the impression remains that he failed to realise sufficiently not only that the revenue would almost certainly fall short of expenditure, especially after the sittings of the War Tribute Commission in 1848, but also that there was a constant need for more personal supervision of the novel and embryo system of government he had created there. To his credit the High Commissioner was indeed aware of the shortcomings in the personnel of the administration as well as of the frailties of his subordinates and loyally strove to do his best with the very limited field of really suitable talent available. Perhaps no more convincing evidence of his scrupulous highmindedness can be provided than his decision not to promulgate the Order in Council of 1850 or to act on the Letters Patent of 1851, which empowered him to create the Orange River Sovereignty into a separate government under a Lt. Governor.[3] Had he seen fit and proper to do either the new State might have been so firmly entrenched and legalised as to put abandonment out of the question and the whole course of South African history would have been altered.

The principal, though not irremediable error of Smith's policy was in proclaiming the Queen's Sovereignty over powerful Native tribes in lieu of confining such authority to the protection of British subjects and the maintenance of a proper boundary line between the latter and the Chiefs, particularly as quite inadequate forces were provided for the purpose.[4] The Burghers themselves were naturally not prepared to stand sponsors for the moralities and good behaviour of Native tribes in regard to one another and they could not reasonably be expected to take any interest, let alone an active part, in suppressing inter-tribal fighting. Unfortunately as early as 1846 the British Resident had identified himself with this policy and showed excessive zeal in enforcing it, choosing on -occasion-

1. p. 68 below, also pp. 65-69. D. 3/2/1848, Bas. Rec. 1/162-5.
2. To the newly arrived Assistant Commissioner, p. 327 below.
3. See pp. 232 and 235 below.
4. See H. Green's comments Bas. Rec. 1/575 and "The Friend" 8/9/1851 and 17/9/1853. Green himself adopted the policy of non-interference in tribal disputes.

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occasion to ignore the specific instructions of the High Commissioner.[1] The result was constant interference in Native quarrels with tragic consequences for the Sovereignty. A year after his removal from office, in what was, in effect, a sorry attempt to exculpate himself at the expense of Sir H. Smith, Warden stated that Major Hogge had remarked that "had an Angel from Heaven been the British Resident, Sir Harry's system of government could not have succeeded, and I am only surprised that it lasted so long".[2] Unquestionably the British Resident held no easy office, placed as he was in most trying circumstances in the midst of a heterogeneous population, and hampered by difficulties which required the exercise of continual vigilance and the greatest temper and tact in order to extricate himself from them. Major Warden, however, did not possess the necessary qualities for success. He was not a practical man of affairs, had no administrative experience, lacked sound judgment and, like many a regular army officer, was far too jealous of his dignity.[3] Sir H. Smith's system was by no means an impracticable, rigid affair and, as the Editor of "The Friend" rightly observed, "there was no object in our relation with the natives that might not have been obtained by fair, open, patient investigation".[4]

Once its affairs came under the cloud of Viervoet, the future of the Sovereignty was black indeed. In the face also of the mounting expenditure of the Eighth Kaffir War and the criticisms of the "Little Englanders" of the Manchester School of Free Trade and Laissez-faire, the Secretary of State, Earl Grey, announced to Sir H. Smith that "the ultimate abandonment of the Orange River Sovereignty should be a settled point in our policy".[5] The noble lord insisted further that "any wars, however sanguinary, which may afterwards occur between different tribes and communities which will be left in a state of independence beyond the colonial boundary are to be considered as affording no ground for your interference".[6] Once, too, the Sand River Convention had been concluded

-not-

1. Pp. 30, 33-34 below. Also p. 254, his unauthorized expedition across the Orange; cp. p. 39. Pp. 181-2 he persisted in the restitution of cattle despite Smith's advice. P. 253, he refused 2,000 head from Moshesh. Pp. 263-6, he ignored Smith's direction re "a strong commando of farmers", pp. 186 and 245. 2. Warden to Clerk, Bas. Rec. 2/67. Yet he asked that the Proclamation be extended to include all streams running into the Vaal e.g. Mooi, p.77 below: he recommended the annexation of the Transvaal as it was desired by two-thirds O.R.S. and half the Transvaal would submit, p. 301: he insisted that the Basuto tribe should be humbled, p.185. He wanted the British name to be respected beyond the Modder, p.41. 3. See p.132 below and footnote 4, p.140. Pp. 138, 265, 360, his treatment of the Burgher element in the Council: pp. 265-6, his failure to consult the Council in June 1851. Pp. 166, 173 his jealousy of Southey - "In extenuation of what I may have said touching Mr. Southey's temporary appointment here I beg leave to say that I was at the time smarting at being as I believed placed under a cloud both as a military and civil officer", O.R.S. 37/117, 10/2/1850 Warden to Smith: See also footnote p.316 below. Pp. 167-8 he resented Dyke's advice. His serious error of judgment in underestimating the Basuto, pp. 181-2, 187, 247, 251 - the influence of Cameron and Allison turned him against Moshesh - and in undertaking the Viervoet campaign when the Governor was fully occupied with the 8th Kaffir War. Yet see W. Collins, "Free Statia" p. 27, "His power too was prescribed and very limited, being also much hampered by a peripatetic High Commissioner at whose capricious behests he was obliged mechanically to bow, frequently against his better judgment"! Let it be said in his favour that in endeavouring to balance his public accounts Warden did not draw his salary. 4. "The Friend" 10/11/1851. 5. P.327 below. Stephen Leacock "Our British Empire" p. 175: "The cost of the 40,000 troops maintained in the colonies in the eighteen-forties seemed a part of that blue ruin which economic eyes could always see on the British horizon". See also V.Harlow p.10.

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not even the combined representations of the Missionary Societies could interest the British Government in Transvaal affairs or stay the withdrawal of British rule from the Sovereignty, especially in view of Sir G.Clerk's observations on that subject.

> "The six years that followed Sir H. Smith's apparently permanent settlement were among the most fateful in the history of South Africa. Save for a few native territories and some scattered groups of cattle farmers beyond the Vaal the whole of the future Union of South Africa was under British rule and therefore open to the influence of the liberal Britain of the day operating through the more or less liberalised Cape Colony". / The years both prior and subsequent to the Great Trek were marked by "notable social and economic advances" in the land south of the Orange. Moreover the Cape Colony's political adolescence witnessed, while the Sovereignty yet hovered at death's door, the granting of a form of Representative Government with a liberal franchise unprecedented in any British dependency. "The question at issue for South Africa" was whether the future relations, not only of the two main European races but also of Europeans and non-Europeans, "were to accord with the liberal rules already fairly established in the original colony or with the ideas which the Trekkers had departed from the colony to preserve". 2 Thus when "Clerk's little garrison .... passed over the colonial boundary at the Orange drifts through which Sir Harry Smith had splashed with such high hopes and good intentions six years before, they were accomplishing perhaps the most momentous step in South African history". 3 Henceforward the belief in the permanent inferiority of the black man became entrenched beyond the Orange, for to these strict, Calvinistic burghers the land was the portion of the white man and the Natives were their Biblical bondmen, the hewers of wood and drawers of water. 4 In this sense the abandonment of the Orange River Sovereignty by the British Government was an act of abdication. 5

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1. The Cambridge History of the British Empire, Vol. VIII, p. 341. 2. Ibid. See also Bantu Speaking Tribes of South Africa, Chap. XV, J. S. Marais. See below. 3. The Cambridge History of the British Empire, Vol. VIII, p. 355. The boundary of the Orange split South Africa in much the same way as the more famous Mason and Dixon's line divided the United States of America of those days: Prof. E.A.Walker. 4. Joshua 9.21; Deuteronomy 29.11. 5. Cp. V. Harlow, p. 30. Henceforward too the Voortrekker ideals of self-sufficiency and insularity of its northern neighbour, that had been nourished upon the Biblical parallel of the escape of the Chosen race from the hands of the oppressor, gradually gained the ascendancy in the Orange Free State - no doubt facilitated by H.M. Government's rejection of the overtures for a Federal Union in Boshof's time, by the annexation of Basutoland and of the Diamond Fields. 1. "When the Cape received its Parliament in 1853 the same qualifications conferred the franchise on all its citizens whether white, coloured, or black - a state of affairs which has remained unique in South Africa to this day.

CHAPTER I.

Transorangia prior to the Proclamation of the Sovereignty.

The scene of this history was a somewhat remote and undeveloped corner of the world in the middle of the 19th Century. The Orange River Sovereignty comprised an area of some 50,000 square miles, exclusive of Basutoland's 10,000 odd, that is to say, the territory approximated to half the extent of the British Isles or double that of the Low Countries, Belgium and Holland combined. This extensive region, situated more than 500 miles from the Cape Peninsula, forms part of the enormous plateau of Southern Africa, of an average altitude of 4,000 ft. The limits of its kidney-like configuration are the Vaal River in the North and the West, the Orange River in the South and the Drakensberg in the East. It is generally a treeless, flat country possessing a most salubrious climate, whilst its seasonal rain is not abundant except in the mountainous eastern border where the Caledon flows southwards through fertile agricultural lands and pastures into the Orange. For many years till within living memory this Highveld abounded in countless herds of game.

During the opening decades of the 19th Century and prior to the definite intervention of British authority in the lands beyond the northern boundary of the Cape Colony, significant changes had taken place there. In the region north-west of the confluence of the Orange and the Vaal the Griquas, a mixed race of Hottentots and Hottentot-Dutch Bastards, and numbering not more than a few thousand all told, had just made their appearance. They had emigrated recently from the Cape Colony and formed a settlement at Klaarwater (Griquatown) under the influence of the London Missionary Society. Subsequently about the year 1821 their leader Adam Kok II "resigned" from Griquatown and removed to Campbelltown, whereupon Andries Waterboer was duly elected Captain in his stead. Some Griquas turned to marauding and being joined by Bushmen and Koranas were known as the Bergenaars and became a scourge to neighbouring tribes for quite a time. As a result of the dissensions among the Griquas and the border peoples during the course of which certain Bechuana settlements were burnt and their inhabitants killed, the Colonial Government appointed a resident agent, Mr. Melville, in the Griqua territory in March 1822.[1] This was the first vague extension of British authority beyond the Orange.[2] Despite the absence of active Government support, except for an annual supply of ammunition, this agent's advice was helpful for a brief period in maintaining peace and order if only in Waterboer's district. In the next year Adam's brother, Cornelis, was chosen Captain at Campbell, being confirmed as such by the Colonial Government three years later. Adam

1. Stockenstrom's Judgment 16/3/1876 and Evidence, G.W. Archives No.166. Theal VI, 470-5 P.J. van der Merwe 247-51; J.S. Marais Chap. II; Stow Chapters XVII-XX; Cory IV, 275 V.R.S. 11, pp. 301-313. 2. Walker pp. 157-8. 1. Green's Notes B.R.I p.573

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Adam Kok himself and his followers wandered eastward and might have turned Bergenaars but fortunately were induced by Dr. Philip, Superintendent of the London Missionary Society, to settle in 1826 at Philippolis, originally a Bushman missionary station in the southern reaches of Transorangia.[4] "My subjects", wrote the Griqua Captain later, "are not all of one tribe and consist of Grikwas, Bechuanas and Bushmen: of these the last mentioned were the original possessors of the country and the Bechuanas consist chiefly of such persons as sought refuge among us from the wars of the interior". He included some Korannas under the subordinate chief Piet Witvoet and estimated on the eve of the proclamation of the Sovereignty that he had altogether 6000 subjects, rather more than half being Griquas.[1]

Contemporaneously a series of events of equally far-reaching importance was taking place further to the northward. Apart from the Bushmen and the Korannas who roamed over the vast plain of this region there were a few tribes of the Bechuana branch of the Bantu race - such as the Baramokhele, Batlakoana, Bamonageng - all politically independent though known collectively later as the Basuto. These occupied the land extending from the Malutis westward to a considerable distance beyond the Caledon and reaching southward somewhere about the latitude of a line linking Thaba Nchu and Thaba Bosigo. Adjoining these tribes to the north along the Sand River were the Bataung, whilst to the North-east about the Wilge River (later Harrismith district) resided the Batlokua, a powerful tribe and skilful workers of iron. Hitherto the internecine wars in the lands between the Drakensberg and the sea during the early 19th Century had occasioned no real concern or distress beyond the mountains; but, about the year 1820, an act of treachery perpetrated by Sikonyela of the Batlokua upon a kinsman of one of the Zulu chiefs, fleeing before Chaka, brought terrible vengeance to the western side of the Drakensberg. For some years war, pillage and massacre stalked the land. The tribes were scattered during the "Lifaqane" and the remnants fled in all directions. The Batlokua were decimated and in their flight across the Caledon caused the broken Baramokhele to leave Moshesh's birthplace Buta Bute for Thaba Bosigo, a stronghold further south. Lands ceased to be cultivated, flocks and herds disappeared and cannibalism raised its ugly head.[2] The disorder was made worse by the depredations of Griqua Bergenaars and Korannas from the south and west whose fire-arms and horses created such consternation among the harassed survivors that their chief, Moshesh, actually went to Griquatown in 1824 and put himself under the protection of Waterboer.[3] Gradually chaos gave way to some semblance of order as the refugee Moshesh, the son of a minor chief and

1. Kok to Col. Secretary 18/4/1845, Enc. D.83, 13/5/1845, C.O. 1384 also Governor Napier 20/8/1843, Enc. D.69, 22/7/1844, C.O.1382 also C.O.1060. Land Court G.L.W. Vol. 20 Exhibit 216. For Griqua history see references page 1. Chas. Warden's lecture 18/5/1899 in O.R.S. Archives: "The Griquas were a mixed race evidently composed of Hottentots, Korannas and Bushmen with a language much resembling that of the three races interspersed with some Kitchen Dutch". Bluebooks III and IV Select Committee on Aborigines, Dr. Philips Evidence 4/7/1836.
2. Theal Bas.Rec. II Introduction; Ellenberger and McGregor pp.117-234. 3. Marais p.37 Theal Vol. V. Chap. XIX, XX.

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thus without hereditary right, collected around him an ever increasing body of followers in the practically inaccessible fastnesses of the Malutis. Out of this unpromising and heterogeneous material he proceeded to form the nucleus of a strong composite power between the Caledon and the Orange, so much so that even in the initial stages of the evolution of the Basuto nation the dreaded Matabele impis of Moselekatse, on a foray from beyond the Vaal in 1831, failed to take its rallying point, the mountain fortress of Thaba Bosigo.[1] "The Basuto chief, Moshesh, though a freebooter himself, has eradicated all the former evils, the imminent risk of being waylaid, slaughtered and devoured by the savages who dwelt in those rugged fastnesses ... and has brought the whole into a state of obedience to his will, which might excite the admiration of any despotic monarch in Christendom", commented "The Friend" later,[2] In those days boundary lines between the various tribes were unknown for as yet questions of living-space had not arisen.

Meanwhile another phenomenon was shaping upon the south-eastern horizon of Transorangia. Throughout the years of the Dutch East India Company's rule at the Cape the frontiers had been extended repeatedly to include those Trek boers who were constantly moving further away from the Company's authority in search of new pasture. Thus one of this series of extensions of the frontier, made not from any desire to annex new country but in the hope of checking the trekking habits of the farmers, had been effected by Governor "Father" Tulbagh in terms of an official Proclamation in 1770, whereby the Gamtoos River was declared the Eastern boundary. By another proclamation shortly after the Fish River became the frontier. The trekking habit persisted, nevertheless, and on the 15th Nov., 1791, a Resolution in Council was issued to recall the farmers from beyond the boundary; but in vain.[3] A similar state of affairs had developed on the northern and north-eastern border of the Colony. The Great Karroo, across the Zwartebergen, was very dry, but as the farmers occupied the lands of the plateau beyond the Nieuweldbergen they found them equally drought-stricken. Accordingly during the second quarter of the 19th Century these nomadic Boers in the neighbourhood of the future Colesberg, even down to Graaff Reinet and Cradock periodically crossed the Orange River during seasons of drought, trekking as far as the Modder River to find temporary pasturage for their stock.[4] Moreover as early as 1819 small parties of European hunters began to make a practice of penetrating the country beyond the Orange and along the Caledon nearly as far north as Thaba Bosigo. Some of these maintained later that land was occasionally obtained

1. Theal Bas.Rec. II Introduction. Green's Notes B.R. I pp. 571-8. -from-Moshesh to Col. Secretary 15/5/1845 B.R. I pp.82-87. Ellenberger and McGregor pp. 144, 208, 223, 234-5; pp. 117-234 for Lifaqane wars. Vide also Walker p.225 and Agar-Hamilton pp.2-4.
2. "The Friend" 4/8/1851.
3. Bluebook II Part I p.20.
4. P.J. van der Merwe pp. 135,204, 207 et seq. Snyman's memorial, D.126, 11/9/1847, C.O 1391. -requests for permission to cross the Orange

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from the Bushmen who were the only inhabitants and, in this connection, the Attorney-General, William Porter, placed on record that when he was in Griqualand with Sir P. Maitland in 1845 it was fiercely disputed whether or not the Griquas were already there when the first Boers began to cross the Orange.[1] But ample evidence exists that, from the time Adam Kok moved in, the Trek boers from the Cape Colony made a regular practice of hiring farms from the Griquas, and thereafter occupation became imperceptibly permanent.[2] As British subjects they acknowledged Colonial authority.[3]

According to the evidence submitted on oath before the Free State Commission attending the Aliwal North Conference in Sept., 1858, Gert Coetsee deposed that in the middle of 1819, in company with S. and C.Kruger and other burghers, he crossed the Orange on a hunting expedition to shoot eland and hippopotami and that the party proceeded as far as the Koesbergen between the Orange and the Caledon Rivers, meeting no other inhabitants than small groups of Bushmen. The trip was repeated in 1823 along the Caledon to Jammerberg with the same result, except that he mentioned the existence of the Bushman school at Bethulie, which had recently been granted by Capt. Stockenstrom, the landdrost of Graaff Reinet, to the London Missionary Society, but which was subsequently transferred to the Paris Missionary Society when the Rev. J.P. Pellissier went to reside there. On two subsequent expeditions he met a few fugitive and starved Basuto for whom he shot game near the Koesbergen. From other evidence it appears that in the meantime O.J. van Schalkwyk and J.H. Snyman separately visited the same area during 1821-'2,"when the first emigrants went to live across the Orange", and the former found only Bushmen as far as the Langeberg. J.H. Snyman made three trips in 1825. On the first occasion he proceeded behind the Jammerberg on an inquiry for the Government, meeting only Bushmen; but subsequently fell in with a few Kaffirs -"cannibals"- near the Koesbergen. Similar testimony was given by J.T. Snyman who hunted in 1828 along the Caledon on the bank opposite to Thaba Bosigo in the same year. Moreover at the end of 1830 J.J. Botes emigrated with some 14 or 15 families from the Nieuweveld and settled in the neighbourhood of Bushmen at Zevenfontein (later Beersheba) on the banks of the Caledon where they cultivated the soil and made hartebeest huts. Further, the first admission of the Boers' awareness of the existence of the chief Moshesh came from F.J. Cronje whose hunting party, including Piet Venter, met the Basuto chief at the Caledon on the east side of Platberg (Ladybrand) in 1831.[4] Moshesh appealed to them for help against the Koramas -but-

1. Porter 25/3/1849,Enc D.62,26/3/1849,C.O.1399. Memorial J.Coetzee,29/10/1830,C.O.1361.
2. Kok-Oberholzer Agreement 1840: Petition,Eybers p260: V.d.Merwe pp 262-3, 351.
3. Napier to Stanley D.175,15/9/1842,C.O.1450. J.J.Botes,B.R.II p.416.
4. B.R.II p.424,& Coetsee,p.426-7 J.Snyman,p.416 J.Botes,p.436 F.Cronje. Ibid., p.430 J deWinnaar. O.R.S. 31/210, 6/2/1852 Kruger wrote to Hogge and Owen that he had met Moshesh in 1821 - quoted by v.d. Merwe p. 257 from Malan p. 525 - but see footnote 1 on p. 115 below and Bas. Rec. 1/178, 9/9/1848.

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but received the reply "We cannot do so, because we are subjects of a King who would punish us .... We then told him the English Government held the administration of the Cape Colony".

The next decade, the 1830's, witnessed yet more important events in the region between the Orange and the Vaal Rivers and the Drakensberg. It was in the year 1833 that the French Missionaries came to Basutoland. Moshesh had heard of the effect of the missionary labours of Revs. Moffat and Dr. J. Philip upon the Bechuanas and the Griquas and, as a result of his inquiries and the persuasion of Dr. Philip, the Paris Missionary Society thereupon entered this field. In due course Eugene Casalis and Thomas Arbousset, C. Gossellin, J. Pellissier and L. Cochet respectively began work at Thaba Bosigo, Morija, Bethulie and Hebron, whilst later Samuel Rolland and Francis Daumas went to Beersheba and Mequatling.[1] It is noteworthy that the above ex parte evidence of the boers given at the time of the Aliwal North Conference appears to be confirmed by the map of Casalis which shows that Basuto habitations between the Caledon and the Orange in 1834 did not extend south of the Langebergen.[2] Casalis thus describes the predicament of the Basuto: "The people, in fact, had clung to their natural fortress, Thaba Bosigo, as shipwrecked mariners to a raft".[3]

The Wesleyan Missionary Society had become interested in the 1820's in the Bechuana country lying to the North-west along the Vaal and the Hartz Rivers. The Rev. T. Hodgson established a station among the Barolongs at Makwasse, but later these people were driven lower down the Vaal to Platberg, on the western borders of the future Orange River Sovereignty, where many natives soon congregated.[4] Owing to the inland commotions their numbers began to increase alarmingly, particularly in view of the limited land available and the dry seasons experienced during 1830-'2. Accordingly, the Rev. James Archbell and the Rev. John Edwards made a trip in May, 1833, to explore the land with a view to establishing a new station.[5] Moving eastwards from the Vaal along the Modder they passed through country nearly denuded of inhabitants and infested with lions and other beasts of prey. Ultimately they came to Thaba Nchu Mountain on which the chief Moseme and some 2,000 survivors of the Baramokhele had ensconced themselves. They received a warm welcome and shortly after their return to Platberg, that community with the chiefs Moroko, Carolus Baatje, Jan Kaptein, Barend Barends, left in one combined body under the leadership of their missionaries and after a week's journey reached Thaba Nchu, Sept., 1833.

1. C.R.S. 31/232. B.R.I p.1,pp.17-36 Backhouse's Narrative . Bas.Rec.1/500 Casalis' -Mogeme- summary.
2. B.R.III p.8. / 3. Ellenberger and McGregor p.234-5
4. "Friend" 15/12/1851,Memoirs of Mrs Anne Hodgson. 6. Bas.Rec. II p. 436.
5. Land Court G.L.W. Exhibits Vol.18, W.M.S. issue No.224 August 1834 -"A narrative .. which will call forth the tenderest sympathies of our female readers"
3. C.R.S.42/77,21/12/1848, Southey to Smith." To this subdued state is to be attributed more than any other the success which has attended the exertions of the missionaries

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Moseme was greatly pleased that the white people had compassion on them and were about to save their scattered remnants. When Archbell asked him to sell suitable parts of the country he answered he would give what was desired, for he had nobody left to cultivate the ground and no cattle to eat the grass. "Why should I sell a thing that is of no use to me?" The unexpected arrival of these strangers created at first some alarm among the Basuto, but communications were established with Sikonyela and Moshesh, the only chiefs of note in the neighbourhood, who hailed them as allies against their enemies, the well-armed and mounted Korannas and Griquas. Archbell thereupon subdivided the newcomers among several Wesleyan Missionary Society stations, allocating to Thaba Nchu Moroko and the Baralong with himself and later Richard Giddy and James Cameron; to Platberg further eastward and near the Caledon Carolus Baatje's Griquas and Bastards with their Catechist Thomas Sephton and later Giddy; to Lishuane, more to the northward, Piet Davids' Griquas with John Edwards; to Umpukani the Korannas with Thomas Jenkins; and to Merumetsu the Korannas of Gert Taaibosch. Moreover, Sikonyela received a missionary J. Allison, at Imperani for his Mantatee (Batlokua).[1]

Agreements were entered into between Moshesh and Sikonyela on the one part and Archbell and Edwards of the Wesleyan Missionary Society on the other for the "absolute sale" by the former to the latter of tracts of land around these stations, the last clause providing "that by these presents nothing herein stated is to tend to or in the least sanction the removal of the Basutos and Mantatees and other natives already resident in the aforesaid country".[2] Native custom did not permit the alienation of land by the chiefs without the consent of their people and the fewness of the sheep and goats handed over may not indicate an out and out sale.[3] The chiefs of the newcomers retained their rights to govern their own people but were expected to acknowledge the supremacy of Moshesh and Sikonyela, the main practice among the Bechuana tribes. Later on much acrimonious controversy was to take place on this point between the respective champions among the resident missionaries. The Wesleyan missionaries contended that the country did not belong to Moshesh by any hereditary right and that the newcomers based their claims on their occupation of vacant lands at the invitation of the remnants of the Baramokhele, the tribes not having then coalesced under the paramount authority of Moshesh.[4] Incidentally Casalis' map included Thaba Nchu and district within the Basuto limits.

1. B.R.I p.2, 500 O.R.S. 31/232. Andrew Smith Diary V.R.S. 20; B.R.I pp.6-15; II pp.XIV-XV
   Ibid.,pp.17-35 Backhouse's Narrative. 2. O.R.S.35/226; B.R.I pp.4-6
2. C.O.1603 Schedule No.16,2/3/1853 Green to Cathcart
3. Lagden I p.63 "Yet the indentures Moshesh was led to sign bore clearly that interpretation
4. Encs. D.69,22/7/1844,C.O.1451;B.R.I pp.57-60,65 for letters of Shaw and Casalis, also C .O.1060, 27/8/1845 and 14/4/1847 respectively.

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All this Missionary activity proved to be the prelude to further developments in the middle 1830's leading shortly to considerable interest being shown in these by the Colonial officials and to subsequent intervention beyond the Orange. Hitherto the Government had stood rather aloof. In 1832, in view of the indifferent control exercised over their followers by Cornelis and Adam Kok, Dr. Philip recommended that Waterboer should be made "Commandant" over all the Griqua chiefs, but the Colonial Government gave him no support.[1] Of late however numerous roving bands had been operating along the course of the Orange River and had become a constant source of annoyance to the Colonial farmers living in those parts. Representations having been made to the authorities regarding the depredations of these marauders, a treaty was ultimately completed in Dec. 1834 between Waterboer and the newly arrived Governor, Sir Benjamin D'Urban, whereby the former agreed, in consideration of a small payment of £100 p.a. and 200 muskets and ammunition, to apprehend bandits, warn the Colony of attacks and to protect the greatly exposed border of the Colony from Kheis to Ramah on the Orange, which was described as being opposite his border. The Rev. Peter Wright was also appointed to act as Governor's "confidential agent" or in a capacity similar to that of a Resident and £50 p.a. was given towards the mission at Griquatown for the instruction of the native children especially in the English language.[2]

In the same year 1834 the Governor had seen fit to request the assistance of Dr. Andrew Smith, while the latter was on an expedition to explore the interior, with a view to cultivating a good understanding and influence among the surrounding native tribes, and he had entrusted to the Doctor's discretion messages to the chiefs of tribes he should meet on his way. The outcome of these proceedings was that medals, cloaks and other presents were given to Moshesh, Sikonyela, Moroko, Peter Davids, Carolus Baatje, Lepui at Bethulie and Umsiligas (Moselekatse) among others. Dr. Smith remarked that all these chiefs seemed to consider that by receiving such presents from himself in the name of the Governor they had actually consummated treaties and most of them immediately declared that they were, from the time they received possession of these, "white people under the White King". Indeed all evinced a great anxiety to be connected with the Colony. Dr. Smith concluded that more formal agreements might be made with advantage with these chiefs and that the tribes be visited once a year the better to keep in touch with them.[3] As a matter

1. Walker p.190 Marais p.41 2. C.R.S. 36/57. Land Court G.L.W. Vol 20, Exhibit No.277 -of-
2. G.W.Archives No.166 Stockenstrom's Judgment. Vide Commission Book 130 No.4 Treaties 448. D.84,20/12/1834, C.O.1447 and D.37,11/4/35 (1542) C.O.1322 C.O.1011 Wright to D'Urban 18/11/1834. Theal VI p. 59.
3. Andrew Smith Diary B.R.I pp.6-15; V.R.S. 20. Bluebook IX p.347

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of fact it is interesting in this connection to note that Umsiligas requested Dr. Smith to take his principal counsellor to the Colony for the purpose of completing a treaty, and this was in due course effected, from which treaty the Governor anticipated very beneficial results to the peace and good order of the country beyond the Northern boundary and consequently of that border itself.[1] That the Governor's anticipations were soundly based is shown by the fact that Moshesh himself remarked in 1841 that peace had prevailed for many years subsequent to the receipt of this "pledge of friendship".[2] To the Governor's action Lord Glenelg, Secretary of State, referred, in due course, as follows:- "In order effectually to accomplish our purpose of retaining peace and thus promoting civilization among the tribes on our immediate frontier it is obviously of the first importance that those Tribes should be secured against the pressure and molestation of the tribes beyond them". For the tranquillity and moral improvement of these tribes the Secretary of State sanctioned a reasonable expenditure in presents.[3]

In the winter of the next year, 1835, Adam Kok II and his Secretary Hendrikse undertook a personal visit to the Governor at Cape Town, seeing that several memorials to the Colonial Government, including letters from the Rev. Mr. Kolbe at Philippolis, and communications to the authorities on the frontier had proved ineffectual. He complained once more of the harm his people were suffering from the frequent intrusion into their country of the Colonial Trek boers, who defied his authority and brought in immense herds of cattle and flocks of sheep, by which means the pasturage of his country was being destroyed and cultivated land often laid waste. He alleged the commission of other acts of aggression, which had increased to an alarming extent, and wished to be recognized as the lawful possessor of the country. Should such recognition and the protection desired not be forthcoming he requested that the country be incorporated in the Colony, securing in a legal manner to the possessors their rights to lands and fountains. The Governor was engaged at the time with the Sixth Kaffir War on the Eastern frontier and Col. Bell advised them personally, in the presence of Dr. Philip, that the Provisional Government could do nothing. Sir B. D'Urban later expressed a disposition to enter into an agreement with Adam Kok on the lines of the Waterboer treaty, but the Captain died in Sept. and the matter languished.[4]

The state of affairs described in the foregoing paragraphs received special attention in the Evidence given in 1835 before the Select Committee on Aborigines, appointed by

1. C.O.1447, D.13, 23/4/1836; Bluebook IX p.350. R.8a/35, D'Urban to Jan Captain. -the-
2. B.R.I p.42, 25/11/1841. 3. C.O.1324, D.76, 3/9/1836 (1649) 20
4. C.O.1011, Kolbe 14/7/1834, Kok to D'Urban 13/10/1834. V.R.S/pp.73-4,80. Memorial 27/6/1835, reply 30/6/1836.

C.O. 1011.

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the House of Commons to consider the relations of European subjects of the King with aborigines in all parts of the Empire. The Minutes reveal that many recommendations were made and much evidence led on the subject of the Northern frontier of the Cape Colony. The Rev. Dr. Philip maintained in support of the 1834 Treaty that the Griquas were the cheapest and best bulwark of the country, being potential fighters familiar with the use of fire-arms and to a certain degree civilized - certainly far in advance of the surrounding tribes.[1] How numerous the points of friction between white and black on this northern border of the colony must have been is shown by the estimate that in 1834 some 1,500 Boers lived to the North of the Orange, without having discarded British authority and that half of them were located in the district of Philippolis, much to the dissatisfaction of the Griquas.[2] The Committee further concurred in regarding with much satisfaction the arrangement concluded by Sir B. D'Urban in Dec., 1834, with the Chief Waterboer, from which the Governor anticipated essential benefit in protecting the Northern frontier from the incursions of bandits; indeed, thi s treaty actually prompted the recommendation of a system of federal union of the tribes with the respective colonies of the Empire.[3] Incidentally the Committee decided that the practice of the Boers of buying or kidnapping the children of Bushmen people and driving the parents off the land they occupied must cease.

In the spirit of the evidence brought before the Select Committee, therefore, the Cape of Good Hope Punishment Act was passed in 1836 to apply to all subjects of His Majesty viz:- "Whereas the Inhabitants of the Territories adjacent to the Colony of the Cape of Good Hope to the Southward of the Twenty-fifth Degree of South Latitude being in an uncivilized state, offences against the Persons and Property of Such Inhabitants and others are frequently committed by His Majesty's subjects within such territories with impunity, for remedy thereof be it enacted ... that the laws .. of the Cape Colony ... shall be applicable ... southward of the 25° S. Lat. and that every crime or offence committed by any of His Majesty's subjects.. shall be cognizable in the Courts of the Colony and, moreover, to prevent as far as may be the commission of such crimes .. it shall be lawful for the Governor .. to appoint a Magistrate etc.; but nothing shall extend or be construed to extend to invest His Majesty, His Heirs or Successors, with any Claim or Title whatsoever to Dominion or Sovereignty over any such Territories as aforesaid, or to derogate from the rights of the Tribes of People inhabiting such Territories, or of Chiefs or Rulers, to such Sovereignty or Dominion".[4]

The above Act (6 and 7 William IV cap. 57) is worthy of further consideration, apart from the significant fact that the legislation was contemplated before the Great Trek got under way and the main bodies were in motion. By bringing British subjects in territories adjecent to the Colony of the Cape and South of the 25° S. Lat. under the jurisdiction of the criminal law, and courts of that Colony, its object

1. Bluebook IV, 5327, Dr.Philip's Evidence 4/7/1836. Walker p.196. Theal-VI p.137.
2. B.B.IV.Report p.29 and Evidence p.636
3. B.B.IV. do. p.70 do. p.18. GL.W.Land Court Exhibits G.6, No. 26, 17/12/1840 is a return of some 50 deserters from Regiments since 1832 and forwarded to Waterboer in case any were in his territory.
4. Rybers pp. 146-8.

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object was clearly to protect the natives against outrages and violence from British subjects and to prevent the ultimate extinction of native rights, for in the stretches north of the Orange which the Griquas inhabited, and elsewhere, the land-hungry white men disclaimed being amenable to any native jurisdiction and they themselves punished any offenders they apprehended.[1] This piece of legislation was actually more important in its principle than its practical effects for it laid the foundation of future Sovereignty. In the words of William Porter, "It acknowledged the great and good principle that England was responsible for the conduct of her subjects towards helpless races amidst whom they settled - for the mounted Boers with guns in their hands were more than a match for natives armed with assegais. It acknowledged that crime must be repressed - repressed if practicable, by the cheap control of an act of Parliament, but if that were not enough, then by such means as should be adequate to attain the end; by armed interference in occasional emergencies; or, if that were not enough, by a permanent Resident supported by some military and an organization of the chiefs whose supremacy was still to be respected; or finally, if that were not enough, by the assertion in all its power of British Sovereignty."[2] The Act was conceived in a generous spirit but to carry out its views practical support and annual disbursements were necessary. Because it assumed such large powers of control and was feebly executed, as will appear, it simply provoked contempt.

This then was the state of affairs when the Great Trek began. A detailed exposition here of the causes of this movement would constitute a somewhat unwarranted digression for they are discussed in various publications. Though there appears but little doubt that many of the Emigrant Boers were impelled by the need of more grazing land for their stock, indeed according to the loyalist G.H. Meyer, a member of the party that purchased land from Makwana between the Vet and the Vaal,

"Your memorialists left the Colony merely on account of the scarcity of pasturage and land for carrying on farming";[3] whilst Sir George Clerk, who was instrumental in abandoning the Sovereignty later, wrote "Such is the unproductive character of the greater part of especially the central portion of the Cape Colony that the colonists in the best parts find themselves, families and flocks in a position too crowded and cramped to suit their habits of life and estimation of pastures. There was more space north of the Orange and occupation more congenial to men who are naturally rather indolent and averse to living in towns and villages",[4] the Voortrekkers were influenced by the policy of the Cape Government towards non-Europeans generally and more particularly by its vacillation on the Eastern Frontier.

Retief's Manifesto and the implications of his assertion "We quit this Colony under the full assurance that the English Government has nothing more to require of us and will allow us to govern ourselves without its interference in future" provide a first-hand and authentic presentation of the ardent Voortrekker point of view, if not an exhaustive summary of the causes of the exodus.[5] At the Caledon River in the middle of 1837 the Voortrekkers adopted certain Resolutions which stated inter alia:

1. Hansard CXIX,1852, p.654 17/2/52, also CXXXIII,1854, Adderley 9/5/54. "We-
2. Porter 25/3/1849,Enc.D. 26/3/1849, C.O.1399 and Bluebook XV
3. C.O.1119 to Warden 1/11/1847 and Memorial to Pottinger;O.R.S. 36/2. v.d.Merwe p.365.
4. O.R.S. 43, 28/3/54 to Newcastle. See also Walker pp.205-8, 187 for Commissie trek and Theal VI pp.312-5,343. C.O.1448,D.33, 18/5/1838. Napier'scauses of Emigration.
5. Grahamstown Journal 2/2/1837; Rybers p.143. O.R.S.38/147 Green to Secretary of State 1/11/1854," They had suffered there from...an injudicious Frontier policy and the Slave [what they considered] [emancipation]". v.d.Merwe p. 366 et seq. 376-9.

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"We shall only regulate ourselves in the wilderness by the old Burgher regulations and duties, and all differences which may arise shall be adjusted in accordance with those burgher regulations ... we purpose to establish our settlement on the same principles of liberty as those adopted by the United States of America, carrying into effect as far as practicable our burgher laws". 1

By driving the Matabele beyond the Limpopo and overthrowing the Zulu power in Natal, the Voortrekkers rendered vast stretches of land reasonably safe for European habitation. A.H. Potgieter for instance secured a cession of the territory between the Vet and the Vaal Rivers from Makwana of the Bataung, who retained for himself a small reserve at Coalspruit, whilst D.S. Fourie and his party acquired land from David Dantser between the Modder and the Vaal. 2 A few hundred families remained at first along the lower Caledon with the original pro-Government Trek boers, and others located themselves permanently along the Modder and the Vet founding later the village of Winburg - some loyal to the Cape Government, others antipathetic. The majority proceeded in due course across the Drakensberg into Natal or occupied the land beyond the Vaal River. Their first settled form of Government was functioning in Natal in 1839 and in the same year a sort of union was effected with the people about the Modder and more particularly the Mooi (Potchefstroom); but no regular or ordered government beyond the holding of an occasional Landdrost and Heemraden Court was ever in operation among the Voortrekkers between the Orange and the Vaal - certainly nothing approaching the Thirty Three articles at Potchefstroom of 9th April, 1844. 3

A few years were to elapse before the emigration beyond the Orange became a matter of political importance. Lord Glenelg, the Secretary of State for the Colonies, following the lead of Lord Goderich, his predecessor, had already emphasized, before the Great Trek began, the inexpediency of engaging in any scheme of colonisation and extension of territory in Natal. He refused to go any further than authorising the appointment of Capt. Gardiner as a Justice of the Peace at Port Natal under the Punishment Act, at the same time stating that the English settlers "have not ceased to be subjects of the Queen". 4 In the same way the beginnings of emigration were duly discountenanced by the Colonial Government and the frontier authorities enjoined to prevent the movement as much as possible and thereby the depopulation of the Eastern border. The Attorney-General, however, advised that there was no convenient power whereby the thousands of departing emigrants could be prevented from leaving the Cape Colony, whilst the Chief Justice also questioned the

1. Theal VI p.316 and W.A.van der Stel p.285; Eybers LXV.
2. O.R.S. 32/107,1836; Theal VI pp. 286,496 and VII p.300 for the transactions with Makwana and Dantser respectively. R17/38 and R.141/48 give 1838, -validity-
3. Theal VI p.401-2; Eybers p.349. (for former, also Warden C.O.1037 and 1063, 24/6/1847.
4. C.O.1324,D.92,26/9/1836 (1667); C.O.1325,D.174,29/10/37 (1778); D.10,25/11/37 (1790); Bird's Annals pp. 252,258,311, 314; C.O.1325,D.15,28/11/37 (1795). Walker pp.198,282

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validity of the application of Act 1836 above, as the Charter of 1828 only authorised the Judges of the Colony to try such crimes as were committed within the Colony and not adjacent to it.[1] Moreover, the Lt.-Governor of the Eastern Districts informed the Governor that it was impossible to employ force to keep the Trekkers in the country.[2] The Governor, in order to avoid ill-feeling, decided therefore not to avail himself of the authority of the Secretary of State to move bodies of troops to each of the outlets of the North-Eastern frontier and despatched instead the Field Cornet of Colesberg, Gideon Joubert, to use all his influence to persuade the colonists to return and to assure them that their undertaking would never be approved by the British Government.[3] Joubert's mission proved fruitless and so, on account of the rapid current of more vital events across the Drakensberg, matters north of the Orange were allowed to drift.

The Great Trek and the settlement of Europeans beyond the Orange proved beneficial in the first instance to the Basuto, who were thereafter secure from attack by their former enemies, the Zulu, Matabele, Griquas and Korannas, and were enabled to till the ground on a larger scale to supply an ever expanding market with their corn.[5] It assisted the amalgamation and consolidation of the nation under Moshesh, but, unfortunately for the Europeans and bordering native tribes, with increasing Basuto prosperity came in time Basuto expansion and penetration further into the fertile lands along the Caledon. Moreover it was at this time that remnants of the Bataung, who had been violently displaced during the "Lifaqane" from their former home on the Sand River, found their way back via Philippolis and Beersheba and, in 1837, settled to the North East in the district of Mekuatling, near the present Ladybrand, where the Rev. F.Daumas of the Paris Missionary Society resided. By locating his people on lands cheek by jowl with Moroko's Barolong, Sikonyela's Batlokua, Thaibosch and Davids' Korannas and Griquas, all under the guidance of the Wesleyan Missionary Society, the Bataung Chief Molitsane, with his powerful Basuto leanings, was destined to play a very disturbing role in the affairs of the future Orange River Sovereignty.[4]

Moshesh's early ideas of Sovereignty, be it noted, were tribal rather than territorial and he maintained that "wherever his people had ever lived or set foot" constituted a definition of his territory. The full implication of this will be appreciated when it is remembered that the Basuto comprised the remnants of peoples

1. Eybers p. 145, 13/8/1836. C.O.1444 D.40, 1/8/1851
2. C.O.1448 D.25, 22/3/1838 Napier to Glenelg re Stockenstrom's report of massacre of Retief and suggestion of a Government establishment at Port Natal.
3. C.O.1326 D.143, 19/12/1838 (1949) and D.18,23/12/1939 C.O.1327 (2079).
4. Bas.Rec.I p.517ff "The Friend" 23/9/1850. 1. Chase Part I pp.119-122. O.R.S. 34/142 for Molitsane's own Statement Jan.1852
5. O.R.S.42/77, 21/12/1848, Southey to Smith. Ellenberger and McGregor p. 230 - the Basuto were no longer cooped up in their mountain fastnesses.

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who had formerly occupied lands situate many miles beyond the western bank of the Caledon and were imbued with a longing to re-occupy them. This principle the French missionaries seemed to cultivate rather than discourage so that the Basuto showed a marked tendency to claim all they could. On the other hand the question of land ownership was considerably complicated by the habit of some Boers of occupying "Vacant" lands and claiming to have received grants from Moshesh, for example in such a subsequently debatable area as that about the Koesbergen.[1] In a letter from Thaba Bosigo on 26th Nov., 1839, Moshesh communicated to Lt.-Governor Stockenstrom that during the past eighteen months a considerable number of Boers had come to live without his consent on his ground between the Caledon and Orange Rivers, and that he had issued without effect a circular advising them of his ownership and requesting them to move on in due time. Moshesh, while admitting that the Boers had only recently given him material cause for complaint, then mentioned the cold-blooded shooting by Trekkers of two miscreant half-breeds, J.Solomon and K.Witbooi, who had been handed over to the Peters party of 25 armed men, including Theunis Botha, for delivery to the Cape Authorities.[2] Colonel Hare replied that the Emigrant boers having settled in the territories of Moshesh were subject to his laws.[3] This last incident was confirmed two days later by Capt. Arend at Beersheba, who submitted instances of the violent kidnapping of Bushman children by the same parties, whilst his letter was accompanied by another more lengthy document from the Rev.S.Rolland.[4] The missionary complained that he had patiently submitted to the "encroachments" of the Dutch boers who had taken up their abode round his station, but that of late they had been far from manifesting a peaceful disposition towards the inhabitants of the station and towards the Bushmen, driving off the children of the latter for servants. He estimated that some 200 Bushmen had been taken away or destroyed and attributed the disturbances to the Trekkers living in the region of the lower Caledon, adjoining the original pre-English Trek boers, who neither acknowledged the Colonial Government nor that established by the tribes among whom they resided. Rolland accordingly solicited the intervention of the Colonial Government to employ means either to withdraw these Boers from his locality or to assist in the maintenance of peace and order and to check the extensive traffic in fire-arms, ammunition and strong liquors carried on by the Boers as well as other traders. He stated that he did not include Pretorius and Potgieter among the lawless farmers, for they, he declared, had in general

1. Br.Rdt 4, 19/8/1845 Memorial of some eighty farmers to Maitland admitting this. -shown- S.P. 31/5/1849 H.Weber before Vowe. J.H.Malan's Opkoms p.13. Bas.Rec.II p.435 G.W.Fouche's deposition before O.F.S.Commission on 13/9/1858. O.R.S.31/145. C.O.1120 p.612. C.O.1060 14/4/1847 Casalis to Pottinger.
2. Bas.Rec.I p.36,26/11/1839. 3. Bas.Rec.I p.40,18/12/1839.
4. Ibid., pp.37-40,28/11/1839. Lagden I p.66-7.

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shown a desire to preserve peace with the natives in their particular part of the country. The missionary had made similar complaints two years previously and their substance had been confirmed by Gideon Joubert, but he omitted to mention the fact that Zevenfontein (Beersheba) had been cultivated by Europeans who had been enlisted by the Veldkornet of Colesberg for commando service in the Sixth Kaffir War and that he had intruded to found a Paris missionary society station there during their absence.[1] Napier merely replied: "deeply as I lament the occurrence of such scenes it does not appear that any other satisfaction can be afforded to these tribes than to inform them that such proceedings are highly disapproved of by Her Majesty's Government".[2]

During the Voortrekker exodus the Griquas were involved in intermittent civil war, in the course of which Waterboer and Adam Kok III subscribed to a pact of mutual co-operation in their internal and external affairs and defined their respective territories. Deliberately ignoring the Bushmen, Batlapin, Korannas and Cornelis Kok of Campbell, on the one hand, and also European occupation on the other, they agreed upon a partition of very extensive lands between themselves. The Treaty was signed on 9th Nov., 1838 and makes interesting reading. The country was to be known as Griqualand and was divided from Ramah on the Orange northwards to Platberg on the Vaal, that portion from Ramah westward to Kheis under Waterboer and that from Ramah eastward to Kornet Spruit under Adam Kok; the Chiefs and their subjects were to be considered as one people united for the general well-being with one interest; war between them was forsworn and all disputes had to be submitted to the Colonial or neighbouring Government; neither chief was to make war, save in self-defence, without the consent of the United Council which should meet annually at Griquatown and Philippolis under each of the chiefs alternately. Other clauses laid down that neither of the united Governors could execute sentence of death without the full consent of the United Council, whilst every subject of either government had the right of appeal to that body in all civil cases involving not less than 200 Rds.; furthermore they disclaimed any right over the person or property of a subject contrary to the laws and, though all the servants of the Government could be appointed by them, the members of the Legislative Council had to be elected by the burghers. The Griqua captains undertook to co-operate against external dangers, to extend the Christian religion and to be the faithful allies of the Colonial Government.[3] Thus they faced the future and for many years to come this system of reciprocal arrangements operated in good faith and with reasonable

1. Bas.Rec.I pp 15-6, 26/6/1837. C.R.S. 42/77, 21/12/1848 Southey to Smith:"Rolland himself acknowledged that the very grounds of Beersheba were cultivated by the farmers before his arrival" 2. L.G. 5, 27/12/1839.
2. G.W.Archives No.166 Stockenstrom's Judgment,p.7. Theal VI pp.476-7. Walker p.225
3. Land Court G.L.W. Vol 21 Exhibits 377, 375; Vol 20 Nos.277, 280.

reasonable efficiency, despite the absence of official recognition by their neighbours. But the Griquas were in the main hunters and pastoralists and the little agriculture they practised was almost confined to their chief settlements; moreover improvidence, indolence and fondness for dagga and brandy played into the hands of the Boers and contributed to their own undoing. In these circumstances Adam Kok's position was partially undermined by the institution of private land tenure among his people, for although their laws expressly prohibited the sale of land to any person not being a Griqua subject and all leases and sales required his consent, several Griquas succumbed to the temptation of ready cash and gifts in kind either to part with their land to the Boers outright or, what was practically the equivalent to lease them for periods as long as forty years. [1]

The coloured peoples beyond the Orange were clearly not in a position to resist the intrusion of the Emigrant colonists upon lands occupied by them or to which they made exaggerated pretensions to ownership. [2] Adam Kok was soon alarmed by the large numbers of Emigrant Boers flocking and settling in his territory. Partly therefore to stop the alienation of Griqua land by his subjects contrary to their laws and to control the leasing of it to Europeans and partly as a means of self-defence, since the Griqua folk unaided were no match for the Anti-Government Boers, he entered into an "equitable" arrangement in 1840 with M.A.Oberholzer, the recognized head of the well-disposed or loyal Boers. In terms of this treaty a portion of land was hired for a term of years in return for an annual rent payable to the Chief at Philippolis, and all those Emigrants, who engaged to hold the treaty and who declared themselves faithful British subjects and willing to repel unlawful attacks on the Chief, were allowed to hire land from the Griquas. [3] But even this step did not accomplish its object and Kok alleged later that Oberholzer's party broke the agreement not only by joining the Boer confederacy under Jan Kock and by failing to pay the annual rental in respect of the properties occupied but also by setting up their own tribunals in defiance of Griqua jurisdiction. The Griqua chief also disclosed that half the number of Boers came in with his permission but that the remainder either forcibly seized farms or hired them without his consent, and refused to take back the rental money his people offered on his orders. [4] . . . . . [3] The Boers naturally ventured much when they chose to settle down in the territory, yet in those days grass and water were with them paramount considerations and they were encouraged, no doubt, by the

1. Mareis pp.45-6. C.L.W. Land Court Exhibits C4, C2, extract from grant of Erf 29 Griqua Philippolis "onder voorwaarde...dat hetzelve geensins aan eenige kolonist of iemand (dan wettige onderdanige vande Grikwa regering) verkocht kan worden" 2. C.O.1382,D.69/1844 Enc.12/11/1843 Adam Kok claimed lands as far northward as the Modder and eastward as Kornet Spruit. 3. C.O.1450,D175,15/9/1842.
4. C.O.1384,D.83/1845, Kok to Col.Secretary 18/4/45; C.L.W.Land Court Exhibit 216.

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Griqua subjects' constantly selling land in the teeth of their own laws.

From now onwards the tension began steadily to increase across the Orange as the relations between the Boers and the Griquas rapidly deteriorated, after the fashion most of the world over where virile frontiersmen came in contact with weaker aborigines and might became right. The missionaries, individually and collectively, took up the cudgels on behalf of the natives, with whom they resided, and directed a persistent stream of communications to the authorities both local and Imperial. Though the era of widespread philanthropy had passed its zenith, it remained a power in the land and a marked solicitude for the welfare of the natives persisted. Despite the ever-increasing expenditure - the real fly in the ointment - of State treasure it was recognised that the Cape Colony possessed the only European Government in South Africa and was the creature (by no means subservient) of a paramount Imperial Government which believed that in South Africa it was the trustee for the advancement and well-being of thousands of natives. These philanthropic feelings held greatest influence among that class which gained most from the Reform Act of 1832, and upon whose votes many members of Parliament depended, so that to a certain extent the sentiments of the electorate were therefore reflected in the policy of the Secretaries of State. Moreover, the aid was ultimately enlisted of Dr. John Philip a man who, to quote Theal, "practically exercised the same power in the Cape Colony that the Secretary for Native Affairs did at a later period under responsible government"./

As part of the stream of communications Lt. Governor Hare received a proposal in August 1841 from Adam Kok for a Treaty with the Colonial Government, on the lines of that with Waterboer, and forwarded it with his benediction to the Governor.[2] The result, however, fell short of Griqua expectations, for the Secretary of State merely approved of the issue of a Commission of the Peace, under the provisions of the Punishment Act to Mr. Rawstorne, the Civil Commissioner of Colesberg, to enquire into certain outrages committed by British subjects beyond the boundary.[3] In the following May a similar request came to hand from the Rev. E.Casalis together with a memorial on behalf of Moshesh and signed by the French missionaries in Basutoland.

Said Casalis:- "Il se convaint de plus en plus qu'il n'y a d'existence et d'independance possible pour son peuple que sous l'egide protectrice du Souverain que vous representez".[4] In support the memorial stated:- "Que le gouvernement en reconnaissant officiellement le chef Moshesh assurerait par là l'existence du petit état des Basutos, dont le demembrement serait suivi des consequences les plus fatales pour des milliers de creatures humaines, et pourrait même gravement -compromettre-

1. Theal VI p.468. 2. Bas.Rec.I p.44, Hare to Sir G.Napier, 24/6/1842
3. C.O.1330 D.53, 13/3/1842. 4. Bas.Rec.I p.42, 30/5/1842. Lagden I p.68.
4. Bas.Rec.I p.43 for Memorial to Lt.Governor, 30/5/1842, also C.O.1361.
Vide Moshesh to Lt.Governor, 26/11/1839, Bas.Rec.I p.36, also C.O.1359.
An historical document of great interest as being the herald of negotiations leading up to the institution of British rule in Basutoland.

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> compromettre la securite d'une partie des possessions coloniales. Que la tribe des Basutos cernee de toutes parts par les fermiers emigres dont l'attitude equivoque lui cause une vive inquietude, place sa confiance dans la sollicitude paternelle du gouvernement colonial". In despatching those documents to the Governor, Colonel Hare endorsed his former views and concluded with an expression of opinion that such alliances by Treaties were doubly desirable under the then state of affairs in Natal. He probably little surmised the tug of war in progress between th Governor and the Secretary of State regarding the line of action to be taken in Natal for upon that issue depended in reality the nature of whatever political action was to be taken across the Orange. Accordingly Napier put the position to Hare as follows: "Were the Colonial Government at the present time to enter into such alliances as that now proposed, I fear much that the very act would be construed into something like arming the blacks against the whites, and that it would not be attended with anything like protection to those native tribes, there being no means at my disposal to support by force the power of the British name. My grounds for refusing on a former occasion to enter into the alliance sought to be established by Adam Kok were that the views of the British Government were then unfavourable to an extension of our territories, or to an increase of the expense relative to our connexion with the native tribes ... How far the recent events in Natal and in the adjoining country may produce a change in our policy it is difficult at present to determine ... I suggest that the French missionaries and through them the Chief Moshesh should be informed that, as soon as the present disturbances at Port Natal have ceased, the Colonial Government will then be prepared to turn their attention to the position of the native trives beyond the Orange River in order to devise some effectual means of preventing these being molested by Her Majesty's subjects". / As it happened the opportunity was not long deferred, for the Governor was able to settle matters in Natal to his satisfaction within the next few days after the following vicissitudes.

During his six years' governorship Sir G. Napier had to deal with four Secretaries of State for the Colonies. His first superior, Lord Glenelg, while approving of the Governor's measures to establish some form of effective control over the Voortrekkers in Natal, had disclaimed any intention to extend Her Majesty's dominions.[2] The succeeding Secretary of State, the Earl of Normanby, had concurred in the temporary occupation of Port Natal, but had likewise insisted upon withdrawal as soon as the claims of the natives to protection against Her Majesty's subjects had been secured,[3] whereupon Napier complied under protest at the close of 1839.[4] By this time a more kindred spirit had taken office as Secretary of State. Lord John Russell was to play a vital part in the career of the future Orange River Sovereignty and his characteristic attitude is worthy of record. Russell intimated to Napier: "I am not in principle adverse to the extension of British Colonies provided such a procedure does not lead to injustice to the aborigines and does not entail a large expenditure".[5] He added later "If, as you seem to anticipate any of the Kaffir Tribes which are threatened by the farmers, should offer to place themselves under the Queen's protection you are authorised to promise it to them; but not to annex their territory to the Colony under your government. It will be proper in that case to send a special agent to reside at the chief seat of the Kaffirs".[6] Russell

1. C.O.1011 Border Tribes 1/7/1842. 4.C.O.1448 D.69,30/9/1939;D.78,11/11/1939.
2. C.O.1328 D.83,8/6/1838;D.112,15/9/1838;D.135,30/11/1838
3. C.O.1326 D.18 and 19,30/4/1939; C.O.1328 D.37,11/2/1840
5. C.O.1327 D.18,23/12/1939. Vide also C.O.1338 D.114.5/9/1840;C.O.1329 D.136.6/1/41.
6. C.O.1329,D.17/4/1841; O.R .S.36/15

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Russell however soon gave place to Stanley, who endorsed Napier's refusal to grant the Voortrekker request for independence - "The Emigrant farmers must be informed that the Queen cannot acknowledge a portion of her own subjects as an independent Republic"[1] - but issued the peremptory injunction to him to recall the military detatchment which he had sent to re-occupy Port Natal in April, 1842. In his despatch the Secretary of State contended that no prospect of advantage would be gained by remaining in Natal especially in view of the "actual extent of our colonial possessions in different parts of the world, the magnitude of the naval and military force required for the defence of such settlements and the demand to which the national revenue is already subject." While "impressed with the magnitude of the mischiefs which have arisen", contemplating "with deep regret the calamities to which these misguided people have exposed themselves", and regarding " not without lively indignation the slaughter and oppression of the native tribes", he pointed out nevertheless "there is no assignable limit to the operation of that principle, if once admitted, of overtaking by colonization and settled forms of Government the migratory habits of British subjects".[2] The Secretary of State thus only declined not to recognize the new Trekker communities as independent European states but also to govern them as British subjects. As the Voortrekkers had since become embroiled with Capt. Smith's force at Port Natal, Napier considered that recall was now "Impossible"[3] and expressed himself to Lord Stanley in the following terms:-

"The time is past for debating the propriety of further extension of the British territory in South Africa - the first shot which was fired settled that point...[4] Much as I am disposed to follow explicitly the instructions of Her Majesty's Government there are occasions upon which it is necessary to act in contravention as in this case."[5]

Such then was the mood of the Governor. Meanwhile not only had a memorandum on the Bechuana missions in South Africa, alleging that their very existence was threatened by the proceedings of the Emigrant boers, found its way into the hands of the Secretary of State,[6] but Dr. Philip himself, fresh from a visit among the tribes including the Basuto beyond the Orange, had advised the Lt. Governor that he also anticipated much distress from the execution of certain ambitious designs of the Trekkers - though "all this may appear preposterous enough".[7] Communications then followed between the Governor and Dr. Philip, who advocated the consummation of two treaties only, with Moshesh and Adam Kok respectively, for there were fewer points in which these chiefs could come into collision.[8] The immediate upshot, however, was the issue in Sept., 1842, of a sharp Proclamation of warning, in terms of the Punishment Act, against the proceedings of certain Emigrant boers and their encroachments upon the tribes and more particularly in reference to the Griquas and Basutos: "Her Majesty will regard with the liveliest indignation any attempt on the part of Her subjects to molest, invade or injure any of the native tribes, or to take or maintain unlawful possession of any of the lands to those tribes belonging".[9]

But the Governor doubted the efficacy of his Proclamation alone, for he realized the impossibility of inducing the Emigrant boers to return. He was fully aware that the

1. C.O.1329 D.26/6/1841;O.R.S.36/14.
2. C.O.1330 D.65,10/4/1842;O.R.S.36/16
3. C.O.1330 D.139,25/8/1842;ThealVI p.421
4. C.O.1450 D'137,18/7/1842
5. C.O.1450 D.25/7/1842 p.284,Confidential.
6. C.O.1331, Enc.D.220,13/2/1843.
7. Bas.Rec.I p.46,12/7/1842,also C.O.1361.
8. Bas.Rec.I p.47,25/8/1842.
9. (Bas.Rec.I p.48,7/9/1842; also C.O.1011; (O.R.S.36/29;G ovt.Gazette 9/9/1842.

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Colonial Boers in question had abandoned the Colony in search of better pasture, even at the expense of natives along the tempting Caledon lands, and were not lacking in loyalty to the Queen. He submitted two alternatives courses therefore to Lord Stanley, either to extend the protection of the Government by means of Treaties, with the promise of armed support, or to spread the influence of the Colonial Government by subjecting both the natives and the Emigrant boers to British law and authority - the very procedure Moshesh was then actually urging,[1] - even over the whole country up to the 25° S. Lat.[2]

The situation - "die heersende wetteloosheid"[3] - beyond the Orange now became yet more impossible following upon the assertion of British sovereignty in Natal by Col. Cloete's forces, and the return of Jan Mocke and his party. Formerly Michael Oberholzer's section of the community who were well-disposed to the Colonial Government had been in the ascendancy; but Mocke, having incidentally failed to make good in the late republic beyond the Drakensberg, had got together a rival body of followers who nursed a deep-rooted antipathy to British rule and refused to recognize any native jurisdiction.[4] In due course things came to such a pass that Oberholzer advised the Magistrate at Colesberg of Mocke's intention to hold a meeting in October at Alleman's Drift, a ford of the Orange opposite to Colesberg, with the object of proclaiming the whole country north of the Orange a Republic.[5] The excitement was great; the Emigrant boers maintained, probably with the object of overawing the natives, that they had merely made a truce for six months with Col. Cloete and, with the expectation of assistance from Holland, intended resuming hostilities shortly.[6] Moreover, the imprisonment in Colesberg gaol on a charge of murder of two Emigrant boers, Hugo and Pretorius, though they were subsequently found not guilty on the ground of self-defence, aroused further indignation. It chanced, however, that Judge Menzies was on his way to hold the Circuit Court at Colesberg about this time. Being advised of the state of affairs by the Civil Commissioner on his arrival at Colesberg and realizing that a considerable number of pro-English Emigrant boers would be prejudiced by the conduct of the hostile faction, Menzies pushed on to Alleman's Drift and there on 22nd October proclaimed all the land between the Orange and 25° S. Lat. and eastwards of 22° E.Long. British territory.[7] Two days later Mocke and some 300 armed followers arrived, and an interview took place with Judge Menzies.[8] Mocke denied the legality of the Judge's Proclamation and stated that the

1. Bas.Rec.I p.49,16/9/1842, report of Joubert and V.d.Walt.
2. C.O.1450 D.175,15/9/1842; also Bas.Rec.I p.49
3. Malan's Opkoms pp. 27 and 35.
4. Ibid p.28. v.d.Merwe p. 353.
5. {C.O.1450 D.236,13/12/1842 Enc. V.d.Merwe p.353-6
{CO.1361 Aug.1842,193 petitioned Napier.
6. C.O.1331 D.13/ 2/1843(2583)Encs.
7. C.O.1450 D.214,2/11/1842 Encs.
8. Cory IV p. 287-290: Theal VI p. 480.

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Emigrant boers would not respect it; moreover, he claimed the territory north of the Orange inclusive of Natal as a Republic. The Act 6 and 7 William IV cap.57 seemed all but a dead letter.

The Governor felt precluded from endorsing the Judge's proceedings, apart from any consideration of his unauthorised assumption of political functions, and issued a Proclamation to that effect. In his report he reminded Lord Stanley that on the general question of expediency he was favourable to the extension of British supremacy as the only means of averting the most calamitous consequences to the native tribes, but that he had ever considered the addition of a considerable military force necessary to carry it into operation ..."I am therefore not to be understood as dissenting from many of the views so ably supported by Mr. Justice Menzies". [1] Sir George was of course fully aware that the Secretary of State regarded any assumption of Sovereignty with its attendant obligations as much too comprehensive an undertaking, much too extensive and far-reaching in its consequences, and preferred the Governor to act the part of mediator and umpire under some Treaty arrangement as the less of two evils.[2] Lest his disavowal of the Judge's action might be considered a withdrawal of interest and a tacit admission of the right of the Emigrant boers to encroach upon the natives, the Governor decided upon making a show of force on the border[3] - within a few weeks of Lord Stanley's decision to send out a regiment of 7th Dragoon Guards for service on the N. and N.-E. frontier with the Cape Mounted Rifles.[4]

Col. Hare's military demonstration and his public declaration in Jan.1843 - inviting a happy, voluntary return of every Emigrant boer to his allegiance, peace and good order, failing which no consideration of time or of expense would divert him from enforcing unconditional submission[5] - preceded by Rawstorne's intimation to the chiefs to restrain their people and not to injure women and children of farmers in the event of hostilities,[6] proved a timely intervention in the face of more recent disturbances by hostile boers near Philippolis. The excitement appeared gradually to subside. Hendrik Potgieter failed on a visit to Moshesh and Moroko to induce them to oppose the advance of the British, whilst Oberholzer advised Rawstorne, the Magistrate at Colesberg, on behalf of his party, that he had declined an invitation to a meeting of the anti-government boers on the Upper Riet River in May.[7] Moreover temporary relief was provided by the departure of Moeke, Kock and Snyman with two to three hundred armed followers to Natal, ostensibly for the purpose of procuring gunpowder. Whilst there they attended the session of the Volksraad at Pietermaritzburg

1. C.O.1450 D.236, 13/12/1842, Encs; C.O.1331 D.239,12/3/1843. 13/1/4
2. C.O.1331 D.203,26/1/1843 and D.192,15/1/1843.
3. C.O.1450 D.9,21/1/1843; Theal VI p.481.
4. C.O.1331 D.203,26/1/1843; Chase II pp.266-75.
5. C.O.1011,12/1/1843; Govt.Gazette
6. Bas.Rec.I p.50,9/1/1843. Cory
7. Bas.Rec.I p.51,13/2/43; Birdl p.18

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which had met in July to discuss with Col. Cloete the question of submission to the British. After attempting in vain to manipulate the Volksraad to obtain a declaration of independence, Mocke repudiated all connection with Natal, and returned forthwith more incensed than ever against the British.[1] In September, on the other hand, over 200 heads of families of the pro-Government party signed a Petition to Commissioner Cloete, wherein they declared themselves willing to submit to the Queen's authority on the same terms offered to the Emigrants in Natal.[2]

Meanwhile in view of Kok's urgent plea that "should I attempt to execute the laws of my country, respecting the lands of Philippolis at present held by Boers when the leases shall have expired, nothing but the interference of the Colonial Government can prevent a war"[3] and of the appeal of the missionary William Thompson "If Boers get a firm footing all will be lost, they will never be rooted out if something is not done to oblige them to leave fountains when the leases expire"[5] the eagerly awaited Treaties were drafted and duly signed by the Basuto Chief and the Griqua Captain respectively towards the close of 1843.[4] They were modelled on the lines of the Waterboer Treaty of 1834 upon which, said Dr. Philip, Lord Aberdeen had spoken warmly "as the only policy which it becomes this country to observe and steadfastly to pursue in regard to the native tribes".[8] In terms of these treaties each chief engaged "to be the faithful friend and ally of the Colony" and "to preserve order in his territory; to restrain and punish any attempt to violate the peace of the frontier of the Colony by any people living within his country, or by any people from the interior who may attempt to pass through the territory for that purpose; and to seize and send back to the Colonial authorities any criminals or fugitives from the Colony". But neither Adam Kok nor Moshesh was by any means satisfied. The former desired that since the boundaries were not stated they be published as follows:- On the north the Modder River, on the east the lands of Moroko and on the west Ramah, which was the boundary between the territory of Philippolis and Capt. Waterboer.[6] In the case of Moshesh his boundary was actually stated to be: on the west from the junction of the Caledon with the Gariep (Orange) rivers to the sources of those rivers near the Bouta Bouta; on the south, by a line extending from about 25 to 30 miles north of the Caledon River, excepting near to its source, and at its junction with the Gariep, where the lands of Bethulie and the territory of Sikonyela come close upon its northern bank. The French missionaries and Moshesh protested that a line 25 to 30 miles N. and West of the Caledon was equivalent to a "dismemberment" of Basuto territory, excluding Thaba Nchu as it did; and the Basuto chief signed subject to the insertion of a clause extending the line 10 or 12 miles beyond the Wesleyan Missionary Society stations of Thaba Nchu and Merumetsu.[7] But no sooner had the Treaty with Moshesh been mooted than the Rev. W. Shaw, General Superintendent of the Wesleyan Mission in S.-E. Africa lodged a protest

1. Bird II p.256. Theal VI p.449. 3. To Napier 20/8/1843, Enc D69/1844, C.O. 1382 -protest-
2. Bird II p. 176. Theal. VI p.484. Eybers p. 260-1.
4. B.R. I pp.52-6. G.W. Land Court Vol.20. O.R.S. 32/254. Cp. Faku Treaty Theal VI p.482.
5. Bluebook IX pp.212-6, Thomsen's appeal 18/9/1843. 8. Theal VI p. 59.
6. See documents Encs D.69/1844, C.O. 1382. Theal VI p.481-2, Modder not Acknowledged.
7. B.R. I p.56 Colonial Government however did not agree to the insertion.

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protest against the boundary and made application on behalf of Moroko, P. Davids, C. Baatje and G. Tesibosch for similar treaties of alliance.[1]

In the circumstances Dr. Philip, who should have anticipated these difficulties more fully than he did, now expressed the belated opinion that the boundaries should not be defined until the dispute had been settled.[2] Shaw and Casalis and their satellites fairly pestered the authorities for some months with the merits of their respective cases. The former advocated the adoption of the principle of recognizing the territory then in occupation by the several chiefs as their own.[3] But Moshesh convened a"national meeting"to consider the treaty and followed this up with a circular letter to the absentee Moroko and other chiefs, in which he naively expressed surprise at their attitude. The Basuto chief contended that his action had been absolutely necessary for the common good and the preservation of the whole country, while nothing would induce him to relinquish his Sovereign rights to the lands on which the other tribes resided: moreover, he was prepared, with his apparent successor, to guarantee in a treaty the privileges he had granted them already, - quite a feasible and reasonabl proposition in the light of subsequent events, - but unfortunately partisanship obscured the vital issues at stake.[4] At the same time he issued a warning notice to the Emigrant Boers that all sales and purchases of land within the territory he claimed were and would be null and void.[5] "The tribe is surrounded with Boers", wrote Casalis to the Lt. Governor, "to whom it is equally dangerous to yield or resist.... Moshesh is aware that his people cannot maintain their independence except Government settles finally the question relative to the Boers residing on this side of the Drakensberg. Moshesh waits anxiously for the entire ratification of the treaty which he signed last year. The appointment of an agent to reside with him".[6] The Basuto chief also sent three of his sons to Cape Town to learn the English language, laws and customs[7] and began to advance his outposts in all directions even into the land about the Koesbergen, which he conceded later was "not entirely occupied", to the subsequent discomfiture of whites and blacks.[8]

In the midst of the case Sir G. Napier handed over the reins of governorship to Sir P. Maitland who had been well primed on taking up his appointment by Lord Stanley "to bear in mind that there are limits beyond which the military force of Great Britain cannot be expended for the protection of British subjects who have settled themselves in a vicinity beset by dangers at once so urgent and so perennial".[9] To the new Governor, the Executive Council therefore, having studied the relevant correspondence tendered its opinion that "it would be inexpedient for the Colonial Government to interfere in any respect in settling boundaries of territory claimed

1. Bas. Rec. I p.57,15/12/1843; Enc.D.69,22/7/1844, C.O.1382. Cory IV p.298. - by -
2. Bas.Rec.I pp.60-2,16/ 1/1844; Enc.D.69. Bas.Rec.II pp.XXI-XXII. 3.B.R.I p.69,18/4/1844.
4. Ibid., pp.65-8,19/ 3/1844; Enc.D.69: Circular letter 11/4/1844,B.R.I p.68
   Ibid., pp.77-80,18/8/1844,Casalis to Cameron. 5.Bas.Rec.I p.81,Warning 29/10/1844.
6. Ibid., pp.80-1,16/10/1844,7. 7.B.R.I pp.111,131,18/9/1845 and 14/4/1847.
8. Ibid., pp.82-7,15/ 5/1845. 9.C.O.1011, 11/3/1844.

3. Shaw contended that Moshesh's land between the Orange and the Caledon was large enough to accommodate five times the number of his present subjects, that the Barolong etc. were not his subjects, that these tribes though not so numerous were as powerful as the Basuto.

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by Moshesh: that by the mention of certain limits in the treaty it was not intended to extend, or to restrain, the rights of the Chief in regard to the territory which he claims, nor does the article of the treaty referred to in any way guarantee the the rights of the said Chief to the territory therein specified". The Executive Council added a recommendation that, failing an amicable settlement of the limits of Moshesh's territory within nine months, a declaratory article should be appended to the treaty in terms of its opinion above, stating also that Moshesh was merely expected to preserve order and tranquillity within the territory already described. [1]

The Emigrant Boers were naturally irritated beyond words by the Napier Treaties. There were very many more white farmers than Griquas in the enormous area claimed by Adam Kok and yet the Governor had made it plain that all persons in Kok's territory were amenable to his jurisdiction, though he had counselled conciliatory methods and warned the Griqua captain to consult the Colonial Government or apply the Punishment Act.[2] The hostile - Maatschappy - group, realising that the Colonial Government was determined not to grant them independence, refused to submit to the jurisdiction of the chiefs and, openly acknowledging a Raad at Winburg, set up their own tribunal. The loyalist - Engelsegesinde - party had also desired security of land tenure and regarded themselves quite as much British subjects as the Griquas whose independence had just been recognized. For a time they tried to carry out the spirit of the treaty. In June 1844 Oberholser and 30 Emigrant Boers attended a meeting of the Lt. Governor, Kok and Waterboer to consider measures for the expulsion of such Emigrant Boers as disavowed allegiance to the British Government and were guilty of violent and irregular conduct. The Lt. Governor suggested a Government agent and required the Griqua chiefs to abstain from agression pending receipt of the Government's instructions. The Executive Council held, however, that the charges were too vague and indefinite to interfere and would not recommend the appointment of a Magistrate under the Punishment Act without the necessary military force being available in support of his jurisdiction.[3] Even when the Rev.J.Pellissier twice complained of the encroachments of Emigrant Boers upon his station at Bethulie, which were obviously encouraged by the Chief Lepui hiring out fountains contrary to the missionary's advice, and the Lt. Governor reported outrages by Hermanus Steyn's party and a further threatened aggression, the Executive Council merely refused to do more than express its displeasure.[4]

Steadily and surely, therefore, matters were approaching a crisis. Adam Kok's

1. Bas.Rec.I p.73,6/5/1844, Enc.D.69/1844, C.O.1382. Bas. Rec. Montagu 25/6/1844, -first- p.75.
2. Theal VI p. 421. Almost all documents for 1843-45 among enclosures to D.69 above, and
3. Minutes 24/6/1844 and 4/9/1844 Enc.D.83, 13/5/1845 C.O.1384; C.O.1069. (D.83 below.
4. Dated 15/6/44 and 16/10/44 also do.do.; former among Southey's papers.
The Rev.J.P.Pellissier rejected Pretorius's overtures on the eve of Boomplaats later.
Minutes of Executive Council 12/11/1844.

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first assumption of jurisdiction, when he arrested a boer, van Staden, for the death of another man, Mills, and sent him to Colesberg for trial, had nearly led to open collision. Mocke threatened war unless the prisoner were handed over for trial by the Emigrants, whereupon Kok sent for ammunition; but upon the release of van Staden the affair blew over with a warning from Mocke not to repeat the provocation.[1] J.J. Snyman held out against all Maatschappy overtures, but at the close of 1844 Oberholzer succumbed to their importunities albeit in a passive rôle.[2] Jan Kock from Winburg district, a henchman of Potgieter at Potchefstroom, was endeavouring to establish a Trekker confederacy down to the Orange; but Adam Kok refused his advances even to declining to see Potgieter. The Griqua captain in desperation begged the Colonial Government to establish a military post, whereupon the Executive Council actually offered to send troops if necessary, and bestirred itself later to appoint a Commission of Investigation into all the circumstances of the N.E. Frontier, which body, however, got no further than the preparation of a Questionnaire.[3]

Thus nothing was wanting to start a widespread conflagration but the necessary spark, which was soon provided by Kok's attempted arrest of a boer, Krynauw, in February, for an alleged outrage on two of his subjects. Armed bodies collected and Commandants Mocke, Kock, Steyn and Duplooy formed a laager at Touwfontein, 30 miles from Philippolis. Rawstorne offered repeatedly during the next two months to mediate under the Punishment Act in order to end the cattle lifting and skirmishing on both sides. The Emigrant boers refused to recognize his authority or surrender the 3,600 cattle and 280 horses they were charged with seizing, and so the truce ended. The Boers were scattered at Zwartkopjes by Col. Richardson's forces at the beginning of May, and the Commandants retired to Winburg whilst Oberholzer's party of 316 took the oath of allegiance. Fifteen wagons, a three pounder gun and fifteen prisoners were taken.[4]

With a view to settling existing and preventing future disputes the Governor convened a meeting of the chiefs between the Orange and the Vaal to be held at Touwfontein, having come to the conclusion that the perplexing nature of the question and his want of information demanded a personal inspection. All the chiefs, except Sikonyela, attended. Maitland's problem, perforce, was how to avoid incurring the expenses and responsibilities of a regular British Government in accordance with his

1. Theal VI, p.485; Enc. D.69/1844, C.O. 1382 and C.O.1060.
2. Theal, VI.p.486. G.L.W.Land Court Exhibits Vol.20 No.216. A.Dreyer pp.78-9. Moshesh to Col. Secretary, Bas. Rec. Ip.87, 15/5/1845. Cory IV pp.302-3.
3. C.O.1060, A.J.v.d.Heever to Rawstorne 24/10/1844, Jan Kock to Adam Kok 13/12/1844.
3. C.O.1451 and 1060, D.51, 11/3/45, D.83, 13/5/45 Encs. C.O.1384. Walker p. 231.
4. C.O.1451 D.94, 19/6/45, D.104, 1/8/45 Encs. C.O.1384. Theal VI p.488-92. Cory IV p.308-12. O.R.S. 31/167, 15/6/1845, F.Visser to Governor re oppressive conduct of Griquas.

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his instructions from the Secretary of State, and yet at the same time to compel all parties, black and white, to keep the peace, and to establish measures regulating the occupation of land and providing a revenue.[1] It was clearly impossible to bring the Emigrant boers back into the Colony, and to drive them out of Griqualand was equally impracticable and unfair, for the Boers there had on the whole given a valuable consideration, in contrast with those beyond who had generally paid nothing for the land with or without the chiefs' permission. He observed that "The continued location of them therefore among the native tribes under some restraining regulations seemed the only plan open for my adoption" and as, in his opinion, the last crisis between the boers and the Griquas was characteristic of the state of affairs far into the interior, he considered that the measures contemplated should be framed on principles applicable to the intermixture of British subjects and natives as far as 25° S. Lat. The material obstacle to the proclamation of British Sovereignty thus far, however, was the expense of the necessary governmental and judicial institutions and, accordingly, Maitland's arrangements were based on the sovereignty of the chiefs over their countries.[2]

It was felt that as most of the tribes had more land than they really required there was room for both Emigrant boers and natives to live, but apart and separated to avoid the usual contention about fountains and stock. The chiefs Lepui, Baatje and Davids, who had tracts of land too small to offer a location for Europeans, had to refuse them admission. Waterboer was already in alliance with the Colonial Government and had no Emigrant boers to speak of; whilst it was agreed to deal with the cases of Moroko and Taaibosch when a settlement of their dispute with Moshesh concerning the ownership of the land had been effected. Adam Kok and Moshesh alone remained, once these processes of elimination had been determined, and subsequently treaties embodying the following arrangements were drafted for their signature.[3] Each chief's territory was to be divided in two parts:- a leaseable (huurbare) portion wherein land could be let up to forty years, but not sold, to Europeans, and an unleaseable (onhuurbare) or inalienable reserve for the ultimate exclusive occupation by the natives themselves. Thus the territorial rights of the chiefs and their people were to be preserved from future violation by British Emigrant subjects. An annual quitrent was payable in respect of territory leased, half to go to the Chief and half towards the maintenance of a British resident's establishment.[4] This representative-

1. C.O.1451 D.104,1/8/1845 and C.O.1452 D.64,13/3/1846 Encs.
   Report of Lords of Committee 5/7/1850, Enc D.506,26/7/1850 BluebookXV
   Porter's opinion 25/3/1849, Enc.D.62,26/3/1849,C.O.1399
2. D.104,1/8/1845, C.O.1451 and 1960, Enc.C.O.1384; Enc.Rec.I pp.88-91; See Porter's Memo 4/8/1852 Enc.D.34,14/11/1852,G.H.31/1 andBluebook XV.2.71; Cory IV p. 317.
3. Eybers p.261; O.R.S.32/255; Theal VI p.492ff; Treaties Vol.448 No.32; Marais p.54.
4. C.O.1451 and 1060,D.104,1/8/1845. (C.L.W.LandCourt Exhibits Vol.19.

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representative of the Colonial Government was to be appointed to some convenient central spot to see that the articles of the treaties were maintained, and by the exercise of constant vigilance to secure tranquillity beyond the colonial boundary. To remove the dissatisfaction prevalent in connection with Adam Kok's former assumption of authority over the Boers, the Resident was to hold a commission as a magistrate in terms of the Punishment Act and have jurisdiction over British subjects in criminal cases but no authority in Civil and Criminal matters between one native subject and another, or in civil cases between a British subject and a person other than a native.[1] The last two clauses of the Treaties prescribed that the British Government would interfere actively to maintain the new system and each of the Chiefs undertook for his part to render military assistance when called upon by the British Resident "to preserve peace and repress violence and outrage either in his own territory or in that of any neighbouring tribe or nation".

For many reasons the Governor had refrained at the Touwfontein meeting from investigating with any degree of minuteness the incidents which had provoked the clash at Zwartkoppies.[2] For instance Adam Kok's attempt to seize Krynauw, without a warrant and apparently with unnecessary violence, for the crime of common assault had been an illegal step according to the Punishment Act under which the Griqua chief professed to act, particularly after the Special Magistrate Rawstorne when consulted had refused his sanction. The Governor appreciated that this unwise proceeding coupled, as was alleged, with some injudicious boasts and threats would have created a certain degree of alarm and drawn some people together for what they considered self-defence, not that he felt the Emigrant Boers were justified in what they had done. The circumstances were moreover calculated to afford designing men an opportunity for working upon the fears of their companions and there was no knowing how far the leaders had made the rank and file aware of the conditions proposed by Rawstorne or had simply misrepresented them. Sir P. Maitland was therefore quite alive to the possibility that unprincipled men among the Emigrant Boers as well as among the Griquas had a direct temptation to bring on a war, the former to obtain, as they might hope, possession of the country and the latter to get rid either by their own force or by Government aid of contracts for which they had already received the full consideration. Accordingly his son and secretary, the Rev. Mr. Maitland, was instructed later to address the following important qualification in reply to the -Griqua- Griqua Chief:" Captain Kok maintains that even in cases in which Griqua subjects

1. C.O.1037, Memo of Porter 29/1/1846 in reply to Sutton's query: "To exercise such a power whether obtained from Parliament or the Chiefs, would be to establish more or less a form of civil government over the Emigrant British subjects, which it is not in the policy of the Government to do". C.O.1037 Commission 20/11/1846. Bas.Rec.I pp.112-4 Instructions to Capt. Sutton; C.O.1452 D.64, 13/3/1846.
2. O.R.S. 34/112, 27/6/1845 for mutilated copy of Maitland's views.

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have had lands assigned to them by their own Government and have voluntarily let those lands to British subjects and have received valuable consideration for so doing and have placed the lessee in possession, who has been permitted to build upon or otherwise improve the farm, the transaction if not reported to and approved by Captain Kok is wholly void and the land reclaimable. His Excellency would not authoritatively interfere to prevent Captain Adam Kok from practically applying this law; but he would not, in case the parties sought to be deprived of possession resisted expulsion, march British troops for the purpose of carrying that law into effect. To do so would, His Excellency thinks, be to enable Captain Kok to oppress and not to preserve him from oppression". / The conduct of Griquas in selling and leasing farms and disregarding the Treaty of 1846 in one of its features to which Sir P. Maitland attached the most importance ultimately helped to create an impossible situation.

Shortly after his return to Cape Town the Governor issued a Proclamation to the effect that all Emigrants who removed themselves beyond the limits of Natal and/or the Cape Colony would nevertheless continue to be regarded as British subjects whose claims to independence would not be recognized.[2] At the same time Commandant Gideon Joubert was despatched on a special mission to explain and justify the Touwfontein arrangements to all Emigrants, including those about the Modder. He was also instructed to ascertain the facts about Moshesh's land claims and the European occupation in those parts, presumably as a check upon the replies to the Questionnaire sent to the chiefs earlier in the year. Joubert commented in due course upon the antipathy between the Wesleyan and Paris Missionary Societies, and reported that whereas both Moroko and Taaibosch offered land for the Boers, Moshesh would not extend the proposed southern line north of Commissie Drift and Buffels Vlei. He said there were no Basuto in the land as far as the Koesbergen where 72 farms and 289 Boer families were located, whilst 447 families altogether would have to leave unless much more land between the Orange and the Caledon were conceded to Boers. He expressed the opinion that Moshesh was endeavouring to take advantage of the existing circumstances to get himself acknowledged as the paramount chief of the whole land[3] and unless Magistrates were sent without delay, "the case of the Boers will go to / destruction".

The Touwfontein arrangements were duly confirmed by the Executive Council, who recommended the grant of £250 towards the expenses of Mr. Rawstorne whilst Special Magistrate at Philippolis under the Punishment Act and urged the immediate appointment of a British Resident.[4] Major Smith fresh from Natal declined, and Capt. Sutton C.M.R was accordingly appointed in Oct. 1845. Treaties were finally drafted and transmitted for signature by Adam Kok and Moshesh, who approved respectively in -February-

1. C.O.S. 43, quoted in Despatch of Sir G.Clerk to Newcastle 28/3/1854.
2. Eybers p.163, 21/8/1845: Compare that of Napier 2/12/1841 p.164.
3. Bas.Rec.I, p.101 Confidential instructions to Joubert:pp.103-11 for his report. C.P.S. 37/207,19/11/1850 Casalis states that de Winnaar settled in the Koesbergen in 1835 or 1836 with the permission of Moshesh,whose cousin lived there in 1828.
4. Minutes of Executive Council 18/3/1845 and 23/10/1845,and approving Treaties,19/12/45

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February and March 1846. "The absolute dominion of Captain Adam Kok over all the land hitherto received and regarded as belonging to him or to his people, is hereby unreservedly recognized by the Governor, on the part of Her Majesty the Queen".

His unleaseable or inalienable land was described as follows:- "from Ramah on the Orange in a direct line to David's Graf at the confluence of the Riet and Modder Rivers, along the Riet to where Kromellenboog Spruit falls in it, up said spruit to where van Syl's Spruit falls into it, then up van Zyl's Spruit to its source between the Praambergen, thence to Brei Paal along a ridge East; thence from Brei Paal the boundary between Adam Kok and the land occupied by Chief Lepui of Bethulie to junction of that boundary with Bosjes Spruit, along said spruit to where it falls into the Orange and along the Orange to Remah." Europeans and other than Griqua subjects who had already leased land there were to leave on the expiration of their leases, which would not be renewed. Non-Griquas having purchased land in any part of Griqua territory - such being contrary to Griqua law - were to be regarded as lessees for forty years, the maximum period that any lease would be allowed to run. Adam Kok's leaseable land was not specifically defined and merely referred to as so much of the hitherto recognized Griqua territory as not comprised within the inalienable reserve, the lands of Goliat's Korannas and Bethany excepted.[1] In the case of Moshesh his controversial boundaries were left in abeyance and his absolute dominion was recognized over his undisputed territory between the Caledon and the Orange, north of a straight line joining Commissie Drift on the former to Buffels Vlei on the latter. The Basuto chief offered the land between the Caledon and the Orange south of this line, which his people had not previously occupied, for the accommodation of the Boers, conditionally upon the removal of all British subjects from his undisputed territory. He stipulated also that he should receive whatever advantage might accrue in the event of his claims to the disputed lands to the westward of the Caledon being established as a result of the Governor's subsequent investigation.[2]

The Governor summed up his work:- "Your Lordship will perceive that the plan rejects any extension formal or virtual of the Colony beyond its present limits. No institutions are created by it nor Government established for the British subjects beyond our Territory, but they are interfered with by the British Magistrate only when they come into contact with the Native possessors, and such interference is made not by virtue of British authority, but by the authority of the Chief delegated to the Magistrate who acts as the Chief's Officer. I consider the establishment of the British Resident to be rather of a British than of a Colonial character and to be analogous in purpose to the measures of the British Government for the suppression of the Slave Trade. Its object has been to protect whole tribes of native Africans from slavery or extermination by the lawless agency of the numerous bands of self-expatriated British Subjects which are scattered among them".[3] To which the Secretary of State replied in approval "those compacts and those Plans are indeed represented by yourself in the light in which alone I regard them, that is as the best attainable escape (not as a certain or a perfect escape) from the difficulties by which the whole subject is surrounded. They obviously contain what may prove the fertile germs of future conflicts-

1. Eybers pp.261-9; printed copy O.R.S. 36/69. 2. Bas.Rec.I p.91, 30/6/1845
2. Bas.Rec.I pp.118-9, 8/3/1846;O.R.S. 32/87. Even if the Governor had been prepared to determine a line between the Caledon and the Orange a glance at the map will show the difficulty. Joubert's idea based on Aasvogelberg, Koesberg and Elandsberg though eminently fair and reasonable did not possess the geographical merits of a line via Korbet Spruit, the Langeberg and Jammerberg Drift (as proposed later by Southey when there had already been a large influx of natives): moreover Moshesh wanted Napier's line fifty miles further south.
3. C.O.1451 D.104,1/8/1845; Bas.Rec.I p.99. Also D.152,27/10/1845; D165,6/11/ 1845.

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> conflicts and calamities ... But it may be useful that we should bear distinctly in mind that in dealing with such a subject and with such people we have unavoidably to do with difficulties which the best policy can but mitigate and which forbid any relaxation of the promptitude and diligence by which alone the difficulties can be disarmed". 1 Such then was the atmosphere of trepidation with which the British

Government at last ventured "one foot across the Orange". Half measures are usually notoriously unsatisfactory and the new experiment was to prove no exception.[1B] In view of its many inherent weaknesses, whatever slender chances of success the scheme originally possessed were blighted by the outbreak of the War of the Axe on the Eastern Frontier, where the attention of the Chief executive was engrossed for the next two years.

Towards the close of 1845 the first British Resident arrived at Philippolis. His Commission and instructions emphasized "the responsible duties" of his office as well as the "peculiar nature" of the system established beyond the Orange with "the peculiar relations existing between the British Government on the first part, the Native Owners of the extra-colonial Territories of Southern Africa on the second part, and the Emigrants residing among the latter on the third part, and therefore requires to be administered with a comprehensive knowledge of its general spirit and intention"... "Between the instruments,(the Punishment Act and the Treaties with the Chiefs) you will clearly distinguish, in order to prevent any liability to overstep the bounds of your legitimate authority".2 The office of British Resident was soon indeed to become the most unenviable and tantalising imaginable. The channel of his official correspondence was the Governor's private secretary whilst all expenses of his establishment were defrayed by drafts on the Commissariat Chest, to be repaid ultimately out of Colonial Revenue.[3] Capt. Sutton shaped well but decided to resign within a few weeks upon his failure to secure an unattached majority, whereupon Capt. Warden C.M.R. was appointed on the strong recommendation of Sir B. D'Urban, a former Governor.[4] This officer had no claim to administrative experience but had been much in contact with the natives and the Emigrant Boers, having undertaken a trip across the Orange as early as 1826, seen service in the 6th Kaffir War and been in action at the Congella, Natal, 1842 and at Zwartkoppies in 1845. Capt. Warden immediately selected a spot for the Residency on the Kafir River near its confluence with the Riet. This was abandoned two months later, on account of the drought thereabouts, for the site of Bloemfontein, which Warden acquired from a dutiful Emigrant Boer J. Brits, upon payment of 500 Rds. in satisfaction of the outlay incurred in putting up a small mud house and leading out the water.[5]

According to the tenth term of reference issued by Maitland the Resident was required to exert his "influence to preserve peace and order amongst both Emigrants

1. C.O.1233 D.295,6/11/1845. Lagden I p.78,"Her Majesty's Government refusing consent,
2. Bas.Rec.I p.112. 3. C.O.1335 D.31,31/1/1846,D.74,2/5/1846. C.O.1037,2/2/1846 consented"
4. C.O.1451 D.46,13/2/1846 ;C.O.1037 for correspondence.
   Minutes Executive Council 14/1/1846: Bas.Rec.I p.117, 13/2/1846 Maitland to Stanley.
5. C.O.1037, 2/2/1846 and 2/4/1846. C.O.1119, 2/6/1848.

1B. Lagden I p.77 "Maitland had practically no alternative to the course he took. But the result was to constitute a new colonial dependency in the wilds and to build up a problem for his successors in defiance of the reiterated policy of Her Majesty's Government".

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Emigrants and Natives", and as Moshesh had just referred a territorial dispute with Sikonyela to the Government, Warden proceeded forthwith to Thaba Bosigo. His offer to mediate was approved by the Governor and he duly repaired to a meeting which he had convened of all the Chiefs at Platberg on 10th March, 1846.[1] As the Chiefs failed to come to an agreement upon their disputed boundary lines, they consented to place the matter in the hands of a Government Commission and, pending the receipt of its decision, which was to be final and binding on all of them, they undertook to refrain from any cause of friction. Warden noted the problem but did not appreciate the implications of the intervention he was sponsoring: "This land question, the more I look into it the more complicated it appears. If the right of conquest be recognized, a great part of the disputed country would fall to the lot of Sikonyela, but it would be bad policy to strengthen so restless and warlike a chief".[2] Moshesh again expressed the wish to annul the grants of land west of the Caledon, made in the previous decade to the Wesleyan missionaries, and his whole attitude indicated what finding he expected from the Commission.[3] However the Kaffir War wrecked the probability of such a Commission meeting in spite of many urgent reminders from the Resident.[4]

Upon the outbreak of hostilities on the Eastern frontier Warden issued a notice at the desire of the Lt.-Governor requesting the assistance of Emigrant Boers between the Orange and the Modder. At the same time he met Waterboer and Adam Kok near the Caledon with a view to gaining their support for a diversion against the Tambookies and Kaal Kaffirs, who were crossing the Orange from the Colony much to the consternation of Cdt. Snyman's people.[5] Both these Boers and Griquas however were too fearful of an incursion threatened by the Emigrant Boers beyond the Modder. Here the fiery and impetuous Jan Kock and party remained resentful at being deprived of farms in the inalienable "Bastardland" and meditated a recovery of the cattle lost at the hands of the Griquas and Lepui in the last conflict.[6] Jan Mocke and his supporters, as noted above, had departed incontinently across the Vaal after Zwartkoppies only to find that Potgieter himself, prompted by Smellekamp, had decided to settle north of the 25° S.Lat. The authorities had been alive to the danger for some time. Not only had Rawstorne felt impelled to take precautionary measures late in 1845 by sending Warden out on patrol and seeking aid from the Chiefs, but Capt. Sutton had also suggested the despatch of F.Rex with an escort of dragoons to Winburg to inspire confidence in the well-disposed.[7] One of Warden's earliest acts had been to oblige H. Wessels and J. Raaff, the president and the secretary of the Winburg

-Read-

1. Bas.Rec.I p.118,15/2/1846,8/3/1846;C.R.S.32/85,87. B.R.1/118,26/2/1846. C.O.1335 D.95,15/6/1846;Encs C.O.1386. 2. C.O.1037;Bas.Rec.1 pp.119,121,11/3/1846.
3. Bas.Rec.1 p.122,28/4/1846 Caselis to Warden. 4.C.R.S.42/65,19/11/1846 for Southey's explanation. C.O.1452 D.71,21/5/1846,D.82,24/4/1846. C.O.1037,2/4/1846.
5. G.L.W LandCourt Exhibits Vol.22 No.384,20/5/1846.C.O.1037 for Warden's Notice. Bas.Rec.1.p.122,21/5/1846 Snyman's request. 6. C.O.1037,9/1/1846.
7. G.L.W.Land Court Exhibits Vol.22 No.382,27/10/1845. C.O.1037,14/12/1845.

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Raad, and Commandant I. de Beer, whom he found at the Platberg meeting in March, to take the oath of allegiance. He then proposed the breaking up of the Winburg opposition whereupon the Governor ordered Kock's apprehension.[1]

The Resident did not long delay this intervention. Rumours of exaggerated losses suffered by the reverse to the military at Burnshill had been widely circulated and soon Warden received reports that Jan Kock, who had been chosen Commandant-General at a meeting at Winburg on the 4th June, was busy mustering men and had approached Moshesh for support. Without delay he requisitioned levies from the Chiefs and left Bloemfontein for Winburg at the head of his solitary troop of Cape Corps.[2] Joined at the Modder by 100 Barolongs from Moroko and at Winburg by a Griqua contingent of similar strength, he caught up with the Boers at Vet River late in June 1846. Here Kock's force was dispersed with the loss of two men and a large number withdrew further into the interior. Some 150 took the oath, whilst all the prisoners save half-a-dozen were freed.[3] J.Krynauw, J.Vermeulen, J.Viljoen, A.Standers, P.van Wyk and I. de Flame were sent to Colesberg gaol, but were discharged in October as the Attorney General did not feel empowered to prosecute - for political offences - under the Punishment Act. Landdrost P.Moolman of Winburg resigned and Warden left Messrs. Snyman, Greyling, Erwee and Wessels there as his authorised agents.[4]

Naturally the release of these "martyrs" created an impression that the Government had neither the power nor the will to punish and encouraged the remaining stalwarts between the Sand and the Mooi Rivers to elect J. Enslin Commandant with Jan Kock second in command. Help was again requested from Potgieter who had just recently returned with several thousands of cattle and sheep from a raid upon Sekwati; but he refused to attack the British, as he had always declined in the past.[5] Another mission to Natal met with a similar response. Nevertheless the Loyalists in Winburg district did not feel secure and forty of them resident there since 1839 memorialised the Governor in November for the establishment of a military post.[6] This was turned down on the ground of expense in spite of supporting recommendations from the Resident himself, so Warden endeavoured to reassure these boers by holding a meeting just before Christmas near the Modder and subsequently informed the Governor that the refusal of Potgieter to give aid and the divisions among the Emigrant boers themselves precluded "any mischievous designs on a large scale".[7]

The events of the next year were essentially a repetition of those recorded -above-

1. C.O.1037,10 and 11/3/1846,24/4/1846,26/5/1846. 4. C.O.1037,21/7/1846.
2. GO 1452 D.128,30/7/1846; C.O.1037,10/6/1846; Bas.Rec.1.p.124
3. C.O.1336 D.40,25/11/1846 for Grey's approval:H.Waltman and G.van der Linde killed.
5. C.O.1037,13/9/1846,24/10/1846,30/10/1846. Theal VI p.505,and VII p.375 raid in 1852.
6. C.O.1063 and 1037,16/11/1846; O.R.S.32/90,5/12/1846 5. Also O.R.S. 32/88 and 89.
7. C.O.1037,24/12/1846 and 9/1/1847,also Bas.Rec.I p.130.

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above and in total effect served to illustrate the inadequacies and the deficiencies of Maitland's "pis aller". Admittedly there were no open hostilities between the Europeans, but discontent continued to simmer north of Bloemfontein. In April Jan Kock created some trepidation by appearing suddenly in Winburg at the head of an armed party with an authority from Mooi River demanding the money already collected for the proposed church. G.Meyer immediately advised the Resident of his predicament and asserted that the loyalists beyond the Modder were being subjected to insult and were afraid to leave their homes.[1] Warden once more expressed sympathy with their desire for the protection of a military post, estimating as he did that there were only about 100 loyalists and another 200 desirous of peace, "but the more numerous are those reduced in circumstances from frequent moving from one part of the country to another and among them must be numbered the turbulent portion of the community".[2] At the same time two of Kock's agents, D.van Coller and J.Scheepers, were reported to be busy in Griqualand, and Warden noted that disaffected parties had lately parted with their farms in Griqualand and were leaving for the territory beyond the Modder. The Resident did not anticipate much trouble as the Boers south of the Modder had too much at stake and he contented himself with the issue of a sharp warning to the disaffected at Winburg.[3]

At the commencement of the War of the Axe Moshesh had wished to know what line of conduct he should adopt towards the disturbances in Kaffraria and had even offered to send a force into Kaffirland.[4] He summoned a Pitso at Buffels Vlei in June, to ascertain the intentions of the Kaffirs from the Colony and promised to send them back if they were enemies of the Government.[5] A few days after the Vet River episode he declared to the Boers in Warden's presence at Winburg that the whole of his people were at the Government's disposal.[6] From the Boers the Basuto chief realised that he could expect opposition for they had already cast their eyes upon the choice Caledon lands, which were needed to support his growing nation, and their recent successes over the Matabele and the Zulu had proved them, in spite of occasional dissensions, a formidable fighting force.[7] In the present circumstances therefore his alliance with the Colonial Government promised the necessary security and a possible stalking-horse. Consequently the Basuto continued to throw out cattle posts and to found settlements in the disputed lands.[8]

With the avowed object of checking the Tambookies Moshesh's brother Poshuli was moved further southward to a natural stronghold, Vechtkop, which soon became a centre -of-

1. C.O.1063 and 1037,2/4/1847.Letter book,16/4/1847. 2. C.O.1037,22/5/1847.
3. Ibid., 1/6/1847. 4. Bas.Rec.I p.123,Mr.Arbousset;but offer declined on p.128.
5. Bas.Rec.I p.124,13/6/1846,Mr.Dyke 6. Bas.Rec.I p.124,10/6/1846. C.O.1037,24/6/1846.
7. Lagden I p.90 stresses Moshesh's fear of the Boers.
8. G.H.12/3,annexure 17/12/1865 Burnet to Wodehouse. Ellenberger and McGregor p.379 re Basuto encroachment and Moshesh's difficulties with his sons and followers

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of aggregation for nondescript natives and robbers among the European farmers in the neighbourhood of the Koesbergen. This was followed up the next year, 1847, by the establishment in those parts of the mission station Hebron under Mr. Cochet, as a means of consolidating the extension and to attract more Basuto; whilst another station, Hermon, was commenced near Jammerberg Drift on the Caledon. When later Warden ordered Poshuli to remove ~~later~~ Moshesh discreetly denied his brother's claims; but the latter stayed on.[1]

In the North likewise Basuto expansion was progressing pari passu. The Batlokua occupied the land on both sides of the Caledon down to its confluence with the Putiatsana, but nevertheless in 1846 Moshesh's son Molapo was deliberately advanced into this region with the support of a large Basuto force at call and the establishment of a mission station at Cana.[2] Naturally Sikonyela resisted as best he could the big battalions on Moshesh's side and the struggle between these two chiefs was to provide one of the worst storm centres in Transorangia for the next half-dozen years.[3] And thus Gideon Joubert's prognostications came to pass.

For his part the British Resident continued to emphasise the "absolute necessity" for defining the several boundaries and allotting to each tribe sufficient land for its existing and future needs.[4] True, Maitland on the eve of his departure from the Colony had offered an accommodation to C.Baatje and P.Davids and their mixed breeds to remove to territory at the source of the Buffalo; but nothing came of this, though it chanced that Davids' people left Lishuane shortly after and dispersed.[5] The Resident pointed out that on the rare occasions he and his secretary, F.Rex, had found for the purpose of inspecting farms, confirming leases to Emigrants and assessing "handwerk" in Griqualand, they had experienced an insurmountable difficulty between the Kaal Spruit and the Modder, for this tract was claimed by Moroko, Moshesh and Kok.[6] Indeed some indication of his inability to tackle the work may be gauged from his own statements. In one letter he repeated the opinion that "Moshesh, though deserving of all reasonable support, claims an over large extent of country, which cannot be guaranteed to him without detriment to other tribes", especially to Moroko whose Baralong "are a very orderly and well-conducted people", whom "it would be both cruel and impolitic to deprive of the country.... so long occupied about Thaba 'Nchu";[4] while in another he submitted there was sufficient evidence to support the Basuto contentions west of the Caledon.[7]

Meanwhile upon the recall of Sir P. Maitland on the plausible ground of advancing age, Governor Sir H.Pottinger arrived at the beginning of 1847 holding the newly-created

1. O.R.S.31/145;Bas.Rec.I p.555,7/3/1862. Theal VI pp.498,502
2. O.R.S.32/89;Bas.Rec.I p.115-6,20/1/1846. 3.Bas.Rec.I pp.126-7,15/10/1846 and pp.517-532 for Molitsane's statement;O.R.S.34/142,Jan,1852.
4. C.O.1037,9/1/1847;Bas.Rec.I p.130. 5.Bas.Rec.I p.129,9/11/1846.
6. O.R.S.32/90, C.O.1037,26/11/1846; G.L.W.Land Court Exhibits C4,9/5/1846
7. C.O.1037,5/5/1847;Bas.Rec.I p.136. For Poshuli see pp. 242-46 seq. below.

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created office of High Commissioner "for the settling and adjustment of the affairs of the territories in Southern Africa adjacent or contiguous to the Eastern and North-Eastern frontier" of the Cape Colony - a sign of the Imperial Government's increasing awareness of recent developments in its remote South African possession.[1] Somewhat engrossed in the conduct of military operations and in his investigations into the expenditure during the Eastern Frontier warfare, Pottinger replied to Capt. Warden's report of the unsettled situation in Transorangia that he was too occupied and desired more detailed information. Nevertheless a detachment of Dragoons arrived in the middle of May.[2] With regard to native affairs and Warden's urgent request for a Commission to settle the land disputes and define the boundaries, he concurred that the Resident should not be one of the Commissioners, and agreed "to appoint any two or three persons who may be at, or near, the spot as Commissioners to decide the question provided the disputants bind themselves to abide by the award of these persons".[3] But no active steps were taken in this direction. According to Southey the Commission requested was "never appointed owing I understand to some difference of opinion between Sir H. Pottinger and Warden, the latter wishing to be excluded from the Commission and to have the Civil Commissioner of Colesberg on it, whilst the former desired it to be composed of members residing in those parts and to save the expense of bringing Rawstorne from Colesberg".[4] In any case Pottinger shortly afterwards postponed the contemplated investigation as a result of the following developments.

As soon as he had become aware of the nature of Pottinger's duties as High Commissioner, Casalis promptly made representations direct to him. He asserted on behalf of Moshesh that neither the many Emigrant boers in his country nor the neighbouring tribes of Sikonyela and Moroko and the smaller fry, whose "pretensions ... would deprive the Basuto of half their country", had any claim or independent title to the land they occupied. He added that Moshesh "might have had recourse to arms to enforce his rights" but had deferred instead to the pacific teachings of his missionaries in the hope also of securing "an impartial and patient investigation" by the Government.[5] The Basuto Chief also paid a visit to the Resident at Bloemfontein, accompanied by his sons who had just returned from the Cape "with a tolerable knowledge of the English language", and pressed for the incorporation of Thaba 'Nchu, alleging now some deception in that he had granted only school places to the Wesleyan Missionary Society.[6] Judging, too, by the Resident's next letter to Pottinger the Basuto chief seemed to have fully persuaded him of the merits of his case. In view of this aspect of the matter and of the statements furnished by the Chiefs in response to the Questionnaire sent out in June, 1845, recently forwarded by the Resident, Pottinger informed him that "the complicated questions connected with the Basuto country must lie over till a period of more leisure".[7] And so the "Commission" remained as nebulous as ever.

-It-

1. Eybers xlii. 2. C.O.1453,D.54,14/5/1847; confirmed by Grey C.O.1338,D.120,31/7/1847.
3. O.R.S. 97/213,'8/2/1847,Montagu to Resident; also Bas.Rec.I p.130.
4. O.R.S. 42/66,19/11/1848,Southey to Smith. 5. Bas.Rec.I pp.131-4.14/4/1847; C.O.1060.
6. Br.Rdt I/5,5/5/1847; also Bas.Rec.I p.136. 7. C.O.1037,27/5/1847; also Bas.Rec.I p.138.

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It is now both necessary and possible to take stock of Maitland's Touwfontein arrangements at the close of their first year's working. That support for the new system was far from unanimous had been demonstrated both by the Vet River incident and by Basuto representations and encroachment. Reading between the lines of Warden's communications one realizes the inadequacy of the settlement from the loyal Emigrant Boers' point of view. Many of these in Griqualand itself appeared to be dissatisfied that half the quitrents went to the Chief, whilst, "if their sentiments be honest", even those contiguous to Sand River were anxious to live in peace under British protection and prepared to pay quitrents provided the proceeds were applied solely to their advantage. For instance, they desired magistrates with power to adjudicate in civil cases amongst them - something the Boers from the Modder to beyond the Sand River claimed to have missed since the dissolution of the Winburg Raad. Significantly enough too and despite the fact that much of the work of inspection in Griqualand remained undone, there had been a punctual and gratifying response to the Residents' notification for the payment of quitrent for the half year ending December, 1846.[1] Thus the need for the provision of some form of Government over the Europeans had become a real and pressing problem.

The few disturbances of the remaining months of 1847 resulted mainly from the cattle lifting, counter-raiding and encroachment habitual to extensive native frontiers. Sikonyela and three Boers - J.P.Botha and his sons - attacked the kraals of Letsela's Mayiane and seized 400 cattle.[2] Gert Taaibosch resented the intrusion of Basuto who had established several cattle stations within his territory.[3] Moroko complained of a raid by Molitsane's son, apparently by way of reprisal for a theft of three years' standing, and also of Moseme's threat to establish his kraals in country now held by the Baralong.[4] Furthermore a deputation of ten Boers from Sand River attended on on the Resident to protest against the hundreds of Korannas who were crowding into their district, dispossessing them of the land purchased from the Chief Makwana in 1838, destroying their gardens, cutting down fruit trees and converting such enclosures into cattle kraals. During the previous year-end the encroachments of Korannas and Bushmen had forced these Boers together temporarily for protection and the latter threatened to attack the Natives if the Government did not intervene. Without undue delay, therefore, Warden left Bloemfontein for the north to pour oil on the troubled waters.[5]

At the Mekuatling Mission station he met Moshesh and Sikonyela and their head-men-

1. C.O.1037,9/1/1847;also add.Bas.Rec.I p.130.
2. O.R.S.36/183,7/7/1847;also Bas.Rec.I p.142. Casalis to Warden,Bas.Rec.I pp.139-41, 12/6/1847 and pp.144-6,21/8/1847. 3. C.O.1037,24/7/1847; also C.O.1063.
4. Bas.Rec.I p.143,31/7/1847,Warden to Moshesh; p.156,29/11/1847,Moshesh to Warden.
5. C.O.1037,24/6/1847;also C.O.1063; O.R.S.32/95; Bas.Rec.I p.141.

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men. It appeared that J.P.Botha, sen., had made representations to Sikonyela that his stock had been taken by Letsela's people whom Sikonyela mistakenly regarded as his subjects. Several days were occupied in hearing the evidence, which proved the attack to have been totally unprovoked, whereupon it was finally and unanimously agreed that the stock should be restored, fines paid by the culprits and that Letsela would restore the 20 horses he took. J.P.Botha, senior, was kept in custody till the boers' fine was paid.[1] Warden next visited Gert Taaibosch on the Vet River but felt he had enough ground. He succeeded in inducing the Koranna chief, Stephanus, to remove his two kraals from the Sand River to join the main body about the Vaal, a measure materially facilitated by their captain Lynx's order to that effect.[2] Shortly after this he recommended Moshesh to restrain Moseme and the Basuto people within reasonable bounds pointing out that any extension beyond the limits held at the beginning of the previous year could not but be viewed as a breach of the Platberg Agreement.[3] Moshesh saw to it that his more factious followers did not proceed to extremes and towards the close of this year 1847 was directly instrumental in securing the recovery of 40 head of cattle stolen by Basuto from two Colonial boers, Spies and Strauss, and also in persuading Molitsane to an amicable restoration of the cattle taken from Moroko's Baralong in a raid by the former's son.[4] When therefore the Basuto Chief protested to Warden against certain attacks in the Colonial newspapers upon his integrity "as an Ally of the British Government" the latter replied that he had advised His Excellency that he had ever found Moshesh "honest and straightforward, and most willing to meet the wishes of Government.." and assured the chief that "if I have been unable, owing to the counterworking of others, to satisfy His Excellency as to your true character, I hope to be able to do so with his successor, now daily expected from England".[5]

The boers at Winburg and along the road paid the British Resident every respect and he learned that since his admonition of the 1st June there had been no further cases of removal of servants, discharge of fire-arms or assault by the disaffected. A number of boers desired to know the Government's intentions with regard to the lands they held beyond the Vet River and also whether the authorities contemplated giving them a Magistrate with power to adjudicate "between Emigrant and Emigrant". In the absence of instructions the Resident could only assure them there would be no objection to their occupying all lands which did not trench upon the rights of native tribes.[6] Encouraged undoubtedly by the Resident's visit the loyal inhabitants of Lower Zand River, such as Meyer, Theron, Combrinks and Greylings, having felt the inconvenience of remaining without any Government, called a meeting at Winburg for the 5th August to re-establish -the-

1. C.O.1037,14/7/1847; also C.O.1063:and footnote 2 previous page.
2. C.O.1037,10/12/1847 and C.O.1119. C.O.1037,4/11/1847.C.O.1119,7/1/1848. Footnote 3 on previous page. / 3. Vide footnote 4 on previous page. 4.Bas.Rec.I p.151,13/10/47
5. Bas.Rec.I p.156,29/11/1847; p.153 Dec.1847.C.O.1119,31/12/1847. Warden's Letter Book 28/11/1847. Letters 1850 C.C.Colesberg,1/12/1847. 6.C.O.1119,1/11/1847;O.R.S.37/1.

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the Court of Landdrost and Heemraden. G.H.Meyer was chosen as Landdrost but as he desired "the consent of the Governor in his capacity as High Commissioner over this country" a Memorial to that effect was to be drafted and further proceedings were postponed till the middle of the next month. This was duly approved by seventy loyal Boers To the Governor in due course Warden reported upon the peaceable disposition of the British Emigrants up to a distance of a hundred miles to northward of the Residency - of but short duration as it transpired! /

From the southward of Bloemfontein two memorials in similar strain had reached the Residency the same month. The one signed by J.T.Snyman and 29 others prayed that the marriages performed by the Emigrant boers in the wilderness might be declared legal, for the existing state of affairs tended to the ruin of widows and orphans. The other, which bore the signatures of J.T.Snyman and 96 boers, was a more comprehensive document. The Memorialists recorded their habit of depasturing cattle across the Orange before the coming of the Griquas and Korannas but their loyalty and obedience to the British Government had prevented permanent occupation at that time. Subsequently, to maintain peace, they had invested enormous sums in hiring and purchasing the surplus lands, which had been beyond the reach of the natives and unknown to them previous to their cultivation and habitation by the signatories, and they therefore refused to recognize the native tribes as the lawful possessors. They explained that as they could obtain no assistance from the Colonial authorities in the way of government or protection and as in the absence of any means of suppressing violence, theft and other crimes committed by the natives, a war had ensued. Some had fled to the Colony, some to Lepui to their ruin, and some to the camp of the belligerents and thence into the hands of the troops after Zwartkopjes. Reference was also made in the memorial to Commandant Joubert's mission and the Government's implied intention to send several magistrates, for the maintenance of whom the boers would rather hand over their money, the half the quitrents, than pay it to Adam Kok. Finally, while appreciating the services of an impartial, philanthropic and estimable Resident, they emphasized that his powers were too limited to assist them whereas they desired to be placed under the same rights and laws as their countrymen within the Colony, so that they might no longer be British subjects in name only but also be treated and protected as such. "We joyfully and fervently hope that under your Excellency's government we may be enabled to breathe after many years of sorrows, troubles and dangers". 2

In a nutshell, then, these several memorialists were petitioning for an amendment -of-

1. C.O.1037, 27/8/1847; also C.O.1063.
2. C.O.1453, D.126, 11/9/1847 ; Encs. C.O.1391. including the Minute of the opinion of the Executive Council 16/8/1847.

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of the measures of Sir P.Maitland in 1845. Clearly the Touwfontein arrangements had been tried and found wanting in the main, yet Sir H.Pottinger reasoned that he had no authority to interfere. Before forwarding the papers on to the Secretary of State, however, he referred them to the Executive Council who submitted the opinion that to rescind or unsettle the arrangements of 1845 would be extremely perilous, unless the Governor were prepared to make extensive changes in the colonial boundary on the North-east so as to take in the whole, or nearly so, of the country southward of the parallel of Delagoa Bay. They advised Pottinger to "extemporise" and to state that as soon as he was free he would attend to the needs of those districts, but in the meantime he was not to sanction any departure from existing principles!

The British Resident had no sooner returned to headquarters than conditions at Bethulie mission station demanded his attention. Earlier in the year he had been successful in recovering 800 head of cattle belonging to Boers, which had been taken by Lepui's subjects during the commotion preceding Zwartkopjes.[1] Now there was considerable dissatisfaction in that neighbourhood because Lepui and Rev.J.Pellissier urged the removal of the Emigrant boers and these were being subjected to ill-treatment by the Kaffirs. Warden maintained that the country was too extensive for Lepui's 500 families and, as the Boers had been allowed to reside there and erect substantial houses, he could only oblige those to leave who lived within two hours on horseback of the mission station and suggested, moreover, that the natives should not be allowed to extend themselves in any direction beyond 12 miles from the junction of the Caledon with the Orange River. The High Commissioner approved pending a personal visit of investigation.

Upon the restoration of tranquillity the British Resident proceeded at the end of August to the Kaffir River to effect a settlement of land and other disputes between Emigrants and Griquas - a duty that had been postponed from June on account of the incidents related above.[2] This done, he was instructed to investigate and report upon certain occurrences in another part of the country under his general superintendence lying north of the Orange and eastward of its confluence with the Caledon.[3] The Colonial Government had been notified of the presence of bands of Kaffirs with large numbers of colonial cattle in this neighbourhood and across the Orange about Quthing in the Wittebergen, where Morosi's Baputi had recently taken up residence. The authorities realized that many Kaffirs were in the habit of working in the Colony and returning with the cattle they earned, but they suspected that hostile Kaffirs resorted thither with their spoils from the Eastern Frontier.[4] Warden found no trace of -colonial-

1. C.O.1037, 11/3/1847 and O.R.S. 32/92.
2. C.O.1037, 27/8/1847 and C.O.1063 : C.O.1453,D.175, 10/11/1847, Encs.C.O.1392.
3. Bas.Rec.I p.143, 1/8/1847, Secretary to the High Commissioner to British Resident.
4. Bas.Rec.I p.137, 25/5/1847, Civil Commissioner, Colesberg, to Secretary, High Commissioner.

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colonial stock being unlawfully harboured in the region of the Koesbergen, though he noted that the fifty Tambookies allowed by Moshesh to settle there at the beginning of the year had increased to a few hundred, whom Moshesh proposed to send back. The Resident observed large bodies of natives about the Wittebergen on the opposite side of the river and, supplementing his own detachment with 230 volunteers, crossed the Orange. It is not necessary to detail the adventures of the following days. Warden obtained ample confirmation of the Colonial Government's fears, but when all save 50 of his volunteer burghers returned to their unprotected farms he had to abandon the several hundred head of cattle captured and only extricated his small force with considerable loss. Pottinger naturally censured the Resident for undertaking such a totally unauthorised expedition, considering it most fortunate that the Boers deserted when they did - " my confidence in Capt. Warden is gone and had I remained at the head of the Government I should have felt it to be my painful duty to supersede him". [1] Unfortunately Warden was to stage a repetition of this exploit within a few years' time!

Yet at this juncture in extra-colonial affairs the Governor and High Commissioner himself lapsed seriously from grace. Pottinger knew that the continued unsettled state of the Eastern Frontier was exercising a very pernicious effect on the minds and actions of the Emigrant boers and of the different Chiefs who had hitherto adopted a neutral attitude; [2] but Earl Grey, the Secretary of State, refused to despatch additional forces as a solution of the difficulty. [3] In Natal particularly there existed marked elements of discord along the lines indicated in the communications between A. W.J.Pretorius and Lt.Governor West. [4] Pretorius protested against the resolutions taken to locate the Kaffirs in the neighbourhood of the farms occupied by himself and his sons; for there was no safety in the close proximity of "a rapacious and murderous people", from whom they had "for eight years suffered many intolerable vexations". He "persistently contradicted" any suggestion that the Boers had left because they would no longer be subject to the British Government and instanced that he had built, after the arrival of the troops, a double-storeyed house of ten apartments and a large barn and had besides dug a watercourse and excavation for a mill. [5] When he was asked to specify measures to obviate his grievances, Pretorius insisted inter alia that the greatest care should be shown in determining the sites of Kaffir locations. [6] While appreciating his suggestions the Government Secretary intimated, however, that the objections were insufficient because the Commission had recommended the Zwartkops location in his neighbourhood on account of the native population there

1. C.O.1453,D.175,10/11/1847 and Encs.C.O.1392 : Eng.Rec.I p.145 and p.147;also Warden's Letter Book 25/9/1847 and 6/10/1847. C.O.1037,27/10/1847. Eng.Rec.I p.154,8/11/1847 and p.159 to Lt.-Governor. -alleging- 113/46.
2. C.O.1453,D.87,13/7/1847. 3.C.O.1338,D.31,30/10/1847. 4. R.110/45,111/45,112b/46.
5. C.O.1071,16/7/1846 No.109. 6. C.O.1071, 31/7/1846 and 6/8/1846.

alleging prior occupation , and pointed out to Pretorius that his were the only inhabited farms near them. He undertook not to allow trespassing of natives on Pretorius' farms but considered it would neither be just nor expedient to order their removal from his neighbourhood. 1

Despairing of an improvement in the face of this "inundation with Kaffirs as by a mighty flood" and of the squatting of refugee natives in ever increasing numbers on their farms, the boers determined to abandon Natal en masse, but before doing so they deputed Commandant M.W.J.Pretorius to interview Sir H.Pottinger. 2 Leaving Pietermaritzburg on the 24th August, 1847, ~~1848~~, the boer leader reached Grahamstown on 15th October, after a rather unconscionable time en route in view of the supposedly urgent nature of his mission. 3 The burthen of his case is already familiar. He wrote to the Governor that the Boers contemplated abandonment "not from any feeling of disloyalty to Her Majesty's Government, not from any desire to lead a wandering life, to seek a better country or to deprive the Native tribes of their lands, but wholly from the general feeling of insecurity for life and property caused by the large influx of Kaffirs into the Colony". He emphasised that this grievance was no trifling one for they had secured the country in terms of the Retief - Dingaan Treaty (1838), the original of which was still in his possession, and at the price of 400 emigrant lives. 4

On the way down through Transorangia Pretorius had visited the farms and joined up with M.C.du Plooy at Winburg to bring the condition of that part to the notice of the Governor, and to complain about the "uncalled for attack" made by Warden at Vet River "before any actual hostilities had been commenced by them against the Bastards, whom they never intended to attack. Enquiry into these matters, Sir, is loudly called for". 4

By denying Pretorius an opportunity of airing his grievances to the head of the Government in person, the Governor revealed a lamentable lack of tact for an administrator of his experience. He pleaded the particularly onerous duties of his office, an excessive pressure of work at the moment and, moreover, that he was shortly to leave the Colony. L.M.Maurant, who marshalled the Boer leader's facts on paper, subsequently commented "I had the greatest difficulty to calm Pretorius down. He was for going off at once and telling the Emigrants how he had been treated, but I got him to promise he would wait patiently a little longer ... Sir H.Pottinger seems to have lived in one eternal fit of spleen against all the world". 5

Pretorius returned, not unnaturally, in high dudgeon.

In the light of subsequent events considerable significance must attach to the movements of Pretorius during his four months' absence from Natal and to the revival of agitation north of the Orange on the line of his journey to and fro. On the 17th -Sept.-

1. C.O.1071, 28/8/1846. 2. R.123/47 and 124/47 for subscription lists : O.R.S. 31/214,3/7/1847 Pretorius to Ritter,Natal Witness.
3. Vide Cory V pp.73-8 and Theal VII pp.240-1. 4. C.O.1071,16/10/1847. C.O.1076 No.135. See C.O.1452,D.105,26/5/1846 andD.130,12/8/1846 and Encs.C.O.1387 re influx.
5. Southey's papers 1/4/1848. R.127/47 and 128/47 Pretorius to Stockenstrom.
3. It should be noted that Sir Harry Smith rode 600 miles from Cape Town to the Eastern Frontier in 6 days in January, 1835.

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Sept., the day appointed for the consideration publicly of the measures contemplated by the Winburg loyalists, the club-footed Willem Jacobs, residing at the Wittebergen (East of Winburg), with a party of Jan Kock's brethren in arms, greatly displeased at the desire of the well-disposed to acknowledge the British Government, called a meeting for the 27th Oct. "when the said Jacobs being supported by all sorts of people was forced upon us as Landdrost and forthwith promulgated a law that all who should acknowledge the British Government and not acknowledge him as Landdrost would be punished with transportation". Meyer warned them at their meeting of the 27th Oct., knowing that those at the head of affairs were "not sufficiently clear-brained to manage such affairs", and feared he would probably be victimised on their first court day, 8th Dec. He accordingly sought the advice of the Resident upon the desirability of petitioning for a military post at Winburg and assured him they would not be backward in aiding the troops in the restoration and preservation of tranquillity. There is no mistaking the feelings of these Winburg memorialists.

> "How we peaceably disposed never will submit to this rebellious tribunal ... Last year some disorderly characters from Griqualand, where they had been residing, came among us and prevailed on some foolish and credulous persons to make war against the Griquas, a measure strenuously opposed by your memorialists ... and which was the means of terminating our Court in June, 1846". /

The British Resident's anxiety for the future welfare of the Winburg loyalist minority increased with the recent accessions from beyond the Drakensberg to the ranks of the anti-government Boers between the Modder and the Mooi, and he felt he could not recommend a garrison of less than 200 men at Winburg. Indeed, the general situation was not made any easier by the excitement arising from the "seditious meetings" being held by the embittered Pretorius on his protracted way back to Natal.[2] "I trust", wrote Warden, "the time is not distant when His Excellency or his successor will cause the British name to be respected in the country beyond the Modder".[3] The British Resident little imagined, as he gave vent to these sentiments, that the existing impasse would shortly be resolved in no uncertain manner by the new Governor and High Commissioner, Sir H. Smith, then about to disembark at Cape Town.

2. Preller, on page 330, writes that Pretorius on his return journey was urged to resist by a memorial handed to him at Vaal River! He quotes R.131/47 as his authority, misinterpreting its contents and making use of the document entirely out of its context. This document was written in November, 1849. Its signatories were soliciting Pretorius for his support once more and reminded him of an oath taken by the insurgent Boers at Bloemfontein in July 1848, fifteen months earlier, when they undertook to fight for five years even if he had only fifty men. See also footnote in Voortrekker Argiefstukke 1839 - 49, p.289.

1. C.O.1119, 1/11/1847. O.R.S. 37/1 and 3. C.O.1037,10/12/1847 also C.O.1119, and Warden's Letter Book. O.R.S. 36/2 is a translation of Meyer's memorial.
2. C.O.1119,31/12/1847, Moroke's warning. Warden's Letter Book and C.O.1119,7/1/1848. R.189a/49 Pretorius vs Jacobs.
3. O.R.S. 37/3. C.O.1119,28/11/1847. C.O.1037,22/10/1847, re troublesome Bushmen. Compare Warden's sentiments re Potgieter's raid upon Sekwati (page 31 above) "I trust time is approaching when some restraint will be placed upon these British subjects". O.R.S 32/88,13/9/1846.

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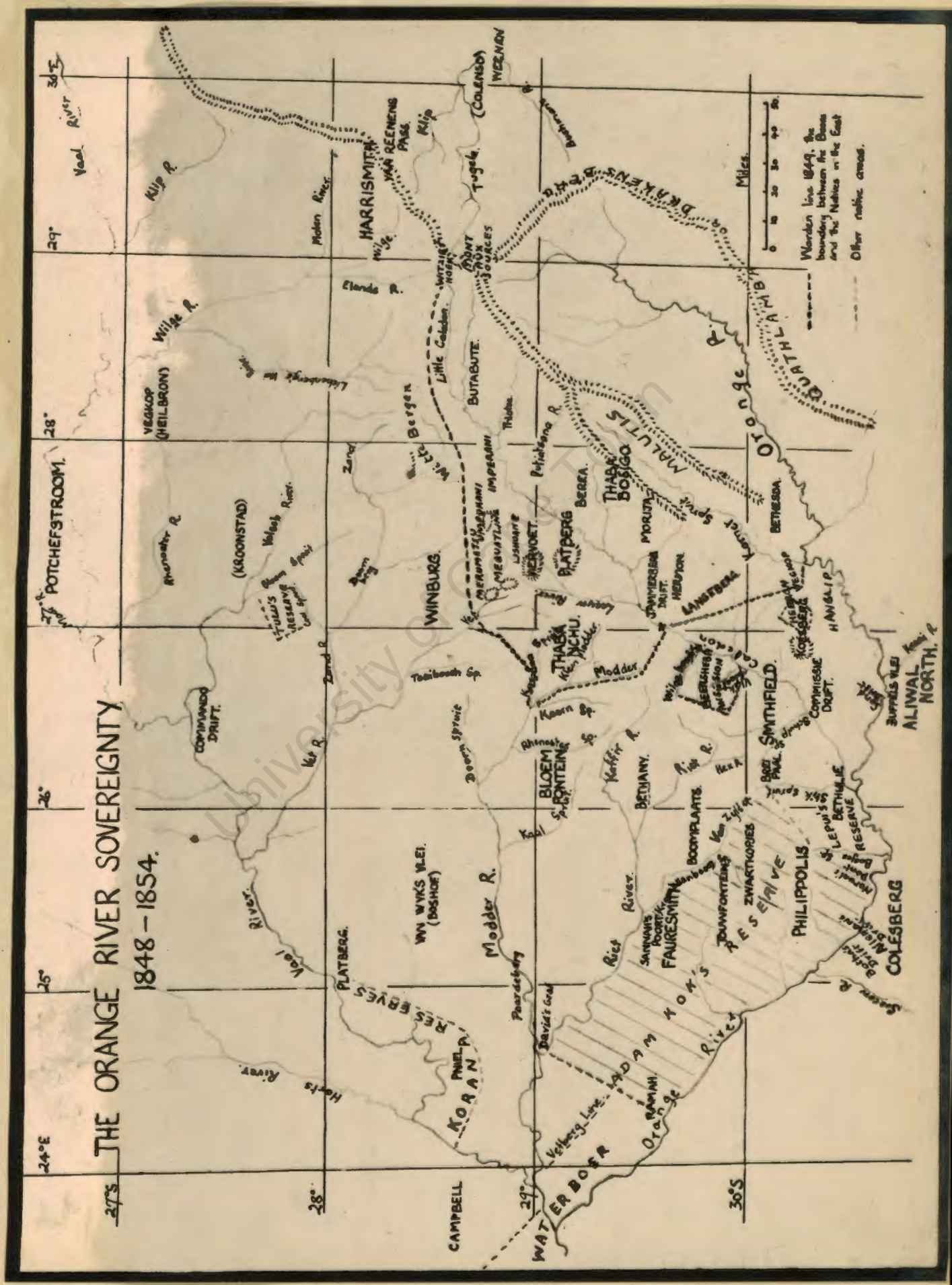
Beginning of Chapter II



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Chapter II.

The Proclamation of the Orange River Sovereignty.

"The occasion on which you are about to enter on this command is, in many respects, critical and important. It is so in regard to the civil duties of your office, in the execution of which you will be called upon to consider questions of no common difficulty regarding the future constitution of the local legislature and government. It is not less so in regard to the military duties which will devolve upon you, in the prosecution of which you will have to encounter, and if possible, to terminate hostilities, the continuance of which it is impossible to deprecate too earnestly, and then to provide the effectual securities against their revival".

With these weighty words Earl Grey, the Secretary of State, cautioned Sir H. Smith the Governor of the Cape and High Commissioner for the settling and adjustment of the affairs of the Territories adjacent or contiguous to the Eastern and North-eastern frontier of that settlement, "and for maintaining our said settlement in peace and safety from any irruption of the Tribes aforesaid and for promoting the good order, civilization and moral and religious instructions of the Tribes aforesaid and with that view for placing them under some settled form of government". / At the same time the new Governor was referred to the despatch of the previous December sent to his predecessor Sir H. Pottinger, some consideration of which is essential to an adequate and impartial understanding of Sir Harry Smith's measures of the next year beyond the Orange.[2]

The Secretary of State agreed with Lt. Governor West that the withdrawal of British authority from Natal would be followed by the speedy destruction of a large part of the population, which had taken shelter under the protection it afforded, and that the country would be re-occupied by the Boers who would expel the greater part of the native inhabitants and subjugate the remainder. Final abandonment, he felt, would weaken British authority in the Cape Colony and encourage more trekking away, whereas under British rule Natal might be a centre whence the blessings of civilization and Christianity might be extensively diffused amongst the numerous but barbarous population of South Eastern Africa.[3] Such progress could not but add to the strength and greatness of the Empire and create a new field for commercial enterprise and a new demand for British manufactures - "Still it is mainly for the benefit of the native inhabitants of Africa that this Colony is to be maintained and, therefore, it is only just to require that no part of the cost of supporting it for which they can be made to provide should be thrown upon this country. I consider it absolutely necessary that the Executive Government should be armed with military power sufficient to render all resistance to its authority hopeless".[2]

Moreover, the receipt of a report alleging slave holding by the Boers at Andries Chrigstad[4] prompted Earl Grey's further remarks that "a state of society is growing up beyond the boundaries of the British territory in which the restraints of Justice and humanity are habitually disregarded. These are evils which can be neither overlooked nor tolerated, and to prevent which it is the duty of the British Government to interfere, much more decidedly than by merely endeavouring to coax these people by concession to remain within the dominions of the Crown. I have to -instruct-

1. C.O. 1338, D. 10/9/1847. 2. C.O. 1336, D. 4/12/1846.
D. 2/11/1846: "Some difficulties may be wisely encountered, and some apparent risks well incurred in reliance on the resources which every civilized society especially every society of British birth or origin will always discover within themselves for obviating the dangers incident to measures resting on any broad and solid principle of truth and justice ... entrusting ... with the largest powers of self-govt. in whatever relates to their internal & local affairs."-Grey.
3. Vide also Grey's Col. Policy, Vol. I. P. 13. 4. C.O. 1336, D29, 30/10/1846.

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> instruct you to lose no time in considering how this tendency of the white population to escape from the restraints of government, and to diffuse themselves over the interior of Africa, abusing the power their superior intelligence gives them, to oppress the native inhabitants, may most effectively be checked ... The protection of the British Crown ought to be extended to those chiefs who should apply for it, and they should then be assisted to defend themselves from the encroachments of the Boers upon their land, with however no pecuniary burden to the Colony beyond the British officers to direct their efforts". /

Were no other information available, these extracts culled from Earl Grey's despatch to Sir H.Pottinger, to which Sir H.Smith's attention was especially drawn, would nevertheless provide a reliable exposition of the views held by this Secretary of State for the Colonies during his tenure of office. By no means every English political thinker or writer on colonial affairs however subscribed to Earl Grey's views. Now that the repeal of the Corn Laws had become an accomplished fact, the abolition of the Navigation Laws and the doom of the old Mercantile System was written on the wall. Consequently the policy to be adopted towards England's colonial possessions frequently became a topic of animated debate and controversy both inside Parliament and without. Opposition to Earl Grey came from Richard Cobden and John Bright and other members of the Radical Manchester School who fulminated against any expenditure on the maintenance and development of colonies. Colonial reformers such as Gibbon Wakefield, Charles Buller, Sir W.Molesworth and Lord Durham combined a firm belief in the Imperial tie with severe criticism of the many shortcomings of colonial administration. In these circumstances therefore Earl Grey and Lord J. Russell, the leader of the Whig administration, had to tread warily during their six years of office. Both these men believed in the Empire as a vital institution - "I conceive that, by the acquisition of its Colonial dominions, the Nation has incurred a responsibility of the highest kind, which it is not at liberty to throw off". 2 They were not unsympathetically inclined towards the cry for colonial self-government, though they preferred to hasten slowly; but, while refusing to subscribe to the Manchester views about colonial burdens, they were perforce not unmindful of the need for curbing expenditure. Grey warned Pottinger therefore "It must be superfluous for me to disavow on the part of Her Majesty's Government any wish to extend the dominions of the Crown in Southern Africa. Considered in themselves such acquisitions would be not merely worthless but pernicious, the source not of increased strength but of weakness, enlarging the range of our responsibilities while yielding no additional resources for properly sustaining them". 3 How far Pottinger was induced to disregard his instructions by knowledge of the impossibility of carrying them out without adequate means may be surmised but it is the case that he spent practically the whole time of his governorship in either Grahamstown or Fort Peddie and took no active measures of intervention on the lines contemplated by the Secretary of State.

-The-

1. C.O. 1336, D. 4/12/1846. 2. Grey, Vol. I.P.13, 27/4/1852, to Russell.
3. C.O. 1336, D1, 2/11/1846. Smith was not specially referred to this despatch.

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The appointment of Sir H.G.Smith, the hero of Aliwal, was very popular in the Cape Colony. He possessed a first-hand knowledge of South African conditions and had served as Sir B.D'Urban's chief of staff during the Sixth Kaffir War, 1835./ On the day of his arrival Sir H.Smith proclaimed immediately his High Commissionership and proceeded in due course to the Eastern frontier, reaching Grahamstown on the 17th and Kingwilliamstown on the 23rd Dec.[2] "The boundary of the Colony I regard as one of the primary considerations firmly to establish" and at the former place, therefore, he annexed the land up to the Keiskamma River along a defined line to the junction of the Orange and the Kraai - somewhat as contemplated by his predecessors and foreshadowed by Earl Grey - and extended the northern frontier of the Colony along the Orange to its mouth in terms of the Surveyor-General, Colonel Michell's recommendation, in order to include the copper deposits and inter alia to clear away the former ill-defined and uncertain boundary laid down by the Proclamation 21/2/1805.[3] The Governor must have been doing some particularly quick thinking during his tour of the military posts at this time, for he was obviously conversant with Earl Grey's attitude of mind. He wrote inquiring anxiously of Richard Southey whether his faithful services were available again to settle "our Black children", though "I have as yet decided on no future plan".[4]

On reaching Kingwilliamstown the next day, however, the die was cast, and Sir H. Smith proclaimed the territory between the Keiskamma and the Kei as British Kaffraria under the Queen's Sovereignty.[5] He also gave the Secretary of State the assurance that every exertion would be made "consistent with military discretion and foresight to reduce all establishments gradually but decidedly - alack, too decidedly as it transpired - and with every view to economy in the public expenditure consistently with the Public welfare". Twelve months previously Earl Grey had written to Pottinger, "The Kaffir tribes have not appreciated our past forbearance and should no longer be left in independence ... Experience has fully shewn the futility of such compacts".[6] Thus the new High Commissioner summarily terminated the old Treaty System and revived Sir B.D'Urban's policy, for had not he been in charge of the short-lived province of Queen Adelaide, ere his supersession and neglect at the hand of Lord Glenelg![7] "We have advanced too far to recede" said the bold Sir Harry, "impelled by an ardent desire on the one hand to protect the Colony from future murder and spoliation and, on the other, to elevate the Barbarian from heathenism and degradation".[8] Here, at long last, was a man after the heart of the Colonial frontiersman![9]

Having outlined and set in motion the new system on the Eastern Frontier, Sir

1. Walker p.192; Theal VI pp.94-5 et seq.; Cory III pp. 92-94 et seq. H. Smith-
6. C.O. 1336, Dl. 2/11/1846. Smith was not specially referred to this despatch.
2. C.O. 1395, Dl. 3/12/1847. 3. C.O. 1454, Dl. 18/12/1847; B. B.X,3, 22-3.
4. Southey's papers, 22/12/1847. 5. Godlonton Correspondence 10/1/1852: when Gladwin asked him to go beyond the Kei on the outbreak of the 8th Kaffir War Sir H.Smith declined to be drawn "Let them alone (the savage tribes) we have seized British Kaffraria for no other purpose than to provide a frontier for the Colony". Vide also Theal VII,53 and Cory IV. 104. 7. Characteristically enough Col.Smith blamed the party, not the man - autobiography P.417, 453. B. C.O. 1454, D.7, 7/1/18
9. Harry Smith had much in common with them - vide autobiography P. 567 - "I have fought my way through the four quarters of the globe to my present elevated position unaided by the power of aristocracy or the influence of
48.

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H.Smith declared the port of East London to be within the Colonial boundary in order to avoid difficulties over the customs, for "the expatriated Boers on the line from Colesberg towards Natal will draw their supplies from traders again at the mouth of the Buffalo", and then departed on a personal tour beyond the Orange.[1] During his progress northward he continued to renew former acquaintances and had ample opportunity for meditating upon the affairs of Transorangia. The Secretary of State was about to despatch a request for the High Commissioner's views upon the "not very satisfactory appearance" of conditions revealed in the memorials of the previous year and upon "the practicability of any better arrangement you may find it in your power to mature upon the spot"[2] but though Sir H.Smith could not be aware of this, he knew that Earl Grey's communication to his predecessor, Sir H.Pottinger, envisaged some form of active intervention in those parts. The feeling in certain quarters in the Colony, too, indicated that the time had arrived for a closer and more definite connection with the extensive country beyond the Orange.[3]

At Colesberg the Governor was met and escorted into the village by a commando of the burghers of the district headed by the Civil Commissioner. Here he received a memorial from Field Commandant Jan Olivier and loyal inhabitants of Stormberg Spruit in the new division of Albert, where Aliwal North was founded the following year. They had taken the field in the last war and expressed satisfaction at the Governor's recent annexation of their district to the Colony.[5] Crossing the Orange Smith entered Philippolis on the 21st Jan. Thence he passed on via Kromellenboog Spruit to van Wyk's place at Touwfontein, through a beautiful fertile country capable of supporting thousands of people and depasturing hundreds of thousands of sheep, but nearly unoccupied then with only here and there a kraal of bastards. Following the well-marked route via Wright's farm at Boomplaats, Viljoen's at Kalverfontein and the Rev. Murras' quarters at Bethany he reached Bloemfontein on Sunday afternoon, the 23rd, in a violent thunderstorm. The real serious business of his journey began on the morrow.

At Bloemfontein the High Commissioner received two addresses to which he replied separately: one was presented to him in the morning from the Boers between the Riet and the Modder Rivers, mainly Oberholzer's people; and the other in the afternoon from 99 persons, 20 English and 79 Dutch, of Snyman's party along the lower Caledon.[4] They congratulated Sir H.Smith on his appointment as Governor and ruler over them and appreciated his visit to their part of the country at a time -when-

1. C.O. 1395, D 14, 14/1/1848. Proclamation enclosed.
2. C.O. 1339, D 9, 24/1/1848. 3. Grahamstown Journal 19/2/1848. Official, church and business circles supported this policy. 5. These burghers were originally trek-boers like those in Griqua territory beyond the Orange and wanted settled government. 4. Vide also Theal VII, 263: Cory V, 113.

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when the Colony and territories adjacent were in an unsettled state - "and as the position in which we have placed ourselves is ill-defined and leads to constant discussion although we endeavour to hold our lands on a just and fair consideration, we pray Your Excellency closely to investigate or cause to be investigated all matters concerning our affairs, as was promised by your predecessor". /

To the morning address Sir H. Smith made the following reply - "You have placed yourselves in a disagreeable position in which you stand with Adam Kok, but when a man does wrong he requires a friend'. 'Remember I speak as a friend, not as Governor'. If all the Boers come and say that they wish to live under the British Government I will endeavour to aid them. I will have all or none ... I will then proclaim the Sovereignty of Her Majesty over all the country this side of the Orange River, and although I have no intention whatever of taking actual possession of the land in the name of Her Majesty, yet the Queen's authority shall be paramount ... You must then contribute your share of the expenses of your Government, and must pay quitrent according to a valuation. I will then pay Adam Kok what it is right he should be paid. He and every other man must be dealt with fairly and justly for there is one God over all ... Adam Kok and other chiefs connected with you must be re-imbursed for any loss they may sustain. Then your own Government must be maintained, magistrates, etc. appointed at various places. I will then cause churches to be built, schools established and roads made, traders to pay licences ... I mean to say that if the majority wish for the system I propose I will endeavour to carry it out and I shall feel thankful to God, if I am the means of bringing my friends from misery. Now I have told you all this, you must endeavour to spread it in every direction through the community: and if you will only place your fortunes in my hands, you shall see that I will fulfil my words and that you will again have a prospect of breathing the breath of freedom, and escaping from the state of liability in which you now stand to native inhabitants. I will receive the majority".

When the assembled Boers expressed the hope that he would receive them as a part of the Colony, the Governor continued - "I believe it, otherwise I should not have come here ... Now send an express at once to your friends at Mooi River, (this was done by the farmers at once) for I am willing to forgive and forget the past, and all will be settled, at least on this side of the Drakensberg. On the other side I must adopt fresh measures, but everywhere the black man must be protected, for there is one God over us all, black and white ... Understand that I do not require high quitrents, and all that may be collected shall be spent among yourselves, but the Colony must not be put to a sixpence expense".

In the afternoon the Governor repeated his remarks of the forenoon - "I speak not of the past but of the future. I do not approve of the measure you took in leaving the Colony and had I been Governor I do not think you would have done so, for I would have talked over your affairs with you ... and now being placed in that high position which enables me to be of use to you I have come among you. As Colonel Smith I could do nothing, but as Governor I can do everything ... You shall possess all the rights and privileges of citizens of the Colony and as soon as you have towns you shall be granted municipalities ... But you must clearly understand that the whole body of Emigrants must come into your way of thinking. I do not mean every individual because I know in every society there are fools, but a majority of four in five, because I know the four can keep the fifth in the right way. I shall call upon you to bear arms to aid me in keeping the peace both among Whites and Blacks. When I have heard from all the Boers on this side the Drakensberg I shall know what to do". /

The immediate reason for Sir H. Smith's intervention across the Orange, it must be remembered, was the Griqua - Boer dispute and in order to resolve the knotty problem, if possible, he met Adam Kok and his Raad the same day. It has been made -abundantly-

1. Grahamstown Journal 19/2/48.
The kind-hearted soldier won the hearts of all by his affability, especially to those who served with him during the Kaffir War (1835). For instance, after hearing the morning address and when about to reply, the Governor's eye fell upon an old man, whose whitened locks told of some eighty African summers, and spontaneously he called him from among the crowd, handed him his own chair, insisted upon his sitting down and requested pardon for allowing him to stand so long. Such little traits of character as these raised him high in the esteem of the Boers. Quoted also in Cory V. 114, Theal VII. 263.

abundantly clear that the Napier Treaty (1843) - which did not define the Griqua territory specifically - always met with determined opposition from a considerable body of Emigrants who defied any attempted exercise of Kok's jurisdiction over them. Moreover, the Griqua chief also complained subsequently that Oberholzer's party had not fulfilled the terms of their agreement (1840), that the annual sum of money stipulated as rent for the properties occupied had never been paid and no help had been rendered against the aggression of the Kock and Mocke faction which culminated in Zwartkopjes. [1]

Maitland's intervention had been admittedly a"compromise"between the natives, who called upon the Colonial Government to remove all British subjects from their territories, and the Emigrant Boers, who in the main denied the title of the natives and desired to be left at liberty to clear the country for themselves. [2] From the Cape Government's point of view the policy of simple non-interference, leaving the Griquas, Korannas, Basuto and Barolongs to be ousted from their lands and afterwards, if troublesome, exterminated by the Emigrant boers, might have had obvious conveniences; But there were very grave objections and the Imperial Government would hardly have been disposed to sanction such a course. The basis of Maitland's plan - to recapitulate - was the fixing of boundaries as between the respective native tribes, the sub-division again of each native territory into two divisions, one to be reserved for the Natives exclusively and the other to be leaseable on quitrent to the Emigrants boers, and the application of this quitrent by the British Resident in equal proportions to the native chiefs and to the charges of the Residency. [3] In the case of the Griquas Governor Maitland recognised the Sovereignty of Adam Kok over his reserved (inalienable) portion between the Orange and the Riet and its tributary the Kromellebeeg Spruit, in which area purchases by Europeans were converted into leases for forty years; [4] but the 'huurbare' portion, where land could be leased to Europeans for a period not exceeding forty years, was not expressly defined. [5] There were so many disputes connected with the leaseable territory, however, that the Governor and the Attorney-General apparently declined to grapple with them and the boundary was left as a bone of contention to their successors. "What!" said Sir P.Maitland, "what is this I hear? I find that the country beyond the Kromellebeeg and Riet River is occupied by Korannas and Bushmen. That it is not occupied by Griquas!" [6]

Sir Harry Smith was naturally aware of all these aspects of the situation and his object at the meeting was to secure in perpetuity to the Emigrant farmers such a -portion-

1. Exhibit 216, 1845 G.L.W. Land Court. Vide page 15 above.
2. C.O. 1391, Enc., D. 126, 11/9/1847, advice of Executive Council.
3. See Page 25 above.
4. Rybers Page 268 clause 38.
5. Rybers Page 266 clause 29. 6. "The Friend", 20/3/1852. Kok wrote incorrectly to the Asst.Commissioners that the land he claimed beyond the Riet had been strictly defined. B.B. XV, 2, 41 - 44.

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portion of the country as would meet their just wants, at the same time leaving the Griqua people a large extent of territory supposed to be about double what they actually required after allowing for many years' increase to the population.[1] He therefore proposed to Kok an arrangement that implied the confirmation of his previously recognized sovereign rights to the reserved Griqua territory, but involved the relinquishment of his claims to the debateable, leaseable (i.e. alienable) portion north of the Riet in consideration of an annual payment in perpetuity.[2] Adam Kok objected to what was in effect the final alienation of the land which his people were letting for periods of 40 years under Sir P. Maitland's treaty and after a good deal of discussion the Governor became extremely angry. He considered Kok's attitude unreasonable. "What", he said, "am I the conqueror of all Kaffirland to be thwarted by a black fellow like you? There's your treaty and there's the door!" The situation bristled with difficulties and he was making Kok a liberal offer, for the Griqua claims beyond the Riet were preposterous, and in the Governor's opinion the Griquas had no more hereditary right than the Boers, being mere squatters and nomads.[3] Now one can quite imagine that Kok and his Raad upon seeing the Governor, who gesticulated when he was excited, point to the door, became so frightened that they thought of the beam, "for few persons in this country threaten an inferior without expressing themselves thus:- 'I'll hang you up'. Here Major Warden took Kok outside and recommended him to agree".[4]

On the next day, the 25th Jan., 1848 the proposals of the High Commissioner to effect on a permanent basis an "amicable" settlement of the relationship between Capt. Adam Kok and the Emigrant British subjects were signed by the Griqua chief.[5] In lieu of the half the quitrents which he received by virtue of the Treaty of 5th Feb., 1846 Kok was to be paid £200 per annum and his people £100 per annum for the lands they had let for forty years (north of the Riet River). As their leases expired in the inalienable territory the British subjects were to quit upon payment by the Griquas of the value of the buildings and improvements effected by them - this arrangement was proposed by Kok[6] at a valuation which was to be made at once by a Commission comprising the British resident, Adam Kok's secretary, Hendrik Hendriks, and one Emigrant; in the event, however, of the Griqua being unable to pay the amount of the valuation at the expiry of the lease, the lessee would be entitled to retain

-possession-

1. C.O. 1119, 25/4/1849; also Warden's Letter Book. Theal VII p.263 Warden said the reserved territory was big enough for twenty times number of Griquas.
2. See Smith's Proclamation 29/1/1850, Southey's Papers, clarifying the position.
3. D4. 20/1/1851, B.B.XV. See page 4 above. 4. "The Friend" 8/3/1852, also 20/3/1852: F.Rex was interpreter. 5. 33, 25/1/1848 in Treaties 448; O.R.S. 37/9; Govt. Gazette 24/2/1848; C.O. 1395, Enc. D.16, 3/2/1848; R132b/48.
6. Kok to Asst. Commissioners, O.R.S. 38/104; Enc. D.2, 20/5/1852, G.H. 31/1. The 15 year Quitrent leases of the D.E.I. Co., introduced in the year 1732, provided that should the Company resume possession, the tenant was to be compensated for all buildings.

at a proper valuation, C. of Good Hope Colonial Secretary appendix I Vol. I. 1876, p.795. Treaty No.33, Capt.Adam Kok begs to add the arrangement as to the purchase of houses and leases in the inalienable

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possession of the property at an annual rental to be fixed by the Commission until the amount of the valuation should be liquidated or until the accrued annual rental should amount to the valuation. [1] It was agreed finally that the above named sum of £300 per annum should be payable in perpetuity for the farms leased for 40 years in the alienable (Maitland's leaseable) territory, leases also to be in perpetuity for this consideration. [2]

All the chiefs within reach put in an appearance at Bloemfontein to welcome the High Commissioner and, being involved in disputes about land boundaries, were naturally desirous of the intervention of the British Government to preserve peace and protect them in the enjoyment of their several rights, which most of them felt they would not long maintain without the exercise of some such controlling power. On his departure for Winburg Sir Harry said to Moroko, who had come to bid him farewell - "You and Moshesh are two of the greatest chiefs under Her Majesty. Keep peace, attend to your missionaries and then your cattle will get fat and you will go to heaven". [3]

From Bloemfontein the Governor continued his journey to Winburg in light marching order, accompanied by his aide-de-camp Major Garvock, Richard Southey, his private secretary, Cdt. Gideon Joubert, two servants and a couple of wagons - which unostentatious mode of travelling occasioned a good deal of surprise among the Boers. Messengers had previously been despatched in every direction by the farmers urging their countrymen to meet the Governor on the road and signify their fidelity to the British Government. The people everywhere were extremely hospitable and delighted at his visit and two days later, on the 27th January, as he approached within a few miles of the small village of Winburg, then comprising not more than half a dozen Houses, His Excellency was met by a commando of some fifty Boers as well dressed and mounted as might have been seen anywhere in the Colony. On reaching his destination Sir H. Smith was received by the chief Moshesh, who was attended by his missionary Rev. E.Casalis and several of his sons and followers, and by the chiefs Moletsani and Sikonyela.

Shortly after his arrival a conference took place between the High Commissioner and the Basuto Chief. [4] The reasons that had rendered some form of settlement imperative in Griqualand applied with equal force to the unsatisfactory relations -between-

1. See Eybers P.268,Cl.38. C.R.S.37/4. In Smith's own handwriting, 24/1/1848: "that the inalienable territory shall be cleared of all British subjects except those who have built good and substantial houses thereon and these shall be bought at a valuation ... by the Griquas leaving the inalienable territory free". Original treaty witnessed by Warden and Southey. 2. According to C.R.S.37/4, 24/1/1848 in Smith's handwriting and signed by Smith and Kok "leased now only for forty years" in the alienable territory. Smith's intention was up to forty years, vide paras. 6 and 29, 1846 Treaty, Eybers P.266 which they had in mind. Nevertheless the ambiguity remained, despite the issue of a Proclamation on 29/1/1850 by Smith explaining that he included "all the land in the alienable territory no matter what the term of the holding, whether 40 years, or some term longer or shorter".
3. Grahamstown Journal 19/2/1848, also Cory V.114. 4. Eybers P.269 and B.R.1/158; C.R.S. 37/6 and 8; R134/1848; Govt.Gazette 24/2/1848; Natal Witness 11/2/1848.

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between the Boers and the Basuto. Sir Harry Smith therefore explained his motives for arranging the meeting and proposed to establish "peace, harmony and tranquillity" by proclaiming the Queen's Sovereignty throughout all the territories over which the British Emigrants had spread themselves whether by purchase, or toleration or without either. By this measure the hereditary rights of the chiefs were to be maintained inviolate, the Europeans effectually restrained within the limits they then possessed and magistrates were to be appointed and surveyors employed to ensure the same. Sir H. Smith explained that Moroko, Adam Kok and other minor chiefs had approved of the expediency of this step and Moshesh concurred that "such paramount authority was absolutely necessary for maintaining, in strict alliance with Her Majesty of England, that harmony and unanimity which it had been his wish to preserve and his desire to effect". / When His Excellency referred to the subject of quitrents stipulated in the Maitland Treaty, the Basuto Chief waived his interest in this pecuniary matter, for "all he hoped was that the measure of policy the High Commissioner proposed to adopt to ensure harmony and tranquillity between Her Majesty's and his own subjects would be carried out". Unfortunately no time was devoted to a discussion of the vital details or to some adjustment of the (highly explosive) relations between Moshesh and the other Chiefs. "And thus ended the conference ("this day's cemented alliance") as mutually satisfactory to the high contracting parties as it is hoped its results may be permanent and satisfactory!" 2

At Winburg Sir H. Smith was presented with an address signed by 49 persons desiring him to extend British jurisdiction over the country. 3 They reiterated much of the contents of their memorial of November, 1847: 4 how they had removed from the Colony because of the scarcity of land for agriculture and grazing and had during the past decade occupied their district after a proper purchase from the natives and chiefs, to whom after the fullest enquiry they had ascertained it rightly belonged. They complained of the uncertainty of land tenure, and the restlessness of some evil-disposed persons who were urging many ignorant and misguided people to deeds of violence, whereby cultivation was hindered and neglected and the country kept in a state of uneasiness. In this connection they explained that after acquiring the site of Winburg from the proprietor, De Beer, many purchasers had not paid for their erven on account of the uncertainty of tenure, and in consequence no progress had been made with the building of a church through the inadequacy of other funds. Finally, His Excellency was requested to acknowledge their legal rights to the lands they occupied and to recognise Winburg as a town by the establishment of a court of justice and, if possible, a military post.

The High Commissioner's reply followed very much the same lines as that -delivered-

1. Also C.O. 1454 D. 99, 24/6/1848. Legden I p. 93 for Casalis' account.
2. O.R.S. 36/78, 1/1/1852 for Sir H. Smith's own account of his reception in letter to the Asst. Commissioners. 3. Grahamstown Journal 19/2/1848; Theal VII. 264-5; Cory V. 115. O.R.S. 31/209, 5/2/1852, Pretorius to Asst. Commissioners makes it quite plain that some of these people had called in the British Govt.
4. See page 41 above.

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delivered in Bloemfontein.[1] While emphasizing that he had come as a friend he remarked that he perceived they desired to have him as their Governor, in keeping with the feeling of loyalty and affection towards Her Majesty he had noticed everywhere. He explained how he had found the burghers in Adam Kok's country very anxious about their leases and that he had "bought the right of them for ever" so that "all now sit upon their own land"; how, similarly, the treaty he had made (that day) with Moshesh secured to them the lands they occupied.[2] He proposed to proclaim the Queen's Sovereignty over all the territories on which they were located, and to supply magistrates, surveyors, etc., on condition that they paid the quitrents, loyally turned out with their guns when required for service, and that four out of every five were in favour of the measure, "for I am not so void of sense as not to know that in all societies there are various opinions ... If it is not your general wish to be governed by me, I shall thank you for your hospitality and go on to Natal ... If you consider yourselves the majority in the country I will do what I have said and pledge myself to Her Majesty for your loyalty. I think that those who are wavering will come in". Sir Harry then donated £20 towards the erection of a church at Winburg and promised to obtain a loan from the Colonial Treasury on the £ for £ principle. In conclusion, he referred to his predecessor's refusal to see Pretorius and remarked that "Had Pretorius had an audience of the Governor in the Colony I should not have been here amongst you, and I would sooner have lost £5,000 than not have come".

At the request of the Churchwardens His Excellency then proceeded to lay the foundation stone of the Winburg Church on an elevation at the top of the principal street. It was the first Dutch Reformed Church in that part of the world and the ceremony proved most affecting. In the midst of a large concourse including many farmers, Moshesh and several of his sons and people, the Rev. Casalis offered up an appropriate and feeling prayer whereupon Sir Harry placed the corner stone. The Basuto chief himself offered £3 and his brother £1 towards the building.[1]

It was most unfortunate that Sir H.Smith's movements beyond the Orange had to be as expeditious as possible in view of the urgent need for his presence in Natal.[3] When asked by the Assistant Commissioners in Dec. 1851 whether the majority wished for British rule to be extended over them in 1848 Commandant Wessels replied: " I told the Governor that not above thirty men in my district desired it". There is no record of any such statement made by him to the Governor however on either of the latter's visits in January and September, 1848. It should be borne in mind too that in 1851 the Commandant had been plundered of most of his stock by the Basuto for his loyalty to the Government and Sir H.Smith duly noted that he was excited from these -losses-

1. Grahamstown Journal 19/2/1848. 2. Of course Moshesh had not agreed to any boundaries at that time!
3. C.O. 1395, Mncs. to D.S, 18/12/1847. See pages 39 - 40 above. Lagden I, 98 quotes Casalis "At four o'clock the next morning he was already on the road towards Natal. Commandant Joubert complains that he allows no one to sleep".
4. O.R.S. 38/87, 10/12/1851, also O.R.S. 38/34, 16/8/1851 to the Governor.
5. O.R.S. 36/78, Add. Mss.Rec.Lp. 484, 1/1/1852, Mnc. C.O. 1417, D. 13, 14/1/1852.

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losses, had forgotten what had happened and "the extreme anxiety which was evinced four years ago for the declaration of Her Majesty's Sovereignty". Nevertheless had more time been at his disposal then or had he had a later opportunity, Sir H.Smith might conceivably have found cause for some modification of his subsequent measures. But that is to anticipate! Learning at this stage that the dissatisfied farmers were actually on the point of abandoning Natal, the High Commissioner despatched an express to the Lt.Governor and an urgent note to Andries Pretorius, who was known to have quitted his farm with the intention of trekking into the country about the Vaal River.[1] Pretorius was advised of the Governor's approach and requested to collect as many of these would-be Emigrants as possible so that Sir Harry might converse with them. To this the Boer leader agreed at once and intimated that they would be at the drift of the Great Tugela River on Tuesday, 1st February.[2]

Before leaving Winburg the Governor was informed that farther on he would find nearly all the people disaffected, or "Patriots", and some even prognosticated that he would not be allowed to proceed and would be sent back to the Colony a prisoner! Instead of this, however, feelings of attachment and affection to His Excellency were displayed in every possible way. The only occasion where discontent with the Government was openly expressed was at a meeting on the farm of Willem Jacobs at the Sand River. Here some twenty farmers were assembled in the presence of whom Jacobs stated that the wish of a large majority of the Emigrant farmers was that they should be allowed to continue as they were without any interference by the Government and that if this were not conceded them, they would proceed further into the interior. No one contradicted this although Sir Harry talked to them for some time on the disadvantages of their position, emphasizing that during the period of ten or twelve years they had been their own masters they had not been able to establish anything approaching to a form of Government, that they possessed no churches and no schools, and predicting that the Dutch Emigrants would lapse into barbarism whilst the natives with their churches, ministers and schoolmasters would advance in civilisation and become the superior. In Jacobs' tent nothing was observed to lead to a belief that what Jacobs said was not the public feeling. "They were most respectful in their deportment and we parted friends".[3]

1. Grahamstown Journal 19/2/1848. 2. C.O. 1076, 30/1/1848. Also O.R.S. 31/209, 5/2/1852, Pretorius to Asst. Commissioners. 3. Grahamstown Journal 19/2/1848. This episode is entirely omitted by Theal and Cory. For Sir H.Smith's own account vide letter to Asst. Commissioners 1/1/1852, O.R.S. 36/78. O.R.S. 42/15 & 17, 14 & 19/9/1848: Memorials of W.Jacobs to the High Commissioner, "A small portion of restless people asked Your Excellency for the jurisdiction of Government without the knowledge or wish of the whole of the Public, considering themselves the majority. I told you that proceeding in that manner would be the cause of general dissatisfaction. Your Excellency said you would take four out of five & I could make a memorial of what majority wished, which I did in a proper manner... when I told you the majority would not submit but would enter the wilderness Your Excellency said wh[illegible]ever we might go we should be considered as British subjects".

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The Governor and his party had not proceeded a mile along the road before one of the most respectable of the company overtook them saying that Sir Harry was not to suppose they were united in opinion in what had been expressed, for such was the want of confidence in one another and such the uncertainty whether an expression of contrary feeling by an individual would not bring on his head the vengeance of those in authority at the moment, that no one could muster sufficient resolution to speak out the feelings of the heart. A little farther on Jacobs and two more of the apparent leaders of the "Patriots" caught up with the party and a long discussion again ensued which ended in all being evidently in favour of the extension of British Government over them. Sir H. Smith in his letter to the Asst. Commissioners four years later thus describes this episode: "Having outspanned about three miles further on, I was followed by several influential men who had been present at the meeting and who besought me actually with tears in their eyes to establish a Government, declaring that many of them had not seen a church for ten years and that their children were without education and must otherwise become white savages. I naturally remarked 'Why did you not state this at the meeting?' to which they replied 'We were afraid; we fear one another; there is no confidence among us; there was scarcely a man at that meeting whose heart was not with the British Government! Thus urged I listened to their entreaty". / The High Commissioner's ideas upon the future of trans-Orangia now crystallized into the conviction that the Queen's Sovereignty ought to be established, but he had promised the Sand River meeting to delay the issue of such a Proclamation until he had seen "their great guide", Pretorius. [2]

Hurrying on from the Sand River district they passed through the hilly and marshy country of Liebenberg's Vlei towards the Drakensberg, where the heavy rains they encountered increased the ordinary rigours of the crossing and the arduous descent southwards, along the route followed by the Voortrekker, Piet Retief. A few miles before arriving at the Tugela River the Governor was met by Pretorius and several of the Emigrant farmers who rode out to pay their respects and to conduct him to the place appointed for the meeting. Diverging a little from the main road for the purpose of passing through the encampment of Pretorius' own family, Sir Harry witnessed a "truly heartrending scene" of sickly women and children of all ages crammed together in tents and wagons, not more than half sheltered from the wet, and all hurrying away from their valuable farms and other property fearing that a longer continuance in the district would cost them their lives; "altogether", wrote Sir Harry, "a state of misery which I never before saw equalled except in Massena's invasion of Portugal". [3]

Admittedly "the one great and sufficient cause of the migration" from Natal -hitherto-

1. C.O.S.36/78, 1/1/1852; C.O. 1417, Enc.D.13, 14/1/1852; also B.B.XV.2.16. C.O.1417, Enc.D.33, 16/2/1852, Asst.Commissioners to Smith, 25/1/1852: "Convinced Commandant Wessels not far wrong - only forty turned out on commando. Those influential people who met Your Excellency at Sand River wilful deceivers as they have since opposed Government in every way and now supplicate mercy and forgiveness".
2. C.O.1395, Manifesto, Enc.D.56, 30/3/1848, C.O.1454. S.D.17, 10/2/1848; Autobiog. P.592.

hitherto had been the operation of the occupation clause of the Proclamation of 1843, whereby the land rights obtained by the majority of these people were disallowed, but latterly other motives contributed. / Apart from such factors as the "supposed insecurity" of isolated farms among natives and the demands for surveying expenses and pecuniary fines, many were induced to leave by the previous removal of immediate relations and by the facility with which lands could be procured gratuitously by squatting beyond the boundary. The doings of Andries Spies and his fellow emigrants, however, had largely precipitated the crisis Sir Harry came to face. This section had got into difficulties with the Natal authorities and attempted to establish themselves independently of the British Government along the Klip River, situated to the north and between Panda's Zulus and the main body of the European inhabitants. When an order was issued calling upon them to come in and take the oath of allegiance within fourteen days under certain penalties, they became alarmed and decided to leave across the Drakensberg. The crop of rumours set in circulation alleged, first, that the Government was going to use the friendly Kaffirs against them, whereupon they sent one Niekerk to Panda for aid in vain and then, further, that Panda had hostile intentions towards them and was sending an army to take back these Kaffirs and many cattle. The whole community south of the Tugela became, in consequence, so violently distracted that the Lt.-Governor's published denial of these rumours emanating from the Klip River farmers, the special mission of J.N.Boshof, temporary R.M., to explain the Government's policy and the despatch of 100 military to the Bushman's River to restore confidence all proved equally unavailing.[2]

The large body of farmers collected together at the Tugela had appointed Pretorius their spokesman, and there was scarcely a dry eye as he addressed the Governor on the feelings of the people at leaving their farms and property to the mercy of whoever chose to take possession and as he referred, further, to the miseries before them in the wilderness of South Africa.[3] Sir Harry was himself much moved during the conversation that ensued. He endeavoured in every possible way to dissuade them from proceeding further and begged them to wait at least until they saw what he could do for them. All showed a great anxiety to return to their farms but stated their belief that the Governor would be unable to put matters in such a position as would render it safe for them to remain in the country. They expressed, moreover, a definite preference for the uncomfortable and dangerous journey into the interior and for dependence on their own resources and means of defence rather than -for-

1.C.O.1395, Enc.10/2/1848, D.17, C.O.1454. 2. See Cory Vol.V.Pages 80-94. R.131b/47 Spies tried to rope in Cdt. Kock and Lombard to join him in regaining Natal. C.O.1395, Enc. D.8, 18/12/1847. 3. Grahamstown Journal 19/2/1848. Cory V.117/8. He reached the Tugela 2 months to the day after his arrival in Table Bay as Governor. Truly a meteor! C.R.S. 31/209,5/2/1852,Pretorius to Asst.Coms.refers to this meeting.

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the British Government in Natal in the same condition and suffering evances they claimed to have endured so long. Fortunately, however, the [illegible] in spate and Sir Harry made the most of this opportunity for conversing h Pretorius and other intelligent Boers present, so much so that in the end a marked determination to await his measures was pretty evident. [1]

After practically two days' sojourn at the Tugela without any prospect of being able to cross, it was decided to return via Pretorius' camp and thence go round the sources of the river; but before reaching Pretorius' camp the party had to negotiate a "drooge spruit" that had been transformed overnight into a rushing torrent. For Sir Harry's passage Pretorius sent through a horse accustomed to the deep water whilst two span of oxen brought the baggage wagon across safely. Sir Harry's little wagon, familiarly called "Government house", seemed likely, however, to be swept away, whereupon several farmers rushed in to assist, shouting "Government house must come safe, it shall not fall, 'Government House' must not fall". [2] At Pretorius' camp rain again detained them temporarily but they pushed on nevertheless and, after a three days' detour across the sources of the river, reached a point opposite the great Tugela drift where they had been five days previously. In the meantime the fateful plunge had been taken for on the 3rd February, 1848, the Governor and High Commissioner published his Proclamation of the Queen's sovereignty over the land between the Orange and the Vaal Rivers and sent it to Pretorius. [3] "When I started for the territory beyond the Orange River in January, 1848, my desire was to withdraw if possible the troops as well as the Resident from Bloemfontein in order to contract and not extend the British dominion in South Africa'. 'The memorials however of the Boers, their reception of me, the miserable prospects of barbarism before them unless I interfered, the expressed desire of all the native chiefs, the formal treaty with Adam Kok, (every missionary's expression of satisfaction at the opening up of a field of labour with prospect of success) combined to induce the adoption of the policy eventually pursued, whereby churches, ministers, schools and teachers were provided". [4]

Unfortunately there was not complete unanimity later as to what actually transpired during the course of these conversations at the Tugela. The Governor noted that "although Pretorius was considerably excited by the refusal of an audience" at Grahamstown a few months previously, "his principles were honest and loyal as well to Her Majesty as to the Government" [5] and on the Governor's remarking, as they traversed the melancholy trend of recent events, "Ah, admit there are faults on both sides, but we are taught to forgive" Pretorius exclaimed with tears running down his -cheeks-

1. Grahamstown Journal 19/2/1848. Theal VII, P.242. 2. Grahamstown Journal 19/2/1848. R.164/49. 3. O.R.S. 31/209, 5/2/1852: Pretorius to Assistant Commissioners. R.138/48.
4. Smith to Asst.Commissioners 1/1/1852, C.O.1417, Enc. to D 13, 14/1/1852: B.B.XV. 2.16. Vide Preamble of Proclamation 3/2/1848. Eybers P.271; B.Rec P.159. Theal VII P.261 writes however "Sir H. Smith came to South Africa with a fully matured plan for the settlement of affairs north of the Orange". This is repeated by Egerton P.345. But see Walker P.240.
5. C.O.1454, D17. 10/2/1848. Pretorius' case C.O.1094 No.128 22/4/1848. Smith told Moshesh of his intentions P.50 above.

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cheeks, "If thy brother offend thee seventy times seven, forgive him!" [1] When Sir Harry produced his proposed draft proclamation of British Sovereignty over all the land beyond the Orange and agreed to Pretorius' request not to extend the Queen's authority beyond the Vaal but to leave the Mooi River for those who might disapprove of the order of things proposed c.f. [2], the latter "urged me to issue it and promised to explain to the Emigrants that he recommended it, as it would strengthen his hands to induce all to a system of rule". [3] The Governor had been prevented from sounding the opinion of those Emigrant Boers at the Mooi beyond the Vaal by the urgent need for his presence in Natal, whereupon Pretorius undertook to do this. According to the Boer leader's version "I found that His Excellency proposed to take possession of the whole of the country of the Emigrants with which I was much dissatisfied ... Sir Harry said 'Go to your countrymen and if the majority do not wish to submit themselves to British authority then I shall leave you and them unmolested'. His Excellency promised to withhold it until my return ... Reports of dissatisfaction at Winburg reached me in Sir Harry's presence as only 27 had seen him. For these reasons His Excellency withdrew the Proclamation to Vaal River and promised that no Magistrate would be sent to Winburg until I should return". [4] Pretorius' previous correspondence, [5] particularly on the eve of the Tugela meeting reveals admittedly a certain, yet not hopeless, despair "God gaf dat er soo eenen verandering komp dat wy tog ons land en deurgekogte good moogen bewoonen, dog onder den tegenwoordiege bestier wilde geen boer het land bewoonen dan beschoud ik het land als reets verlooren", but there is no vestige whatever of discourtesy towards the authorities, or an intention to be disloyal. [5] Moreover, in order to make that much desired return to their farms immediately possible, but without appreciating the deep significance of Pretorius' "imaginary grievances", Sir Harry appointed him to a seat on the Natal Land Commission in terms of his Proclamation of the 10th February, 1848. [6]

Pretorius' actions conflicted with his undertaking to Sir Harry and evoked the Governor's regret a few months later, "After my frank conduct towards Pretorius I candidly admit I expected assistance in establishing a Government" [7]... "Although I could perceive to what his ambition tended .. I was induced to place confidence in his promises". / It is difficult to reconcile Pretorius' loyal protestations and the urgent nature of his mission to Pottinger as the Natal Boers' deputed leader and "als een rustige Britsche onderdaan" with that rather long drawn out journey to Grahamstown and back during which he appointed Commandants and Field Cornets in Transorangia! [8] His chagrin at the Governor's refusal to see him is understandable but, instead of hastening back to the aid of his family seeing that he was fully aware of their misfortunes and dire distress, he chose rather to hold "seditious meetings" and then to make futile personal visits to the Zulu chiefs, Zikali and Panda, for aid against the Government. [9] Pretorius' change of front is in striking -contrast-

1.C.O.1454, D.106, 26/7/1848; B.B.XVI; R142/48, Smith to Potgieter 28/5/1848.
2.C.O.1454, D.146, 23/8/1848. 3.C.O.1395, Manifesto 29/3/1848, Enc. D.56, 30/3/1848, also see D.63, 10/4/1848. 5xC.O.1076 Nos. 130, 131, 133, R128/47; C.O. 1071/109, R133/48. Natal Witness 3/7/1847. 4.Pretorius to Asst.Commissioners 5/2/1852; O.R.S.31/195.209; quoted by Preller P.343. 5.Pretorius to Howell 31/1/1848, C.O. 1076, No.135. 6.J.A.Boshoff accepted and Mr.J.P.Zietsman took Pretorius' place Theal VII,P.243. Sir Harry even waived the taking of the oath of allegiance to keep them in Natal. 7.C.O.1454,D.87,22/5/1848. Vide also R138/48,Smith to Pretorius 12/2/1848. See pages 70-below. 8.Pretorius vs Jacobs R189a/49.O.R.S.31/209. R.127-8/47.
9.Theal VII,P.242.GoryV pp.76,116,135, C.O.1076,26/1/1848. R.128/47. See p. 41 above.

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contrast with the Governor's frankness and this opinion was expressed in writing subsequently by Pretorius' friends, L.H.Meurant, J.M.Howell and J.N.Boshoff. [1]

On the 3rd February, 1848 then, the Governor and High Commissioner proclaimed "the sovereignty of Her Majesty the Queen of England over the territories north of the Great Orange river, including the countries of Moshesh, Moroko, Molitsani, Sinkonyala, Adam Kok, Gert Taaybosch, and other minor chiefs, so far north as to the Vaal river, and east to the Drakensberg; with no desire or inclination whatever on the part of Her Majesty to extend or increase her dominions, or to deprive the chiefs and their people of the hereditary rights ... but on the contrary, with the sole view of establishing an amicable relationship with these chiefs, of upholding them in their hereditary rights, and protecting them from any future aggression, or location of Her Majesty's subjects, as well as of providing for their rule and the maintenance of good order, and obedience to Her Majesty's laws and commands on the part of those of the Queen's subjects, who, having abandoned the land of their fathers, have located themselves within the territories aforesaid: and I hereby proclaim, that all the chiefs of the territories aforesaid are under the sovereignty of Her Majesty, as the paramount and exclusive authority in all international disputes as to territory, or in any case whatever tending to interrupt the general peace and harmony of South Africa: but that their authority over their own tribes shall be maintained, as well as their own laws, according to their customs and usages ... All Her Majesty's subjects within the territories aforesaid, shall be governed by the laws, ordinances, and proclamations framed, and to be framed, for Her Majesty's colony of the Cape of Good Hope, and they shall henceforth be in full possession of the rights of citizens of the said colony, and municipalities, corporations, and other privileges shall be granted to them, as their increase and improvement require.

And I do hereby proclaim that Her Majesty's Government assumes the responsibility to the chiefs, as regards their just indemnification for all lands now occupied by these Her Majesty's subjects, upon the latter paying an annual quitrent, according to a schedule which shall be established by a Commission appointed for the purpose, and upon the condition that every able-bodied man turns out in the defence of Her Majesty, and her allies, either with arms, or as special constables, as may be required by the British Resident and Magistrate.

The appropriation of these quitrents shall be: Firstly, for the fair and honest remuneration and indemnification of the native chiefs, in lieu of any and all contracts or leases entered into by Her Majesty's subjects, so that no breach of faith shall exist, in the case of an agreement entered into by Her Majesty's High Commissioner with the great chiefs Moshesh, Moroko, Sinkonyala, Adam Kok, and others: Secondly, for the defraying their own expenses of their own government,... and for bearing the expense of sending into Colesberg all criminal cases which must be tried before the judges ... Every trader ... shall pay an annual license of £50.. and all sums which thus accrue, and whatever surplus remains of the sums collected as quitrents, after the payment of the indemnification to the native chiefs for the lands, and the expense of the government aforesaid, shall be vested in a fund, under the control of a Commission, composed of members of the Dutch Reformed Church, appointed by Her Majesty's High Commissioner, for the erection of churches on such spots as may be selected and sanctioned, and for the provision of ministers, and hereafter for the erection of schools and for their maintenance, for the improvement of roads, etc., all for the exclusive benefit of the population north of the Orange river. And whatever sums may be subscribed for the erection of any church or churches, as Her Majesty's High Commissioner I pledge myself to advance on loan an equal sum ... All the missionary stations within the territories aforesaid to be under the special protection of Her Majesty the Queen of England ...God Save the Queen!" [2]

The next week at Pietermaritzburg Sir H.Smith proclaimed the measures that he considered necessary to stem the contemplated exodus from Natal. [3] That portion of the Proclamation of the 25th October, 1847 requiring the oath of allegiance was annulled. All of the original Emigrants who could show a reasonable claim by grant, purchase or otherwise were to be put in possession of good, extensive farms, not

-exceeding-

1. See Page 85 below. R.164/48, 12/1/1849. Pretorius alleges Smith endeavoured to bribe him! See G.Joubert C.O.1094, No1 36.
2. Eybers Pages 270 - 3; Bas.Rec. 1/159 - 161; R.136/48; O.R.S. 37/7; Enc.D16, 3/2/1848.
3. Grahamstown Journal 19/2/1848; Cory V.122; Theal VII, 243. Proclamation dated 10/2/1848; Govt. Gazette 24/2/1848.

exceeding 3,000 morgen each.[1] In order to allay the dissatisfaction caused by the native locations and squatters being intermixed with the original Boer occupants of the land, Sir Harry ordered the removal of the former and the establishment of a distinct line between the two different races of Her Majesty's subjects. For these purposes he appointed a Land Commission consisting of Col.Boys as president, D.Moodie, J.N.Boshof, A.W.J.Pretorius and Capt.Kyle as Secretary, and directed that the most liberal construction was to be given to the interpretation of all claims and applications received, whilst the Lt.-Governor was required to carry out all the suggestions of the Commission as to land and locations, subject to the approval of the High Commissioner.[2] Similarly all the original occupants of the Klip River farms were to continue in possession but no military protection would be afforded them "so long as peace was maintained upon the sure footing of a just understanding". Sir Harry assured them that no one could be more amicably disposed than the chief Panda, but promised that whenever any cause for alarm arose due notice would be given, to prevent evil-disposed or timid persons circulating groundless rumours or vexatious lies, and, further, that in the event of war or any real cause of apprehension, the Government would take measures for general defence. He promised that a military post would be established at the Bushman's River, churches and schools built, and diagrams and titles to land given as soon as possible. Finally he invited all those situated in distress on the Drakensberg to apply for farms from the Land Commission and urged the whole population to place that confidence in Her Majesty's Government as the government desired ever to place in them.[3]

In a lengthy despatch from the Tugela to the Secretary of State for the Colonies, the High Commissioner defended his policy beyond the Orange.[4] After revealing the merits and limitations of Transorangia as a pastoral and agricultural country and describing the Emigrants' unsettled and unorganized state of society owing to their lack of confidence and insecurity of land tenure, Sir Harry explained that he felt impelled to intervene in such "unparalleled" circumstances, the more especially as they had appealed to him in their helplessness.[5] He hoped that his settlement of such a complicated situation would protect the interests and promote the future welfare, on a just and impartial basis, of both the Europeans and the natives alike.

While claiming that his intervention beyond the Orange but little altered Sir P.
1.D308,23/4/1849 Grey was opposed to the grant of huge tracts of -Maitland's- land to a few individuals as this "would involve the necessity of dispersing future settlers over a wide extent of territory with all the evils resulting from that dispersion". Smith no doubt felt that the Boers would not stay in Natal if farms were too small as they were pastoralists and accustomed to extensive farms & not intensive agriculture. D17, 14/2/1849. 2.R140b/48 Pretorius' refusal. 3. Edward Chiappini purchased in Jan.1848 66,000 acres registered by H.M.Coms. in 1843 at the rate of 1½pennies per acre & on 12/2/48 sold 50,000 acres at 1/- per acre owing to the confidence in Smiths measures-Enc. D.17 C.O.295. 4. D.16, 3/2/1848. RR X; Pas Rec. 1/1536; Hall & Morrell P.506. 5.Autobiography P.580 reply to Portsmouth address, he would extend the blessings of civilisation and Christianity if necessary.

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Maitland's arrangements, which had been tantamount to a virtual extension of British authority, the Governor regarded the establishment of the Orange River Sovereignty as a measure of border policy on much the same footing as his previous placing of British Kaffraria under the Queen's protection.[1] In this respect his belief in the policy of exercising control over the parts immediately beyond the borders had evidently been deepened by his experience in India, for he wrote "My position has been analagous to that of every Governor-General who has proceeded to India. All have been fully impressed with the weakness of that Policy which extended the Company's possessions. ..yet few, if any, have resigned without having done that which, however greatly to be condemned by the theory of Policy, circumstances demanded and imperatively imposed upon them".[2] Sir Harry showed also that he was aware of the existence of certain "patriots", but pledged himself for the loyalty of the great majority and assured Earl Grey, finally, that all the expenses of the administration would be borne by the inhabitants themselves.[3]

Similar sentiments characterized Sir Harry Smith's vindication from Pietermaritzburg of the Natal Proclamation of the 10th February, 1848 - "strong cases demand strong remedies, and under all the circumstances I feel on the most mature reflection that the Policy adopted in rescuing those, who have undergone the hard trial of seeing their families recently in comfortable circumstances enduring want and misery, is one which the liberal government of a free country will commend whether caused by a misguided course or otherwise".[4] On his triumphal return to Cape Town via Durban, Kingwilliamstown and Grahamstown all Sir Harry's subsequent despatches on the subject reiterate some or other of his motives and also his firm belief in the justice and soundness of the Proclamation of the Queen's Sovereignty, to allay the discontent which was previously so widely spread among the Emigrant farmers beyond the Orange River and to lay the foundation of future happiness, contentment and education among them.[5] "The Dutch population", he informed Earl Grey "are overjoyed by the Policy I have pursued connected with their expatriated countrymen and I may say it has given universal satisfaction throughout the Colony. I have taken care to point out that, as the Sovereignty of Her Majesty now extends over the territories to which so many have trekked, no one shall in future leave the Colony in the expectation of a location ... and that the inhabitants within the Colony are far more happy than those beyond its border and have many more opportunities of improving their condition. I pray your Lordship to regard this power of checking emigration as the offspring of the Policy pursued beyond the Orange River".[6]

Finally in his Minute to the Legislative Council, the Governor gave his assurance that the measure was not suggested by any desire to add to Her Majesty's territorial possessions, "for no man is more opposed to such a measure than I am, but by a choice of evils, arising out of the natural and necessary consequence of the emigration of a number of British subjects into the country north of the Orange River and was adopted at the request, and with the concurrence of the several native chiefs and at the Emigrants' own request also".[7]

The Secretary of State for the Colonies in his despatch to Sir H. Smith's

1. 10/1/1852 KWT, Godlonton Correspondence. "The Friend" 10/2/1853.-predecessor-Hoffman's remarks in Correspondence Burnet to Clerk Vol. I, P. 301. 2. Autobiography pp. 478-487. Theal III, P. 261 says: "He came to South Africa with a fully matured plan for the settlement of affairs north of the Orange". 3. C.O. 1454, D 105, 20/7/1848. 4. C.O. 1454, D. 17, 10/2/1848. Q.R.S. 36/10, 10/2/1848, Smith to Panda regretting he could not see him but referring to the friendly relations between the Zulu Chief and H.M. Queen of England. 5. C.O. 1464, D. 63, 10/4/1848. Colesberg Records Vol. 52, Letters received Clerk of the Peace for circular March 1848 re proposed Equestrian Statue to the "Great Pacificator"; Cory V. P. 123. Colonial Press strong in support of his policy. 6. Vide Zuid Afrikaan 22/5/1848, 3/4/1848, Het Kapsche Grensblad 22/4/1848, S.A. Commercial Advertiser 26/2/1848. 7. D 132, 12/9/1850, B.E. XV; "The Friend" 30/9/1850.

predecessor was obviously committed to some form of intervention on behalf of the Natives beyond the Orange.[1] His somewhat reluctant confirmation of the extension of the new Colonial frontiers to the Keiskama in the East and to the Orange in the North, in deference to the Governor's information on the spot, coupled with the observation that it was a "subject of much regret to me", shows that Earl Grey did not favour annexation but preferred, for instance, his somewhat impracticable scheme of imposing a heavy assessment on all cattle and sheep pastured within a belt of frontier territory along the boundary for the purpose of supporting a border police who could also, incidentally, keep intending Emigrants within the Colony![2] It must not be imagined, however, that Earl Grey had any delusions about the Natives. In his opinion they were in the main fierce savages living under little restraint and delighting in war and plunder, but he believed in the efficacy of religion and education as a means of civilizing them. Moreover, he felt that though the Natives were frequently the aggressors the colonists themselves, both Dutch and English, were not free from blame, "hence it does not seem to me that it ought to be left to the settlers to determine for themselves what measures should be taken for their protection". Just as, therefore, he regarded the good government of the colonists as obligatory upon the British Government, so too "it appears to me to be the duty of this country, and a duty it is bound by the most sacred obligations not to shrink from performing, to endeavour to work out this result instead of deserting the responsibility we have voluntarily undertaken by acquiring dominion and settling a large body of British settlers in South Africa".[3]

From the time that the Great Trek began and produced in its train far-reaching transfrontier problems, no less than six successive Secretaries of State for the Colonies had been responsible for directing the destinies of the more than forty Imperial possessions in their charge.[4] They were by no means equally well acquainted with all the details of their trust, but Earl Grey, the last comer to office, set a high standard of application and approached his task as an earnest and conscientious student of the subject. He had shown himself perfectly conversant with the stages whereby the Colonial Governors had been drawn reluctantly across the Orange and how hitherto they had attempted in vain, without the unequivocal assertion of British authority, to establish such a stable state of society in Transorangia as would satisfy all parties. Moreover he had realized the increasing difficulty of reconciling the claims of powerful humanitarian interests in the welfare of the Natives with the persistent cry for economy in colonial administration. He had seen how in the first place the Cape of Good Hope Punishment Act, 1836, had denied the right of British Emigrants to renounce their allegiance and emphasized their liability for offences -committed-

1. See P. 42 above. 2. C.O.1339, D.108, 31/3/1848; B.B.X.3.29.
3. Bell and Morrell P. 523. Draft among Howick papers.
4. Speeches of Sir W. Molesworth pp. 202 and 237.

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committed up to 25° S.Lat. without providing any effective means of enforcement.[1] He was aware that the Napier Treaties, 1843, attempted to safeguard the Natives as sovereign possessors but ignored the land claims of the Europeans, a defect which Sir P.Maitland endeavoured to make good by permitting the Emigrants a limited propertied interest under the surveillance of a British Resident, while otherwise maintaining the status quo ante as far as possible; a scheme which did not involve any apparent drain upon the Colonial treasury, but neither did it beget the much desired peace and contentment.[2] Further developments were clearly foreshadowed by his establishment late in 1846 of the High Commissionership with all its implications.[3] Accordingly, when Sir H.Smith availed himself of this office to place the relations between the Europeans and the Natives on the sounder basis of an organized system of government, and to resolve the intricate questions of land tenure, his action merited his superior's favourable consideration.

The Secretary of State's Minute upon being apprised of the Governor's Proclamation of the Orange River Sovereignty is worthy of record: "The measures reported in these despatches are calculated to excite some alarm but the policy upon which Sir H.Smith has acted, though daring and probably dangerous, is, at the same time, vigorous and founded upon very large views; there appears also to be good ground for his assertion that the adoption of this policy was imposed upon him by absolute necessity. I certainly should have preferred that the British territory in South Africa should have been contracted instead of being enlarged, but I am inclined to believe that practically its enlargement was inevitable. Without the interposition in some shape or other of the British authority, the extensive regions bordering on the Colonial territory would have been given up to anarchy and bloodshed, and these disorders must have extended within the colonial boundary and occasioned in our territory constant insecurity and disorder. To avert this Sir Peregrine Maitland had been compelled to appoint an officer to exercise such extensive powers beyond the boundary as virtually to amount to an exercise of Sovereignty, and such being the case I think it may be fairly inferred that it was better that this Sovereignty should be openly and avowedly assumed and the means thus obtained of more perfectly organizing the system of government adopted for the establishment of security. Assuming the necessity to have existed, the measures of Sir H.Smith appear well adapted to the great end of rendering this extension of territory the source of as little inconvenient responsibility as possible. The principle upon which he has acted is the wise one of not attempting to create a complete system of government such as would be adapted to a more advanced state of society, but he has skilfully endeavoured to give somewhat more regularity and greater strength to that rude system of government which has grown up of itself amongst these people from the necessity of their position, and has merely provided for giving them the assistance which they really required chiefly for the purpose of settling their disputes amongst themselves by the interposition of an authority to which all the different races of men who are brought into such singular relations with each other look up with respect. But the management of their own concerns - together with the duty of providing for their own defence and for the payment of the expenses of that system of government which is established among them is thrown entirely upon the Emigrant Boers and the Native tribes among whom they have settled. This is a policy which upon the whole, I believe to have been the best that could have been adopted, and which at all events, having been adopted, it is obviously impossible now to abandon - all that remains to be done therefore is to give it the best chance of success by supporting Sir Harry Smith in what he has done".[4] Loyally then Earl Grey instructed his diffident

1. R 143/48 Smith to Potgieter 22/6/1848, "Gy syt allen, en moet voor altoos blyven, Britsche onderdanen". 2. See page 21 above, and page 25. 3. See P. 34 above.
4. 2/6/1848 Bell and Morrell P.510. This minute, which was naturally not seen by Smith, met with the stiff opposition of the Parliamentary and Permanent Under Secretaries who watered it down to make the official despatch D. 147,21/6/1848 - vide De Kiewiet pp. 32 - 33.

and doubting Under-Secretaries to embody the gist of these views in a despatch to the High Commissioner sanctioning his measures with the "distinct warning", however, that the duty of providing their own defence and expenses of government should be borne by the Emigrant Boers themselves and the Native tribes among whom they were settled. [1]

The approval of the measures of Sir H.Smith naturally added more fuel to the fire of biting criticism and telling gibes from the Parliamentary watchdogs already incensed at the continued increase in the Army Estimates at the Cape. [2] Earlier in the year, when the House was in Committee of Supply on the Budget and the Chancellor of the Exchequer asked for £1,000,000 to defray the charges of the Kaffir War, even quoting from Sir P.Maitland's despatch on its apparent inevitability, Sir W.Molesworth expressed his belief that the necessity for armed assistance arose entirely from the mismanagement of the Colonial Office. [3] Moreover both Cobden and Bright strongly censured the increased expenses, and the latter remarked that it was all very well to talk about "this great Empire" but for his own part he could not help thinking that, unless the colonies and dependencies which were united to England were inhabited by a free, happy, contented and prosperous population, it would be better to abandon the thought of colonies and dependencies altogether. [4] Later, some time after the confirmation of Sir H. Smith's additions, Hume claimed there could be no pretext for Sir Harry's "act of aggression and spoliation" in taking possession of the land north of the Orange River, seeing that the "Attorney General had said it was not a colony by conquest, cession or settlement". [5] When the Parliamentary Under-Secretary, Benjamin Hawes, explained that Sir B.D'Urban had thought it necessary to the defence of the frontier that British authority should be extended beyond it, and that Sir H.Smith had taken precisely the same view, Bright commented that it was "one of the most unfortunate features of our Colonial Government that we either sent out a military man as Governor or, if a civilian, some one who had a bad banking account"!

But Sir W.Molesworth's oration of the 25th July, 1848 in support of his motion for a reduction of Colonial expenditure and a reform of the whole system of Colonial Government provided the pièce de résistance. In the course of his remarks he claimed that the last Kaffir War provided "a striking instance of the pranks that Colonial Governors can play, of the little control that the Secretary of State for the Colonies can exercise over them, and of the danger to which this country is perpetually exposed under the present colonial system, of having vast sums of money expended upon a worthless colony. The Cape of Good Hope is the Algeria of England.. Sir H. Smith in addition to other marvellous feats has made the Kaffir chiefs kiss his foot, has proclaimed himself their only Inkosi Inkulu (great chief) and has added, on the north of the Colony, some 40,000 square miles (about the size of England) of as barren a desert (to use the words of the Surveyor General) as is to

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1. C.O.1339, D.147, 21/6/1848; B.B.X. Caution that Quitrents should not be allowed to fall in arrears . Grey's despatch was paraphrased and published by Smith in Govt. Gazette 5/10/1848. Grey acted against his own better judgment according to Hansard CXXXIII P.71. 2.Hansard Vol.XC,1847 P.635. 3. Hansard Vol. XCVI 1847-48,P.930 & P. 1375 and Vol. XCVII, 1849-48 P.1173. 4.Hansard Vol.CXVII,P.1185. Vide Speeches ed. Thorold Rogers Vol.II P.397, 368-9, 387-8. 5.Hansard Vol. CXVII/51 P.247 et seq.

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be found upon the earth's crust. Thus the loss of one axe and two goats on the frontier of the Cape of Good Hope has cost this country a couple of millions sterling. I attach no blame to Lord Grey or his predecessor on account of this war; it is clear from their despatches (I trust they will pardon me for saying it) that they were helpless and ignorant ... There is but one means of securing our purses for the future, namely by withdrawing our troops from the frontier, and letting the colonists distinctly understand that they must defend themselves and pay the cost of such defence ... In return for so doing they should receive free institutions, and have complete control over their own expenditure. Then a thousand troops would be a sufficient garrison for Cape Town", and the saving could be devoted to emigration. / Truly it was doubly necessary that the Secretary of State for the Colonies and his High Commissioner in South Africa should tread warily!

Within a few days of his return to Cape Town the High Commissioner issued a Proclamation defining the provisional form of government for the Orange River Sovereignty.[2] The British Resident, Major Warden, in the absence of the High Commissioner was to be the paramount authority and the President-in-chief of all boards or commissions, with Bloemfontein as his headquarters and the seat of his magistracy. At Winburg and in the neighbourhood of the Lower Caledon River respectively were to be stationed two other Civil Commissioners and Magistrates, (a combined office), each having a staff of one clerk and two constables. In their capacity asCivil Commissioners they were to be responsible for the collection of the quitrents, licence monies, fines and all sources of state income and had to render quarterly accounts of revenue and expenditure for publication in English and Dutch. As Magistrates they were required to keep a daily record of their proceedings, cases and decisions and also to transmit a quarterly summary to the High Commissioner for further scrutiny. Persons charged with the commission of more serious crimes were to be sent to Colesberg for trial before a judge of the Cape Colony, whilst it was expressly laid down that no person of colour was ever to be employed in serving summonses, or in the execution of any process of law, nor were any of the military stationed at Bloemfontein to be employed in matters of a civil nature.

A Land Commission was also constituted for the Sovereignty and comprised the British Resident, as President-in-chief, assisted in each district by the Civil Commissioner and Magistrate, who was to preside in the absence of the British Resident, two land surveyors, one elected Burgher and the Magistrate's clerk as Clerk of the Commission. Its first duty was to divide the Sovereignty into three districts to be called Bloemfontein, Caledon River and Winburg respectively, and each district into field-commandantships and field-cornetcies, the selection of -persons-

1. Vide Sir W.Molesworth's Speeches e.g. Speech of 60 pages, P.154-215, 165, 168,169
2. Proclamation 8/3/1848, C.O.1395, Enc.D.31/2, 11/3/1848; O.R.S.37/13 & 14; Govt. Gazette 9/3/1848. Draft,O.R.S. 42; O.R.S.37/11, on his return to Cape Town Smith issued a Govt.Notice declaring Saturday 25/3/1848 a Day of General Thanksgiving to Almighty God for the restoration of Peace throughout H.M.'s possessions in South Africa - with exception of Natal for which he appointed 22/4/1848. Proclamation 8/3/1848 in Rybers pp. 273-5. See Theal VII, p.268 & Cory p. 142,Vol.V

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persons for these posts to be made by the majority of the people over whom they were to exercise authority.[1] This done the Land Commission was instructed to take a census of the population, inspect and register each farm, determine the amount of quitrent from a minimum of £2 to a maximum of £8 per annum, issue certificates of valid title, and to have the final decision of complaints concerning land outside the reserves.

With the promulgation of the new régime the Burghers (i.e. those outside the reserved area) were reminded that owing to the arrangements with the native chiefs they held their lands thenceforward from Her Majesty in perpetuity and not on a 40 years' lease as formerly upon the express condition that they paid quitrent and that every able-bodied man turned out in defence of Her Majesty and her allies whenever required by the British Resident and the Magistrates.[2] All the officials were strictly enjoined to "use every consideration, benevolence and patience towards all sections of the community", to employ "plain dealing, consistency and honesty of purpose", "to treat no man's opinion with contempt" and to see that "all must be equally protected".[3]

Sir Harry Smith anticipated that the Quitrents and Licences to traders would realize from £5,000 to £10,000 per annum and gave the expenses of Government as £4,344. He assured the Secretary of State that the Revenue would be managed with the greatest possible economy and the surplus appropriated for the exclusive benefit of those who contributed towards it across the Orange, e.g. for the provision of schools, churches, markets, nursery gardens, weekly postal services, etc. The expenses of Government were arrived at in the following manner:-

	£
British Resident at Bloemfontein	600
Forage for 2 horses	54
Clerk to British Resident	150
Civil Commissioner & Resident Magistrate at Winburg	400
Clerk to ditto	150
Civil Commissioner & Resident Magistrate at Caledon River	400
Clerk to ditto	150
Two Surveyors at £300 each	600
Six constables at £50 "	300
Keep of six horses at £20 each	120
Share of Post Office establishment	150
Expenses extraordinary for sending expresses or prisoners to Gaol at Colesberg	200
Amount to be paid to Adam Kok	300
Presents to chiefs	200
Three Field-Commandants at £30 each	90
Twelve Field-Cornets at £15 each	180
Hire of Public Offices, Printing and Sundry Expenses	300
	£ 4.344 [4]

The next day Mr. Montagu, the Colonial Secretary, advised the Auditor-General that all expenses connected with the office and duties of the High Commissioner would be defrayed by loans effected from time to time upon the Colonial Treasury and -thereafter-

1. See also Smith's assurance to Potgieter R143/48. 2. Vide Proclamation 3/2/1848 above
3. C.R.S.42/113(a) & (b) Smith's instructions for Biddulph - "Each magistrate will write by every opportunity direct to the High Commissioner on the state of their districts generally, will communicate with all missionaries in the most cordial manner and keep up a constant communication with the great chiefs Moshesh, Moroko, Molitsane, Adam Kok, Sikonyela etc."4.C.O. 1395,Mm.D.31/2,11/3/1848.

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thereafter repaid from all the revenues collected from the territories beyond the Colonial boundary placed under the Queen's Sovereignty.[1] He was instructed to keep a distinct and separate account of all payments made from the loans alluded to and similar instructions, to take effect from 1/1/1848, were issued to the Treasurer General. It was the duty of the Secretary to the High Commissioner, Mr. Southey to transmit all accounts connected with this Commission to the Auditor General and to certify all abstracts and other documents relating to it before any payments could be authorized or made for expenses incurred. The expenditure enumerated in detail above plus the salaries of Mr. Southey (£600) and a Native interpreter (£200), forage for two horses (£64), cost of six horses, saddles, etc. (£120) - was sanctioned and the Auditor General authorized to pass the necessary abstracts, provided the items contained in them did not in the aggregate exceed in each year the amount stated for each head of service inserted.[2]

Sir Harry admitted that he had framed merely the outlines of a system, which would work itself into maturity, its wants being supplied as they shewed themselves; but he felt that the less it was "shackled with legal technicalities and subtleties", the more simple it was, "hence the more comprehensible and better calculated for an infant society".[3] In his insistence upon a simple framework of society the Governor trod upon firm ground, but certain contentious passages embodied in his Proclamations presaged trouble sooner or later. Sir Harry Smith failed to foresee adequately the quagmires into which an unacceptable policy on those contentious questions would lead his Provisional Government and persistently ignored all warnings of the danger, taking no practical steps to remove or avoid them - therein lies the real tragedy of the failure of the Orange River Sovereignty. The High Commissioner's flying visit, "passing like a meteor" across the land, was understandable in view of the need for his presence in Natal, but had he returned overland and in more leisurely fashion he might have perceived in what respects his original arrangements were diametrically opposed to the fundamental interests of both the Europeans and the Natives,[4] and -thereby-

1. C.O.1094, No. 65,9/3/1848. According to a draft of this Proclamation of Provisional Government 8/3/1848 in Sir H.Smith's own handwriting (O.R.S.42/94) and another in Southey's hand and signed by Smith in pencil (O.R.S.42/112) provision was made for a Collector of Quitrents (in addition to the British Resident himself) who was to act also as Treasurer and to receive the amounts derived from licences, transfers, fines & monies which might arise as the Revenue of Her Majesty's subjects beyond the Orange. This collector & Treasurer was to publish quarterly in English & Dutch an account of all monies received & the disposal thereof that all might be made acquainted with the state of the funds (In Smith's draft this was to be done annually & the official was also to preside on the Land Commission). The provision for such an additional official was however deleted & the idea very unfortunately dropped, no doubt on the ground of expense. 2.C.O.1339, D.126, 17/5/1848, Grey specified that the Secretary should be paid out of Colonial Funds. 3. C.O.1395, Enc.D.31/2, 11/3/1848.
4. Bas.Rec.I. p.574, H.Green, 18/6/1852. L.Meurant 1/4/1848 in Southey's papers. Vide Egerton p.346.

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thereby have avoided endangering the future welfare of the new state and incurring a deluge of troubles for himself besides. Sir Harry was not unfamiliar with the Dutch settler on the Eastern frontier but he had little knowledge of the peculiar character of the Voortrekkers. In any case both types preferred to talk at length and smoke a few pipes over anything that bothered them, and very great tact was required in their management.[1] Dissatisfied with the Government's policy towards all persons of colour, these Boers, as we have seen, had decided to leave the Colony partly in ignorance of their rights as British subjects as to the length they might constitutionally go to obtain redress in petitioning and remonstrating, and partly from their love of elbow room and the wide open spaces to which they could remove with the expectation of less interference. Hence the success or otherwise of the Orange River Sovereignty depended more than all else upon the nature of the relations to be maintained between the Europeans and the Natives and the means of acquiring land.

The following observations of Dr.P.J. van der Merwe should be borne in mind: "Onder die boere van Trans-Oranje was daar loyaliste, draadsitters en republikeine, maar op politieke gebied was die meeste van hulle maar baie lou. Hulle het in die eerste plek belanggestel in hulle plase en was begerig om hulle posisie as grondbesitters te konsolideer. Hulle trou was afhanklik van omstandighede van die oomblik, en hulle was nie bereid om enigiets te doen wat hulle grondregte in gevaar sou kon bring nie. In 1842 kon Hocke by Allemansdrif Oberholzer se party verontagsaam en sonder oppositie sy baken op die wal van die Oranje plant. Maar aan die ander kant was daar selfs in 1848 bitter min boere in Trans-Oranje wat bereid was om vir hulle onafhanklikheid te veg. Boomplaats het dit bewys."[2]

Among the unpopular features of the Proclamations was in the first place the anomaly of proclaiming the Queen's Sovereignty over all the land and its inhabitants between the Orange and the Vaal (not quite in conformity with the Agreement made between Smith and his "ally" Moshesh at Winburg), reserving to the native tribes their own government, subject only to the general protection of Her Majesty, while the Europeans were to be brought under regular institutions.[3] The sounder course at that time would have been to limit such paramount authority to the protection of the Emigrant British subjects and the maintenance of a just and proper boundary line between them and the native chiefs, leaving the latter to settle their own "international" and other prolific disputes. The fact, too, of the missionary institutions being placed under the Queen's protection and the circumstance of their being situated close to the kraals of the native chiefs, usually the principal point of attack in tribal forays, was fraught with potential and undesirable complications. Then and of more immediate interest at this stage, Sir Harry's proviso that every able-bodied man held his land upon the express condition that he turned out in -defence-

1. C.O.1095, 31/9/1848, 136. C.S.Halse thus describes Sir H.Smith "He takes one so shortly - 'I wish you would come to the point and answer Yes or No'."
2. v.d.Merwe p.378 "Maar ten spyte van Hocke se sukses het die suiwer republikeins ideaal tot diep in die jare veertig nog nie in Trans-Oranje tot ontwaking gekom nie".
3. C.O. 1339, 21/6/1848. Grey Confidential.

defence of Her Majesty and her allies was to be exploited to the full by these Voortrekker Boers who were not in sympathy with his assumption of rule over them. Further, the non-provision of an Executive Council including Boer members, which would have been in keeping with the views of Grey's private minute,[1] was a very serious omission. Such a body would have helped materially to retain the confidence of the European population and to give guidance in matters of policy to the British Resident, who was already faced with the unfamiliar and pettifogging details of financial administration.

The High Commissioner had undoubtedly won the esteem and the confidence of the loyal Emigrant boers as well as the many waverers beyond the Orange who preferred a regular government, with a minimum of state interference and taxation however, to a continuance of the previous alternating misrule and absence of law and order. It must not be supposed, of course, that a state of anarchy amongst the Boers in a country admirably exposed to it geographically was such a curse as in certain European countries in that year 1848. There were no broken heads or murders, no infernal machines or indiscriminate shootings of white persons, nor any likelihood of serious danger to life or property unless some one deliberately went out of his way to thwart those temporarily in the seats of the mighty - in any case a Boer could always trek away! But the mutual distrust and jealousy of the Boers and the Griquas and other natives, and their susceptibility to that lying jade, Rumour, magnified every trifling incident and frequently sent whole communities scuttling for safety into laagers on the slightest provocation.[2] On the other hand little recorded crime was committed and law suits were few. The Landdrost married the young men and women, gave them rights to farms, as long as there was land to give, arbitrated in cases and collected his fees.[3] On the whole simple equality reigned, every man did as he liked and paid no taxes, the creditor waited for his money when he had been so rash as to give credit and the honest debtor paid as soon as he could! Nevertheless this retrograde state of society with its pathetic lack of religious, educational and other essential services, savoured rather of the very negation of that security which was much desired by the well-disposed, for whom Sir Harry now offered a remedy and a ray of hope. He at least stood for the rule of law.[4]

The High Commissioner's natural optimism and his sincere belief, moreover, in the efficacy and popularity of his measures on behalf of the Emigrant boers did not -entertain-

1. See page 61 above. 2. Report of Rev. A.Faure 4/1/1844, Dreyer "Die Kaapse Kerk en die Groot Trek" p. 58 et seq. 3. When he functioned at Winburg!
4. Owing to the exigencies of his situation the Frontiersman has been prone to take the law into his own hands and to develop an "Isolation complex" with its partisanship and coarsening effect. The use of force and intimidation was not uncommon, as we shall also see in the O.R.S. 5. A state of passive anarchy.

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entertain any possibility of armed opposition. The British Resident had no force worth speaking of to back his authority; against any resistance he would have to rely on what in reality amounted to an ad hoc volunteer levy. An embittered Warden recorded some years later that Sir Harry ridiculed his intimation that the Boers would try their strength with the new regime, remarking "the Boers are my children and I will have none other here for my soldiers. Your detachment will march for the Colony immediately" - leaving the Resident with three dozen Cape Corps amid a considerable Boer and native population.[1] On the other hand it seems somewhat inexplicable that the High Commissioner should have regarded the natives beyond the Orange as any different from those in Kaffraria about whom he wrote "all persons, my Lord, actuated by a desire to benefit their fellow creatures are in their efforts in the cause of barbarians enthusiasts ... but any expenditure upon abstract principles as regards the natives may be entirely thrown away ... they carry a two-edged weapon and one liable to cut either way. The presence of a European disciplined force is therefore indispensable".[2] In leaving no European troops in the Orange River Sovereignty Sir Harry no doubt acted also on the ground of economy and assumed the goodwill of Moshesh and the other chiefs, but however that may be he certainly took for granted the willing support of the Boers. "I am proud to say I had as much influence over the Boers as over (my children) the Kaffirs".[3] Supposing for one moment the Boers and the Kaffirs were his children, all the more reason for being prepared against the distinct probability of their kicking over the traces; but then Sir Harry never had any children of his own!

These decisions of the Governor and High Commissioner were prompted as much by his own over-confident optimism as by the laudable desire to comply with the Secretary of State's reminders of the "indispensable necessity of speedily and effectually reducing the heavy demands upon the British Treasury".[4] Earl Grey began by inquiring why no provision had been made for frontier affairs, seeing that the actual revenue at the Cape in 1847 exceeded the estimated revenue by over £15,000, and a fortnight later wrote that henceforward the Imperial Government would maintain a regular force just sufficient to garrison the seat of Government and some of the more important posts.[5] For the rest, the Governor's attention was especially directed to the organization of a local militia at the Colony's expense, as the liberality with which Parliament had provided for the heavy expenditure of the last Kaffir War, incurred for the protection of the colonists, precluded any further assistance from that quarter. In the same way, the Kaffir police, the military Villages, and all establishments for the protection of the Frontier and beyond, had to be supported out of Colonial funds and not by advances from the Commissariat chest.[6] Yet in spite of

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1. C.O.R.S.32/161, 20/9/1853; Bas Rec.II.p.67. Theal VII,p.267.
2. C.O.1454, D.26, 4/3/1848. 3. Vide also Autobiography pp.456 & 463. Lagden I,p.92 considers Smith was deluded by those he met into believing they represented the feelings of all their brethren in praying for his intervention. 4. C.O.1339,D.103,31/8/1848. 5. C.O.1339,D.100,17/3/1848. Sir W.Molesworth's speeches 26/7/1848 & 10/4/1851. 6. C.O.1340, D.141, 17/6/1848; B.P.X.3.80 ,D.159,19/7/1848 & C.O.1352,D.126,17/5/1849.

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all his increased and self-imposed responsibilities Sir Harry saw no cause for concern, assuring the Secretary of State that "Every act of mine has for its object Peace, Harmony, Tranquillity and Economy".[1] Accordingly he refused to despatch additional forces to Natal and cheerfully intimated his willingness to make further reductions in the troops in British Kaffraria.[2] He expressed his satisfaction too that the Colonial Treasury was able to provide the funds necessary for defraying all the expenses incidental to his policy in the Orange River Sovereignty, which the inhabitants would make good in due course.[3] The publication of his budget, however, was as indiscreet as allowing an opposing counsel to look over one's brief, for the idea of raising £10,000 a year out of the Sovereignty was in itself enough to induce not a few Boers to renounce the Orange River Sovereignty.[4]

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1. See Smith's instructions to Biddulph, Magistrate of Winburg (footnote p. 64): "In the outset some difficulty may be anticipated arising from a difference of political opinions, Common prudence, just forbearance, and a conciliatory deportment will however soon lead all in the way the majority now think and effect a state of things they so much desire. In the conduct of all magisterial duty Christian constables are to be employed and not natives. Neither can any aid of military ever be requisite or tolerated". And Southey to Biddulph, O.R.S. 32/45, 8/6/1848: "It cannot be expected that in a country where for so many years the people have lived in such an unsettled state, a regular form of government can at once be acted on. The misfortunes of the people among whom you are placed induced His Excellency to extend the benefits of an organised government to them with the intention and desire that the magistrates appointed by him should carry out the measures adopted by kind and conciliatory means on all occasions as expressed in His Excellency's instructions of 23rd March".
2. Sir H. Smith was too optimistic. C.O. 1349, D. 38, 14/5/1853; B.B. XIII, 2.244: at the end of the 8th Kaffir War the Secretary of State laid down that the military establishment should not exceed 4,000 (Smith kept 1,700) with head-quarters at Grahamstown and a garrison of 800 at Cape Town, apart from a Colonial militia of 5,000 men.

1. C.O.1454, D. 99,24/6/1848. 2. C.O. 1396, Encs. D.100 26/6/1848. He saved £4,000 p.a. by breaking up the Lt.-Gov. establishment in Eastern Province, C.O.1454 D.33, 11/3/1848; advanced on loan £400 p.m. to Natal, C.O. 1454, D.41, 15/3/1848; established 12 new R.M. courts in Cape Colony. D.63, 10/4/1848.
3. C.O.1454, D. 105, 20/7/1848 and C.O.1454, D.51, 23/3/1848. Owing to delayed confirmation no provision for O.R.S. made in Estimates of Cape Colony and advances were made through Commissariat Chest.
4. Southey's papers, Godlonton 3/4/1848.

CHAPTER III. The Organisation of Resistance.

Even before Sir H. Smith left Natal, Andries Pretorius had commenced his attempt to undo His Excellency's settlement and to further the separatist movement he had initiated the previous year on the journey to and from Grahamstown. On the 7th and 8th February, 1848, Pretorius attended a meeting at the farm of J.du Plessis near Winburg at which were present some 240 people, including W.Jacobs, Jan Kock, A.Spies and other Klip River Boers.[1] On both days he opened the meeting with prayers and detailed his own sufferings, abusing the British Government and avowing that no Christian man could live under its rule and that he had taken a solemn oath before his wife and children never to do so again. He urged that the time was opportune for freeing themselves of the English yoke as the troops were leaving the Colony for an expected war in Europe. He informed the assembly, moreover, that Sir Harry had declared null and void all that he had done at Winburg and had promised that if it should appear in a memorial that the majority of them did not desire to have the British Government they might become an independent state. Two resolutions were passed. First, that the country from the Orange River to Chrigstad should be taken and made a distinct state and in the event of the British Government interfering they should oppose it by force of arms, for which purpose Commandants and Field-Cornets were elected, with Pretorius Commandant-General and Jan Kock second in command: secondly, that all people favourable to the British Government should be brought before W.Jacobs' Court and punished by fine, death and confiscation of property and, likewise, that those who refused to turn out should be punished with death.[2] G.H.Meyer, who was also present, forwarded an account of this meeting to the High Commissioner and appealed to him, in the name of all those loyalists who had signed the address at Winburg the previous month, to send a magistrate and also military assistance "without which we see no prospect before us but wretchedness and a sort of slavery".[1]

From Winburg district Pretorius moved towards Basutoland in an endeavour to make personal contact with Moshesh and to ascertain why he had made the treaty with the High Commissioner. On the 14th February he visited one of the Basuto kraals and saw Letsea and Nehemiah but they refused to grant him an interview with their father, whereupon Pretorius is reported to have exclaimed "Moshesh is no longer my friend, I will have the great chief Panda for my ally".[3] A week later, on the 21st February, he was present at a meeting at Mooi River attended by some 60 or 70 -Boers-

1. C.O.1119, G.Meyer to Governor 17/2/1848, also Warden's Letter Book 24/2/1848. See p. 92 below. A.Spies wrote to J.Kock & Lombard for assistance in Dec.1847, R131b/47.
2. W.Jacobs' own proposal. A fiery customer - vide Cory V.p.137.
3. Moshesh advised Warden, Vide C.O.1119, 24/2/1848, and Letter Book.

O.R.S. 42/47, 9/10/1848 Southey to Smith "Pretorius' intentions and plans were on a very large scale."

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Boers.[1] John Mc Cabe described how Pretorius produced the Proclamation of 3/2/1848, which had been translated into Dutch at his request by Mc Cabe and his brother, how he began reading it but stopped suddenly and gave instead a distorted explanation of the contents.[2] He remarked, inter alia, "You see the proclamation of the Governor makes no provision for us Boers, we are left to shift for ourselves and, more than that, we are to bind ourselves to protect the blacks: we are to become soldiers and to defend the natives - will you become soldiers?"[3] Naturally a chorus of "No! No!" met this sally. He told them how he had held meetings at the Drakensberg, in the vicinity of Winburg, at the Valsch River, and had come to Mooi River (Potchefstroom) to see what he could do with them. He wished them all to be united and to prevent the Government from taking the country and desired to know whether these people beyond the Vaal would assist him to retake Natal.[3] After some hesitancy and after Pretorius had repeated the foregoing several times, they expressed their intention of retaining the land and fighting for it if necessary; but when they would not agree to his being Commandant-General, Pretorius pointed out he had been chosen everywhere else and could not regard the meeting as final. He expressed his intention of calling another and promised that if they entrusted everything to his hands, he would endeavour to effect a settlement without recourse to fighting, for the Governor had agreed to retract what he had said at Winburg, if two-thirds gave their signatures in favour of independence.[2] Clearly Pretorius was blissfully ignorant of the changed order across the Vaal and that the final decision rested with the Volksraad party of the Maatschappy; but in any case, to Jan Kock and Jan Enslin and the other Commandants, Pretorius was much to his mortification, merely "unus inter pares".[4]

The British Resident first heard of these proceedings while in Griqualand and cautioned the High Commissioner that though the Emigrant boers there were satisfied they would not fight their countrymen. He accordingly emphasized the need for regular troops and suggested that the Proclamation 3/2/1848, which had just arrived for circulation, should be printed in Dutch.[6] "It is quite provoking to listen as I have done within the last few days to the dissatisfaction expressed by Boers some of whom really know better regarding that part of Your Excellency's Proclamation which refers to the Native tribes: they say it is a hard case to tax our farms in order to support the Blacks, that the Emigrants had a prior right to the country ..."[5]

"There is another point and which the Boers pretend is a sore one; it arose out of what Your Excellency no doubt intended as a compliment. The Emigrants of Winburg having-

1.O.R.S.31/211, 18/2/1848, from Pretorius at Mooi River: "Wy inwoonders van over de limite geven eerbiedig te kennen dat ... Vele van de gronden welk gy nu aan Moshesh toekent heeft de Emigrante Boeren lang van den wettigen eigenaren door ruyl en koop van vee verkregen .. Daarom smeeken wy uw Excell. dat gy .. wilt ons niet langer dwingen onder een bestier welk ons in 't midden der zwarten niet kan beschermen. Wy erkennen dat er een weinig onder ons woonen die om zekere oorzaken onder U Ed gezag wilde woonen, dog tegen een die zyn er honderd tegen, zoodat er groote storing en ongenoegen onder ons komen". 2.On oath to Warden C.O.1119,14/3/1848. 3.Yet Smith had expressly excluded those north of Vaal from the Sovereignty. Further proof of real motive & misrepresentation. 4.R130/47 Potchefstroom 16/11/1847. Potgieter still styled himself Hoofd Commandant. 5.O.R.S.37/15,11/3/1848. 6.C.O.1119 & Letter Book, 24/2/1848 and 2/3/1848.

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having asked for a military post Your Excellency is said to have replied 'I see no necessity for a military post - you are all my soldiers'. It has now gone through the country that as soon as Govt. authority is fairly established here, all the Boers are to become soldiers. You may in vain tell them that they will never be required to serve except as burghers in defence of the country and that the Queen is in no want of regular troops and could if required add a million to her army, the Boers however still retain their own opinion upon such matters and it is loss of time except with a few to combat with such obstinacy and ignorance ... The world at large however must give you credit for doing all that man could do towards satisfying the just wants of the people. Nothing can be more liberal than your measures both for Natal and this country. Your Excellency's Proclamation if fairly understood by the Boers may bring many of them to reason but the great difficulty to contend with here is the suspicion with which everything not originating with themselves is believed". [1] Altogether the territory beyond the Orange and the Vaal presented an animated scene during the following weeks. Pretorius met with a cold reception from the Chrigstad Boers who had no intention of being drawn south of 26°S.Lat. [2] James Howell arranged that Jan Kock and Andries Spies received copies of the Proclamations, but they refused to recognise them. The reasons submitted by Kock for the rejection of the Proclamation 3/2/1848 by the "Vryburg" meeting, held on 25th February and attended by Pretorius, constitute a fairly comprehensive resume of the Anti-Government Boers' point of view. [3] Not only did these Emigrant boers feel they had a prior right to the country based largely on purchase but they objected also that their deeds of purchase in Griqua (Bastard) land were actually altered to leases subject to the payment of an annual quitrent. Further they anticipated nothing but confusion and discord both from the fact that the natives were to live under their own laws and the Europeans under the laws of the Colony, and from the obligation upon the latter to take up arms on behalf of the blacks (nomadic tribes). [3] Spies and the Klip River Boers refused to return to Natal - the land purchased by "goed en bloed" - on the terms of Proclamation 10/2/1848 while the Kaffirs were still there, for they feared the great might of Panda if they acknowledged the English Government's right to the land, seeing that the Lt.-Governor West would give them no protection. [4]

When Commandant Gideon Joubert who had returned overland from Natal to distribute the Proclamation, reached Bloemfontein on 8th March he reported that Jacobs refused to read the Proclamation handed to him and remarked "I hear that Magistrates are to be appointed but should one arrive at Wenburg I will at once have him conveyed over the Orange". [5] Major Warden then informed Sir H. Smith that nine-tenths of the Boers beyond the Modder had joined Pretorius and that the respectable and wealthy farmers along the Vet and Sand Rivers desired to sell and leave for safer parts. He feared that owing to the number of designing characters the true meaning of the Proclamation 3/2/48 would not reach one-third of the people beyond the Modder. The British Resident contended that Pretorius would not have gained over so many of the Boers had he-

1.C.R.S.37/15, 11/3/1848. 2. Malan p.91. 3. C.O.1094, 7/3/1848, No.61; R 137/48.
4.C.O. 1094, No. 62, 11/3/1848, also R 131b/47. See p. 54 above.
5.C.O.1119, 11/3/1848 and Warden's Letter Book (B.Rdt.2/1); C.O.1094 No.36
G.Joubert "en dien sy u niet hooren en verlooren gaan ik sal my verplig gevoelen u onschult te besweren ... "

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he not produced at his meetings a document purporting to make over to the Emigrants the whole country to the Orange, while pointing out Sir H.Smith's signature "to a few intimates near him to the apparent satisfaction of the assembled Boers and saying 'the paper I hold in my hand bears the signature of the High Commissioner, it is written in English but I will have it translated and explained to you'. Your Excellency can hardly believe what a string of falsehoods and misrepresentation this Mr. Pretorius has had recourse to in order to gain over and mislead his countrymen", Warden again asked for military forces and was quite definite that the appointment of Pretorius to the Natal Land Commission would not withdraw him from his projects in the Orange River Sovereignty, for he was too deeply implicated and boasted that he was at the head of 1,600 Emigrants. At this time Pretorius was continuing his propaganda north of the Vaal and it was not anticipated, according to reports, that the Boers would be called out before May, whilst in the meantime wagons were being despatched to Graaff-Reinet for ammunition.

Pretorius' agents were by no means idle in the Southern and Eastern districts of the Sovereignty where they likewise fostered disaffection and restlessness. On the 4th March, for instance, H.J. Halse attended one of several meetings convened by Louw Pretorius at which the latter read a letter from Andries Pretorius appointing him Commandant and M. van Rooyen Field-Cornet along the lower Caledon, and instructing him to call upon the residents of that area to unite under Andries' banner and not to allow themselves to be dissuaded from doing so by any friends of the Government. Louw Pretorius announced that about 2,200 men had already joined the Association and that his chief, Andries, had obtained a promise from the High Commissioner that a republican government would be allowed beyond the North-Eastern boundary of the Cape Colony, of which he would be director, upon his presentation of a memorial signed by a majority of the inhabitants praying for this. J.H. Roesch's statement on oath that he had been forced against his wish to sign the memorial at a meeting held by Louw Pretorius in February at van Rooyen's farm provides yet another illustration of the methods used to gain support for this subversive movement.[2] Mr. Halse informed Mr. Southey, the Secretary to the High Commissioner, that they had prevented some from signing by reminding them of Sir Harry's speech at Bloemfontein, but warned him that "from my long experience and intimate acquaintance with the character and sentiments of the Boers, I am decidedly of opinion that these steps are but the forerunners of serious consequences".[3] Field-Cornet J.Snyman saw a letter from Andries to Louw Pretorius prohibiting all intercourse with the British Resident and officials and intimating that a further communication would be addressed to all commandants on his return to Mooi River.[4] Andries Pretorius appealed to Snyman to use his long -friendship-

1.C.O.1119, 11/3/1848 & Warden's Letter Book (B.Rdt.2/1). 2.C.O.1094, No.85, 8/4/1848. 3.C.O.1094, No.69, 4/3/1848. Legden I. 92 states they were incensed after their labours and dangers that the fruits of success in their designs upon native lands had been snatched from them. 4. C.O.1119, Warden to Southey 11/3/1848, also Letter Book. C.R.S. 42/47, Southey to Smith 9/10/1848 and C.O.1095, No. 44, 10/7/1848 give information relative to Louw Pretorius handing on correspondence to Sir A. Stockenstrom.

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friendship with Moshesh to gain for him an interview, but the Basuto chief again denied him. The chiefs Moroko and Adam Kok, however, were anxious about the defenceless state of their people and pleaded with Warden to issue a supply of gunpowder. With this request he refused to comply as he felt the Governor would not approve.[1]

The British Resident himself did his best in trying circumstances to allay the unrest and to check the activities of the disaffected. He had additional copies of the Proclamation struck off at the Platberg mission press and on 25th March personally interviewed Piet Erasmus, then one of Pretorius' Field-Cornets, who gave him, upon request, a list of farmers to whom he had read the Proclamation, so that they might not plead ignorance later. According to Erasmus the Governor's Proclamation gave dissatisfaction for the reasons that quitrents were levied, a portion of which was to go to the Native chiefs, that the charge for a licence to trade was heavy, and also that the Boers were required to turn out at the call of the Resident Magistrate. In one case Adrian Standers actually complained of the small salary allocated to Field-Cornets, although he had held such office under the ephemeral Winburg Adjunct Raad without any payment![2] Warden disabused the minds of those who complained about the high quitrents to be charged and pointed out that the amount of £8 per annum was stipulated to prevent the Land Commission fixing a higher rate. Furthermore, he recommended to Southey that the annual licence to trade should be reduced from £50 to £10, for most of the hundred or so farmers in the habit of proceeding to the Colony each year belonged to the poorer class and their purchases did not even exceed the former amount, whereas, if that figure were insisted upon, Boers might enter below the junction of the Vaal and the Orange to the detriment of the legitimate dealer.[3] Before the month was out Major Warden had visited the farmers over the Modder where he met with no disrespect but found most opposed to Government control whilst some were selling their farms and crossing the Vaal. Hearing that another meeting was due to be held at Winburg on the 5th April he asked Mr. Erwee to head the well-disposed on that occasion. The British Resident anticipated that Sir H. Smith would have difficulty in understanding the existing discontent seeing that during his recent visit to those parts the most respectable had regarded his plans for a proper settlement as an unlooked for boon. He explained that the mass of the people scarcely thought for themselves and were as clay in the hands of their leaders, that

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1. C.O.1119, Warden to Southey 18/3/1848. C.O.1094, No.159, 4/5/1848.
2. " " " " " " 25/3/1848. Cory V. 138. For P. Erasmus see pp. 93, 96, 112, 116, 195 below. 3. C.O.1119, 22 & 28/4/1848. C.S.Halse 18/5/1848: prejudiced by Natal & C.Colony traders, considerable gunpowder passing: not easily traced. Also vide O'Reilly C.O. 1120, 31/7/1848. See footnote 1 on p. 143 below.

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as a result of going about for so many years without any restraint, dictating to the natives and forcibly taking them into service without any remuneration, most of the farmers beyond the Modder would leave rather than have any kind of government interference.[1] Major Warden once again repeated that there could be little prospect of permanent quiet without the despatch and maintenance of a body of troops, when many who were at the moment afraid to come forward would gladly give in their adherence to the new régime.[2] Shortly afterwards he wrote more confidently however "Your Excellency's measures for the country are now better understood and the deceit practised on many has been exposed. There is however a strong party beyond the Modder River as opposed as ever to anything emanating from the British Government but as a set off against such characters there are on this side the Orange treble the number of tractable men who although ready to complain about imaginary hardships put upon them as they say by Your Excellency's Proclamation will listen to reason and self interest ... The majority will no doubt go beyond British jurisdiction, a good many have already disposed of their farms ... The Boers in Griqualand and beyond the Caledon, the greater part of those between the Riet and the Modder Rivers also those called David Fourie's party beyond the Modder are as they should be, in fact very many of them are as loyal subjects as are to be found in the Colony".[3]

The High Commissioner's reaction to the sequence of events set in motion by his Proclamation of the Orange River Sovereignty was characteristic of the man. Had he had any doubt about the outcome, he might have despatched a Special Commission to clear up misunderstandings and to investigate more closely the real state of affairs or, alternatively, sent a body of troops until the scheme of government originally sketched beyond the Orange had begun to function smoothly and matured to the general satisfaction.[4] Instead he confidently attempted to follow a via media by producing a lengthy Manifesto replete with appeals and entreaties and resonant with dire threats of the consequences for the would-be recalcitrant, and ordered that competent men should circulate it and explain the contents of his Proclamations. "Whereas", the preamble began, "some evil-minded persons, prone to wickedness, to mischief and to evil ways, have been in the Territory beyond the Orange River, over which I have proclaimed the Sovereignty of Her Majesty, have been calling meetings to pervert the true spirit and meaning of my Proclamations of the 3rd and 10th of February, and have been assuming the characters of my Agents to gain the will of the people for the purposes of wicked excitement and have been showing my signature to the Proclamation of the 3rd February, professing it to be a document containing far different sentiments from the reality; - I deem it my duty to publish an explanation of the motives which have induced me to establish a Government over deluded, disappointed and dissatisfied men, who have expatriated themselves from the Land of their Fathers - from the homes which reared them - and from their relations and friends". Continuing Sir Harry alluded to their former happy associations, how they had fought side by side during the Sixth Kaffir War, told how he had recently been invited to visit them in order to establish the blessings inseparable from a civilised society and settled government, and referred, further, to what had -transpired-

1. Shepstone to Southey "It is astonishing how absurdly these people can twist & pervert the meaning & object of every word & every act that bears reference to them" "I am satisfied that most of these things are done by designing men who work upon the credulity & ignorance of their fellows". Quoted also in Wilmot. 2. Warden to Southey, C.O.1119, 31/3/1848. O.R.S.37/22 Warden to Smith 8/4/1848, the Proclamation of 8th March was not read at the meeting on 5th but its contents were well known as on the previous Saturday & Monday on the occasion of some 250 boers attending Divine Service at Winburg & number of copies was distributed among them. 3. O.R.S. 37/22, 8/4/1848. 4. At no additional expense for they would have to be kept somewhere.

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transpired en route. "I shall now proceed to lay before you and the world the motives which have actuated me, comprised in two words, your benefit. You have called on me to assist you, I have done so, vide my Proclamations of February 3rd and March 8th, in which last, I have endeavoured, clearly, distinctly and unequivocally, to set forth the Government calculated to render you, what you are not now - happy. The ill-disposed have endeavoured to pervert facts - to startle the credulous - to alarm the timid - and to excite all to aid their own restless and uncontrollable disposition.... Pause then, I pray you, my friends, ere you allow wicked agitators to excite you to permit your well-disposed minds to drive peace, happiness and comforts, now within your grasp, from your doors. ... When at Winburg, on the presentation of an address, I was asked for soldiers, I exclaimed, 'Soldiers! You around me are my soldiers,' meaning that peaceable citizens are their own soldiers and require no military aid whatever. This expression has been perverted, and you have been taught to believe, not thinking for the moment, that I am to make you all soldiers. ... Now, my friends, my half-lost friends and wavering Christians, I have addressed you as Colonel Smith, I have appealed to your feelings as men, as fathers of families, as reasoning human beings possessing immortal souls. I now turn from Colonel Smith to the Governor of the Colony, and I PROCLAIM TO YOU, that I will carry out, or die in the attempt, the provisions of the Proclamations I have framed for your exclusive benefit and by your desire, and the factious demagogue shall tremble at that name which he even now respects ... Do not suppose that I have stripped myself of the means by sending home the troops. I tell you, and I tell you truly and honestly, I hold in readiness a force of guns, cavalry and tried British soldiers, who in fifteen days should be among you, men capable of causing stouter hearts than yours to quail. Do you talk of resistance and assemblages? You whom two years ago a few dragoons rode over like sheep. Do you presume to imagine that you are able to do what no mass of demagogues has ever yet done? the undisciplined to resist and successfully maintain a protracted resistance against the disciplined force of a regular Government? But oh! how I hate and detest the name of war and commotion! The many battle scenes I have witnessed arise like phantoms to my imagination. But as I abhor war, so will I terribly wield its power if you drive me from your affection. If you compel me to wield the fatal sword, after all I have attempted for you, the crime be upon your heads, and while my troops shall exult in Victory, I will weep, as you have seen me do, over the fallen- the defeated, the deluded; your lands shall be wrested from you, your houses destroyed, your herds swept off, your own hearts blackened by wicked ingratitude, and your faithful, your generous friend, who has exerted himself for your exclusive benefit, turned into the Avenger of Evil... Aid me, as I desire you, to preserve the most virtuous feelings in this worldly and uncertain trial of Life. And as in generous and uncorrupted minds the superiority of Religion carries us through the calamities of this transient life, let us together pray .... " /

It is a temptation at this safe distance of time to poke contemptuous fun at Sir Harry and dub him the charlatan as did Hume in the House of Commons thinking that no man outside a lunatic asylum would have used the language or adopted the proceedings which Smith had recourse to! [2] But contemporary local opinion offers a better guide as to how the High Commissioner should react to such a situation. On the one hand Southey's brother who farmed in the Graaff-Reinet district, that prolific hotbed of dissension, wrote from Grahamstown that the Governor's Manifesto was a "most extraordinary document and ought to be sent to 'Punch'. People think His Excellency has taken too much notice of the proceedings over the Orange. We think Warden easily frightened and a great alarmist. That many Boers over the Orange prefer independence to our rule we know but they will not fire a shot. I would not give Warden a single soldier." [3] Yet Mr.T.Menzies expressed his opinion from Graaff Reinet that the Manifesto was just such a document as a paternal Governor ought to address to his wavering subjects: "I knew that Pretorius was dissatisfied with Mr. West principally and then Sir Henry Pottinger refusing to see him made him feel very -bitter-

1. 29/3/1848, Govt.Gazettes 30/3/1848 - 27/4/1848. C.R.S.37/16 & 18, enclosed with D.56, 30/3/1848, C.O.1454; also B.B.X. 2. Hansard CXVII/51. As to the suitability of the language to the minds of the people and the proceedings to the requirements of the situation, it should be remembered that they were people accustomed to the Old Testament style of declamation and admonition.

3. Southey's papers 8/4/1848. 1. Cory V. p. 138.

bitter. Andries is or has been for independent beggary or American Republicanism. I fancied he was tired of aspiring to be a ruler and would return to the Colony to live under its laws and submit to wholesome restraint". 1 Moreover James O'Reilly, from Somerset, who had been appointed to take up his duties as Resident Magistrate and Civil Commissioner in the Caledon district placed great dependance on the Manifesto as "most unquestionably one of the most able and well-suited documents to answer the purpose intended that could have been penned". 2 L.E.Meurant from Grahamstown was in favour of a Commission and wrote "Do not send troops, rather wait till aggression is committed. There are interested parties, both Boers and English on this side and over the river who would be glad to see troops there to sell their produce". 3 Meurant wrote later that he had spared no pains in the "Gramsblad" to convince the Emigrants of the interest Sir Harry took in their welfare and had printed 800 extra copies, as requested by Richard Southey, for circulation in every hole and corner for all Dutchmen to see it. 4 "The Colonial newspapers are unanimous, a thing of rare occurrence, in this connection. I have pointed out the folly, nay the madness, of the course which report says they intend to pursue. I conscientiously believe Sir Harry has done what no Colonial ruler before him ever attempted to do, he has endeavoured to conciliate misguided though deeply injured men, therefore if blood be shed that blood will be upon their own heads". 5 He wrote likewise to Sir Andries Stockenstrom who had recommended Pretorius to come to him on the occasion of his visit to Grahamstown to see Sir H. Pottinger.

Major Warden caused copies of the Manifesto to be distributed far and wide, and, becoming aggressive, inquired of Sir H.Smith, "Could not Your Excellency's Proclamation of 3/2/1848 be understood to include the sources of and all streams running into Vaal River? If so, the boundary of the Sovereignty would include Mooi River and other waters upon the banks of which many Boers reside and (to which) others will resort in order to get beyond British rule". 6 Gideon Joubert distributed copies to the farms about Bloemfontein. Rex was sent to Zuikerbosch Rand and Mooi River; Young to Winburg and the Wittebergen; Jan Cloete along the Riet River and adjacent country; J.Snyman and Hans Smit to the area west of the lower Caledon and Field-Cornet H.Weber beyond the Caledon and about the Koesbergen. 7 Within a week the Resident reported that the various men had done their work well, for the discontent south of the Modder was subsiding and a better feeling becoming daily more apparent. 8 H.J.Halse, for one, spent a week on horseback spreading and explaining the Manifesto which had been of infinite service, for "none could have been published more suitable to the people for whom it was intended. In our part (Lower Caledon district) it has alarmed the rebellious and wavering and confirmed the well-disposed". 9 In the same neighbourhood J.T.Snyman had been indefatigable and held six meetings averaging forty persons who approved of the Manifesto. 10 He wrote to Pretorius that they were -satisfied-

1.7/4/1848 Southey's papers, C.O.1094 No.159.4/5/1848 W.Shaw to Southey "The Governor's Manifesto is admirable and ... will produce a good effect". 2.10/4/1848 Southey's papers C.O.1120.4/5/1848 Manifesto had a wonderful effect, & 27/4/1848 Biddulph - Farmers said "mooi en deedlik". 3.4/4/1848 Southey papers. 4.22/4/1848 Southey papers 5. Zuid Afrikaan 22/5/1848 Meurant was one of the earliest Afrikaans writers. 6. O.R.S. 37/23, 15/4/1848. 7.O.R.S. 37/23, Letter book 15/4/1848, Warden to Secretary, High Commissioner C.O.1120,9/4/1848. C.O.1094,No.70,12/3/1848. Rex was Warden's Secretary & son-in-law of A.G.Bain,Inspector of Roads. 8.Letter book 22/4/1848 Warden to Secretary High Commissioner. C.O.1119,28/4/1848. Rumour caused Griquas to congregate at Philippolis. 9.C.O.1094,No.100,24/4/1848;Enc.C.O.1396,D.87,22/5/1848,C.O.1454 & B.P. XVI. 10. Enc.C.O.1396,D.87,22/5/1848.

satisfied with the Government and declared their unfeigned allegiance to the Queen,

"and those who have been led away by your Association let you know that they have/ been misled and deceived and now totally withdraw themselves from your Maatschappy"

Mr.Chase the Civil Commissioner for Albert N.E.Cape Colony held a meeting of 64 people at Burghersdorp on the 8th April and ten days later during Nachtmaal with the assistance of the Rev. Mr. Taylor, the Dutch Reformed Minister, read and explained the Manifesto to about 700 people, including several from beyond the Orange, among whom, he said, the prevailing sentiment was of a most loyal kind, mingled with deep regret at the blind obstinacy of their misguided relations and friends.[2] Field-Cornet J.H.Cloete reported the holding of three meetings between the lower Riet and the Orange at which the farmers expressed their loyal approval.[3] G.M.Meyer from Winburg also assured Sir H.Smith that many hundreds of inhabitants were heartily glad of his measures as contained in the Proclamations and were exceedingly thankful but dared not declare themselves openly because of the mischievous and hostile element.[4] At a meeting of some 50 Boers on the 5th April it appeared that W.Jacobs had refused to read the Proclamation of the 8/3/1848 and produced a memorial for signature, in which connection Meyer spoke to several who had signed the document against their conviction and with aversion, but declared they were obliged to do so on account of the numerous evil reports which were abroad, for, he lamented, a private person dared not do anything without being threatened by the disaffected and characterized as a traitor to his country.[5] Nevertheless according to Warden's information farmers about the Caledon and Koesbergen had withdrawn their names from Pretorius and 71 were desirous of withdrawing their signatures from Jacobs' memorial, alleging fraud had been practised upon them. F.Schnehage, formerly Secretary to the Winburg Raad, explained to Warden that he had sided with the disaffected solely through interested motives as he possessed several farms near Winburg and hoped for the arrival of Mr. Biddulph, the Magistrate, for then he would be able to resume his ordinary business. He expressed the opinion that the disaffected would depart beyond the Vaal and that Pretorius' non-appearance at the meeting on the 5th had lost him much support.[6] Many Boers, wrote Warden, said that Andries was acting the same part as he did years ago in Natal - leading his countrymen to a certain point and then abandoning them to the -British-

1.Reference in Cory V.141, Govt.Gazette 18/5 - 8/6/1848. 2.C.O.1094,14/4/1848: also Enc.C.O.1396,D.87,22/5/1848,C.O.1454; B.B.XVI. 3.O.R.S.37/26 & 27 5.Page 74 above. 6.O.R.S.37/22,8/4/1848. O.R.S.97/319,6/2/1853. Presented to Warden with 500 signatures wrote Jacobs. O.R.S.37/20, translation of O.R.S.37/19 an undated memorial signed by 369 bears the following pencilled note in Southey's handwriting:- "369 signatures but all I should say are written by some 30 or 40 people. It bears the signature of the man with four sons and his sons Cilliers also of Van Rooyen, a most decided Government man and many others equally unlikely to have signed it themselves. One Graaff Reinet man there no doubt trading if not settled, one Wessels".

6. For Schnehage see pp. 91 , 94 , 113 , below. 2. C.O. 1094, No. 85, 8/4/1848: No. 69, Rawstorne distributing Proclamation at Colesberg.

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British Government.[1] Altogether the Governor's Manifesto evidently proved to the wavering and to some of the disaffected that more was known in Cape Town than they had the slightest idea of and it certainly induced a timely respite beyond the Orang[2] More salutary measures would have entailed expense and as Sir Harry was building on a policy of conciliation he had to give it a thorough trial.[3]

Practically at the same time as the High Commissioner was pondering the subject matter of his Manifesto at Westbrook,[4] Cape Town, Andries Pretorius must have been similarly engaged upon the contents of his "Eene Algemene Oproeping", which was made public at Mooi River on the 8th April, 1848, and immediately put into circulation. This document leaves no doubt whatever as to Pretorius' real intentions and the only conclusion now possible from the sum total of his words and deeds is that he meant, ab initio, neither to give Sir H.Smith's measures a fair trial nor to assist in providing the mass of the Emigrants with an opportunity of expressing an unfettered opinion, but preferred the fatal arbitrament of the sword.[5]

"Daar het Britsche Gouvernement ons op den 12 My 1843 ons grond en bescherming beloof heef, en daar wy nu soo schandelyk door den geklourde verdruk waaren, soo dat wy vlugten het land onder het Britsche best(i)er heef moeten verlaaten met groote schaade, en ook siet gy dat al het land van den Groot Rivier en Drack Berg tot aan den Vaalrivier, waarvan wy verschyde gedeeltene van den wettigen eygenaars heef gehandelt, ook nu van ons is genoomen, en alle voorregten aan den naturellen is geschonken in wiens midden of nabyhyd wy volstrek onder Britsche bestier niet kon woonen, nog buyten den andere zwaare omstandigheden waarin wy door den Prokkelemaasie is gedompelt, welk te veel syn alle te melden,

Worden nu alle men opgeroepen om ons wettige eygendom, wel(k) ons goed en den bloet van mans, frouwens en kinderen heef gekos, weer om te vraagen; en omdat ik, die toen U.E.Commedan(t) Generraal waaren, met myne hand voor Natals grond heef geteken, is den kans nog altoos voor ons open gebleven tot dat den groote Schepper eene algemene beweging over den werel(d) heef doen veroorsaak; en sullen wy nu stil blyven sitten tot dat andere moogendheeden het besit neemen?

Weerde landgenooten en vrienden, waar kund gy ons tog eene weg aanwyseen? Syn wy niet doorgedrongen tot in den vliegen en tot in het land welk voor menschen en vee ongesond waaren? Hoe vele van Ulieden syn nu door den koors naar den euwighyd en hoe vele vee heef gy niet verlooren, en heef niet den booyjen van armoede UE al zelfs gevangen en siet gy niet dat gy UE niet kund vry trekken? Of wilt gy weder den goude beloften de(r) Prokkelemaasie aanneemen? Loos en bopyns het en siet of gy gereet sullen syn op (om?) als een soldaat met u waapen op te springen soo als vereys wort, of sult gy UE dierbaare kinderen daarin wilt bringen? Nu myne vrienden, wat kan nu worden gedaan? Weder onderwerpen? Spiegel u aan den lieden van Natal. Weder verder vlugten? Ik kwam UE tegen dat gy van den rampen terug komt die UE en uwe vee soo seer getroffen heef. Daarom broeders, gy sult UE. nooyd vry trekken nog vlugten, maar neemt nu God in UE harten en den zweert in UE handen en verdedig UE reg en UE vryhyd welk aan alle den schepselen

-op-

1. C.O.1119,28/4/1848 & letter book. Printed O.R.S.37/28. O.R.S.37/22 Warden to Smith 8/4/1848 and O.R.S.37/23, 15/4/1848. 2. Malan,p.98. Loyal statement signed by Snyman and 181 was received & published O.R.S.37/24, 21/4/1848. 3. And see Shepstone to Southey,13/5/1848, Southey papers & quoted by Wilmot p.7,re Natal: "I think he must let his first medicine have time to operate before he can give another dose the Doctor may perhaps think otherwise. He will of course know best how to treat his own patient". 4.Five miles from Cape Town, engaged by Smith @ £300 p.a., C.O.1339,D.131,21/5/1848. 5.C.O.1094,No.127,McCabe on oath; a copy R140/48 to Lombaar(d), Landeros (Mooyrivier). This oproeping, his previous methods & those of his agents were quite inconsistent with what happened at the Tugela according to his own words to the Assistant Commissioners for Smith had withdrawn the Sovereignty to the Vaal. (O.R.S.31/209,5/2/1852: p.56 above). It was issued before any memorial had reached the High Commissioner and despite the feelings of the people in the southern half of the O.R.S. as Pretorius learned later to his cost.

op den aar(d)beodem is geschonken. Wees nu met elkander getrouw en hebt elkander hartelyk lief en vrees niet meer den naam of diegene welk UE al uyd u moedersland heef verjaag tot in den onbestaanbaare wildernis van Affrikaa, maar vrees alleen die God welk UE seker sal straffen wanneer gy den vader tegen den kin(d) en den kind tegen den vader en den eene broeder tegen den ander bring.

O, konde ik aan UE eene gebed uydvaardigen dat gy soo gedurig, afsonderlyk of gesamendlyk, bitdaagen wilt houden, opdat wy ook soo als den verloore seon weder tot den Schepper moege terug keemen en alle onse hulp van booven alleen verwagten, dan sullen sy seker gelukkig worden, soo wy om hulp in noed aan Hem vraag, ja, Hy die ons soo lang hier in den woestyn bewaart heef. Nu, terwyl den blyde daagoraad nu eens voor ons arme Affrikaansche boeren staan aan te breeken, roepe ik tot den *freutjes*, send UE mans, en gy moeders, send UE kinders opdat sy den groote schad welk waarnaar sy soo lange gesug heef eens genieten. Laaten sy niet weder wegschuylen en het op den scheuders van wynig laaten berusten, maar laaten wy nu den oude Hollan(d)se spreekwo(o)rt gebruyken dat eendrag maak mag en tweedrag verbreek krag, en soo gy die te huys blyf, voor eene sterke swaart, den frouwens bit voor hunne mans, en gy moeder(s) voor UE kinderen, en gy broeders en vaders voor ons alle te saamen, en wees mededeelsaam voor den behoeftigen en neetlydende. Soo gy soo handelen, sult wy den gewenste se(g)s van vryheid en godsdiens en bloy der kerk onder ons genieten, maar voor diegenen welk hun van dessen regvaardigen saak onttrek, soo den groote Schepper het in ons handen laaten vallen, sullen seker straffen worden bepaald, hetgy dat sylieden geen aansprask op grond of plaateen sullen hebben of dat den krygsraad selfs hunne persoonen sullen straffen naar den aard der saak. Elk Commedant en Velte. sullen voor alles moeten sorgen, soo voor die weg gaad als die te huys blyf. Ook sullen slagvee voor moeten worden gesorg. Ik sal in die delen, waar gevonden kan worden, voor soo vele paarden sorgen als gevonden kan worden. UE sal ook soo vele kruyd en loot moeten bringen als gevonden kan worden. Gy moet dat aan alle menschen(?) behoorlyk bekend maaken opdat sy dat niet naaderhant tot een excuus kund maaken. Den beampten sullen hier van dessen aan alle den Velte. copyjen moeten senden opdat alle burgers het met den eendeerlys moegen entvangen.

Den burgers van Corigstad worden op den 15 den aanstaande maand My verwag aan den nabyhyd van Liebenbergs Valy, en soo wort een ieder verwag als er niet andere beweging vereersaak, wanneer korte opreeping sullen geschien. Ik soude nog veel konde seggen, deg het sal voor het tegenwoordige genoeg syn ..." 1

Within a few days of the issue of this summons, Warden's Secretary, Surveyor F. Rex, who was unable to reach Mooi River (Potchefstroom) owing to the Vaal River being in spate, came up with Pretorius near the junction of the Bloemspruit and the/Valsch Rivers. There was present an audience of between 30 and 40 people the majority of whom were Klip River Boers under Andries Spies, and seven of his Commandants and Field-Cornets, including Paul Bester and Louw Botha. Said Rex "I assure you it was well worth riding a long distance to sit opposite Pretorius in full view of his constantly altering visage whilst he was reading the Manifesto. Often did he appear to regret that he had commenced reading it, whilst sighing, stammering and with much difficulty wading through these unstomachable truths which had evidently been intended to be forgotten After reading it, he merely said to the people 'now you have heard the whole of it; it commences with kindness, then a threat and it ends with a prayer'". 2 Rex presented Pretorius with a copy of the Proclamation of 8/3/1848, introducing the form of provisional government, which the latter had not seen . Pretorius expressed his

-R 140/48- -surprise-

1. This document/stated that the Boers had fled from British rule in Natal, as there was no security for them amidst a privileged native community, and that they had now been deprived of the land between the Orange, the Vaal and the Drakensberg. It referred to their past sufferings, indicated the futility of further trekking away and questioned the promises of the Proclamations. The Boers were called upon to unite, to put their trust in God and to fight for their rights. The people were required under dire threats to send their men and to contribute supplies of slaughter stock, powder and lead. The rendezvous was at Liebenbergs Vlei on 15th May.
2. G.O.1119,20/4/1848. Also Warden's Letter book. This incident took place near present Kroonstad on 14/4/1848. G.O.1119,27/5/1849, Warden "Three years ago I found him (Rex) and his family in wretched plight, living with a Boer near Modder River. I urged Sutton to take him on as a clerk. He did & shortly after handed him over tome ...altogether useless to me except as an interpreter". C.R.S.37/22,8/4/1848 Warden refers to Rex, his knowledge of Dutch language & acquirements as a surveyer. 3. See p.84 below.

surprise as he said 'Sir Harris' had promised that in case four-fifths of the Boers wished to remain independent of the Government, British jurisdiction would not be extended to these parts and that the appointment of a magistrate for Winburg would not take place until after he had obtained the signatures of the Boers and transmitte a list thereof to the Governor. Commandant A.Spies also spoke and explained that there would have been no objection to remaining in Natal had the intentions of the Government been properly carried out by its agents. "They alluded in harsh terms to Mr.Shepstone and to Mr. West". In the afternoon the Boers re-assembled and Rex was requested to attend. "Mr. Pretorius, who had been taking great pains to show that whatever was said came from the 'publick', commenced by asking me whether I perfectly understood that it was the public who objected to the Manifesto and Proclamation and remarked 'I am entirely guided by them'". As Pretorius had mentioned complaints of the Boers that the Kaffirs were squatting upon their farms, Rex on his way back sent a note to the Rev. Mr. Daumas to advise Molitsane against any encroachment.

Before his return across the Vaal Pretorius wrote from the Sand River to Moshesh calling him to account for having consented to Sir Harry Smith's measures. "Is it not since we came to reside with you that you and your people have become secure against all the enemies that were about you, who ten years ago surrounded you?" Pretorius desired to know whether Moshesh was their friend or enemy, for judging by his acts he was not the former. He mentioned that he had completed a great task and there was at last peace and unity amongst most of the Boers as far as Chrigstad, all of whom objected to being under the Government. "If there be uprightness in your heart you will not give to the ox the provender earned by the horse. Understand this well and consider how it was with you ten years ago and what may still happen in the ten years to come". / In his reply the Basuto chief referred to Sir Harry's anxiety at Winburg to see Pretorius and added that peace and the maintenance of friendship was his greatest wish, but "if it be your meaning that my friendship for the Boers should be shown by withdrawing myself from the Government, then you are mistaken. You well know how fatherly and full of love for the Boers the Governor's arrangements have been and I complied therewith for the maintenance of peace and your preservation. I would be surprised were you to take offence at my having consented to a plan by which the Boers would live in peace and be again placed under the influence of laws, ministers of the Gospel and schoolmasters". 2

From the Sand River two days later Pretorius also sent a letter to Pietermaritsburg declining to serve on the Land Commission[3] and another to Sir H.Smith challenging what he had done since their meeting at "Dongeladrif" and denying the allegations of his Manifesto.[4] He claimed that he had endeavourwd "faithfully" to carry out Sir

1. C.O.1094,144,20/4/1848: Bas.Rec.I p.169; C.O.1094,No.159,4/5/1848: Lodewyk Pretorius assured Rev.W.Shaw that the visit to Moshesh was to explain the new arrangement &impress upon him that the Basutos should in future cease to annoy the farmers in their neighbourhood by continual trespass of their cattle on their farms. 2.Bas.Rec.I p.170. C.O.1119, 6/5/1848. Warden reports the visit of Moshesh's brother Job & son Nehemiah to Bloemfontein & commended his reply to Pretorius. C.O.1094/4, 22/4/1848. Southey Papers (Shepstone) 13/5/1848. Boshof,C.O.1094,No.132,9/5/1848. C.O.1119, 27/5/1848 Warden "Pretorius gave out that he had declined upon the plea that if the Kaffirs were removed in order to bring back the farmers to Natal, such removal was only intended as a temporary measure & that within a year the Government would have the Kaffirs back again in even larger numbers". 4.C.O.1094, No.128,22/4/1848. R 189a/49. O.R.S. 31/212.

O.R.S. 34/146.

Harry's desire but that, as he had warned him, the thousands he had seen at fifteen meetings totally disapproved of living under British rule, seeing that the thousands of coloured tribes with whom they lived in peace and security would then become their enemies and persecutors, for it was notorious "waar dat Haar Majestyds gesag ook is, worden de gekleurde dadelyk roovers en moordenaren, ziet eenen exempel aan Mosces (Moshesh) ... Maar heeft Uwer Ex my niet gezigt dat gy geen verdere bemoeines aan Winburg zal maken voor dat gy van my dezen ontvangen". He emphasized that he had told the Governor that he and his compatriots would not turn back to live in Natal and that he would be powerless to persuade them to live under British rule "Want zoodra ik zulks zou doen, zullen zy een mistrouw in my stellen en my dadelyk wig jagen en hunne eigene koers gaan ..." for they preferred even the fate "welke Trigard en Rensenburg heeft getroffen". Pretorius contended further that they also had been created by God as well as the Coloured "nu kunnen wy niet ons vee volstrik den verveulde land niet bevoonen en gy bedryt ons den duur gekochten plaatsen ook nog naar den schadelykden vlug afteneemen zoodat wy nu den eenen jammer op den anderen te wagten hebben ..." He concluded by referring, inter alia, to the condition in which he found his family on his return from Grahamstown "myne jongste dochter van een der voorossen aanstukken gestooten en myne vrouw ziek by de wagens zonder veld tend en alle myn koeyen de omdraait naar hun zwakke kalveren heeft de Kaffers voor hun genomen". [4]

Once across the Vaal again Andries Pretorius failed to make much headway. In the first place Hendrik Potgieter had asked Commandant Gert Kruger to warn the people against involving themselves with the British government and being led into trouble by Pretorius, and notified each of his commandants and field-cornets in similar strain.[1] Then the receipt of the Governor's Manifesto induced the immediate holding of a Public meeting by the instrumentality of Potgieter at Potchefstroom on the 15th May, 1848. Sir Harry Smith was requested to spare the Emigrants the threatened hostilities as such could serve but to promote the very object of those on mischief bent according to his Manifesto. They felt that any differences might be settled more satisfactorily by the pen than by the sword for, they concluded, Sir Harry could rest assured that scarcely one eighth of the inhabitants between the Vet and the Vaal desired to have a Magistrate. Resolutions embodying these views were signed by A.H.Potgieter, 'Hoogt Commedant', G.J.Kruger, A.W.J.Pretorius, Jan Kock and Andries Spies among other commandants, and forwarded to the Governor for a favourable answer.[2] To His Excellency also Potgieter himself despatched the same day a covering letter to the above effect, explaining[3] that they had lawfully purchased the land -between-

1. A.Dreyer p.100. C.O.1119, 5/5/1848. Also Letter book; Rev. A.Murray's information. 2.C.O.1094, No. 146 A; O.R.S. 31/7. For Potgieter's role see Malan pp. 119 - 120. For Smith's letters to Potgieter see R 142/48 and R 143/48, dated 28/5/1848 and 22/6/1848 respectively.
3. C.O. 1094, No. 156; R 141/48. C.O. 1120, 29/6/1848. C.O. 1119, 2/6/1848, Piet Erasmus' report of episode.

2. See O.R.S. 31/213, 13/5/1848, signed by Pretorius (as are all papers O.R.S. 31/208-224 for the benefit of the Assistant Commissioners) purporting to be a protest from Potchefstroom of Commandants and Field-Cornets, whose names do not appear on the document however. 4. C.O. 1094, No. 128, 22/4/1848; O.R.S. 31/212.

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between Vet and Vaal from Makwana on the 13th June, 1838 for 49 cows and that peace and quietness would be established if no Magistrate were sent there (Winburg) and the district left under their management as formerly. As for Pretorius, he retired for the time being to his recently purchased farm at Magaliesberg.[1]

Meanwhile during the early months of the year 1848 and within a short time of the Governor Sir Harry Smith's return to the Cape, another attempt was made to win these errant people back to the fold when a small Synodical Commission left the Colony on a special visit to the Emigrant Boers. This was an undertaking dictated primarily by Christian religious motives and the interesting accounts of the experiences of the mission throw further light upon the unstable and unsettled conditions prevailing in the interior and serve to confirm previous impressions.[2] The Great Trek had, not unnaturally, severed the Boers from all relations with the established Dutch Reformed Church and, ever since the diaspora, they had been dependant upon the ministrations of such men as Erasmus Smit, J.L.Dohne, J.Archbell and David Lindley of the London, Berlin, Wesleyan and American missionary societies respectively. The mother church at first disowning the Emigration of 1836 looked askance at the activities of the Trekkers, but later, encouraged by official interest and solicitude, endeavoured to incorporate the Trekkers once more within the fold. To this end the Rev. A.Faure proceeded in 1843 on a mission to Natal and reported, inter alia, "and I tell you, Sir, that the ignorance of the Emigrants is great indeed: that the rising generation, following the example of their parents, is growing up more expert in the use of the gun than the knowledge of the alphabet: that their ignorance and credulity make them dupes of every designing individual, whose influence would soon be counteracted if good and efficient schoolmasters and faithful, zealous clergymen were placed among them. They may distinguish a fire before it has spread devastation if acting with prudence and firmness".[3] Similarly, little over a year later the Rev.M.A.Krige visited the Boers of Transorangia and emphasised likewise the need for some form of intervention on the part of the Synod. He found the Boers in the neighbourhood of the Riet River earnestly desirous of having a minister but those about the Modder definitely antipathetic to the church 'of the West'.[4] Unfortunately the War of the Axe intervened and nothing was attempted until towards the close of 1847 the Synod resolved to act after hearing the Rev. Krige's representations in person, and finally constituted the Revs. Andrew Murray and P.K.Albertyn and Elder B.Pienaar a Commission of investigation.[5] These gentlemen were away fulfilling their task during March, April and May, 1848.

Immediately upon their arrival in the region of the Riet River, where all the -respectable-

1.C.O.1094, 23/4/1848, Joubert's comments. 2.A.Dreyer p.114.
3.A.Dreyer,p.58 et seq. Sir G.Napier's comment "No!". 4.A.Dreyer p.82: Krige undertook the visit by order of the Graaff Reinet Ring. He was supported in 1847 by the Kerkeraad of Beaufort West & Victoria West. 5.A.Dreyer p.87, "dat namens de Synode eene Commissie worde benoemd om de uitgewekenen te bezoeken, met volle magt om alle noodzakelijke maatregelen in vereeniging met hen te nemen, waardoor in hunne geestelyke behoeften op eene geregelde wyze kan worden voorzien".

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respectable inhabitants were found to be well-disposed towards the Government, the Commission held meetings and founded a congregation at Sannah's Poort, later Faurosmith. Elders were elected and a Committee appointed to determine upon a suitable site for a church.[1] They reached the Modder River on the 21st March and in spite of threats that the disaffected Boers would oppose their further progress they pushed on to Winburg.[2] In these parts they noted that the population were more divided, on the one hand the 'harde Emigranten' and on the other the "Britsen of land verraders" who yearned for the coming of the magistrate. Some 300 people attended divine service and, after due notice, elders and deacons were elected, all well-disposed to the Government. Two of the former congregation who were not re-elected to office subsequently avoided the Commission, and one actually endeavoured to prejudice their work by giving out that they were Roman Catholics![3] As the ministers desired to proceed across the Vaal Louw Botha, who lived at the Valsch River en route was asked to communicate their intention to Mooi River, but he refused since the Commission did not appear to recognise the authority of the Maatschappy.[4] Nothing daunted the Rev. A.Murray and his colleagues continued their journey in the heavy rains and arrived at Mooi River on the 10th April, not without observing that the Boers beyond the Valsch were opposed in the main to British rule, owing largely to agitators from across the Drakensberg.[5]

At Potchefstroom the omens were at first not propitious. The Landdrost Lombard and M.W.J.Pretorius intended to refuse the Commission a hearing, though the Rev. A. Murray had been the latter's old friend and pastor, but Commandant Gert Kruger from Magaliesberg, elder brother of the later President Paul Kruger, tackled them forthwith and succeeded in demonstrating that it was their duty to assist the Reverend gentlemen in attaining their object explaining that the Commission had not been sent by the Cape Government and was appointed before Sir Harry's arrival.[6] It was here that the Rev. A.Murray read Potgieter's letter to Kruger warning the people against embroiling themselves in Pretorius' enterprise.[7] For five days until their departure on the 20th April, religious services were held by the members of the Commission. In the course of their travels the Commission married 27 couples at Riet and Modder Rivers, baptised altogether 800 children and distributed several thousand Bibles and -tracts-

1. A.Dreyer, p.92-94, 98. 2. A.Dreyer, pp.99-100. 3.A.Dreyer, p.105. Southey papers: 31/3/1849 Dyason wrote that several Boers asked him whether by having Roman-Dutch law they were to be made Roman Catholics! C.O. 1119, 241 Subscription List towards Bloemfontein Church totalling 1,016 Rds. of which Governor subscribed 300 Rds. & the Resident 200. Request to Holland for a minister. 4.A.Dreyer,p.101, "Kwaadwilligen" p.103, C.O.1119 & Warden's Letter Book 20/4/1848. D.87, 22/5/1848, B.B.XVI Natal papers. 5.A.Dreyer,p.105. C.O.1120, 9/4/1848, G.Joubert reports ministers gone on to Mooi River. 6.A.Dreyer,pp.106-7. 7.C.O.1119 & Letter Book 5/5/1848. A.Dreyer p.100. Sir H. Smith wrote to Kruger 29/5/1848, appreciating his manly conduct, pp.110-111.

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tracts.[1] Later when the venture of Pretorius began to gain momentum and widened the religious gulf which the Commission was endeavouring to bridge, the Rev. Andrew Murray thus summed up his impressions: "I cannot tell what I feel for many of the truly well-disposed people in Riet River, Koornspruit, and Sand River in their present circumstances. If I am not altogether mistaken many of them wished to fear God and honour the Queen, but you know they are ignorant and timid, the fear of losing their property has doubtless induced them to take part in those measures from which they would otherwise have felt an utter aversion". 3

In the meantime with the departure of Pretorius, few untoward incidents disturbed the outward calm of the Orange River Sovereignty and the British Resident was lulled into expressing his "very firm belief" that all would progress satisfactorily on the arrival of the magistrates for the Winburg and the Caledon districts.[2] Various other communications received by the Secretary to the High Commissioner left little doubt, however, that the Manifesto of itself would not restrain the opposition The Rev. W. Shaw, then on a visit to the Wesleyan Mission stations, in the course of his impressions upon the current state of affairs noted the prevalence of disaffection among the Boers and that several had sent messages to Moroko threatening to attack his town during May, but remarked that they were greatly divided in opinion.[4] In view of the promise to grant land certificates many realised they had something to lose, so that he questioned whether a sufficient number would be found in the districts nearest the Orange and the Lower Caledon "so stupid as to venture on any overt act of hostility", whilst the "worst characters" would go beyond the Vaal. Nevertheless he reported the authentic news that Boers were forming camp at Doornkop halfway between Winburg and the Drakensberg and something was evidently in the air for the 15th May.[5]

J. Boshoff, then serving on the Land Commission in Natal and subsequently President of the Orange Free State, was convinced that the farmers as far northward as Winburg or Sand River would not take part in any opposition or disturbance.[6] But he apprehended that Pretorius had "played a double game" and considered that stronger measures than the Manifesto and the arrival of the magistrate at Winburg would be required to keep the Boers quiet and submissive on the northern reaches, as the malcontents there were stronger than the loyalists, who were likely to give way unless

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1. A.Dreyer p.104; also C.O.1119, 2/6/1848. C.O.1120, 6/5/1848 Church service at Stoffel Vissers on 5/5/1848 writes Riddulph from Bethany. 2.C.O.1119, 2/6/1848 "in common with many respectable farmers". C.O.1094, No.134, he wrote to Chase 13/5/1848: "Boers on Modder are becoming alive to their interests: if we could get rid of 100 of the more turbulent, all would go well". 3. A.Dreyer.p.96,4/8/1848. 4.C.O.1094, No.159, 4/5/1848, from Thaba 'Nchu. Bas.Rec. 1/175 Governor to Moroko approving his conduct. O.R.S. 34/218, 28/5/1848. 5. C.O.1094, 8/5/1848 from Platberg. 6. C.O.1094, No. 132, 9/5/1848. C.O.1094, No. 176, 15/6/1848, J.M.Howell, later Landdrost of Winburg, "I regret Pretorius has played Your Excellency false. He has been for the past 8 or 10 years my most intimate friend. I therefore regret his duplicity". Southey papers, 13/6/1848, Meurant, "I would be the first to shoot Pretorius as a traitor. Pretorius has promised to help Sir Harry, and the blackguard has now turned traitor".

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supported. He mentioned the report that several families had actually been prevented from continuing on their way back to Natal. "I am very glad Sir H. Smith is determined to carry out the measures laid down in his Proclamation. It is an act of mercy to the people and they will hereafter appreciate it ... I sincerely lament that severe steps will have to be taken against some, but I feel confident Sir Henry will never use greater severity than what may be requisite ... " Similarly separate reports from C.S.Halse in the Caledon district[1] and J.C.Chase, magistrate at Burghersdorp[2] intimated that Pretorius' agents were continuing their propaganda, bruiting it abroad that he had a force of 4,000 Boers and 15,000 Zulus under Panda at his back,[3] and circulating the "Oproeping" appointing the 15th May for an assembly at Liebenberg's Vlei.[4] Chase had also elicited the information that Louw Pretorius and his assistants Field-Cornet Scholtz, Strydom and Odendaal were busy ascertaining what quantity of gunpowder, lead and money each inhabitant would subscribe and ordering them to hold themselves in readiness, for as soon as a junction could be effected with Potgieter's forces, Pretorius' intention was to attack simultaneously the positions of Winburg, Bloemfontein and of the Chief Moshesh.[5] According to one of his informants the people said "if the Government come they will be faithful, but if Pretorius comes they will join the "Maatschappy". In addition, Halse advised that the well-disposed were alarmed and leaving their homes to form laagers at particular points for mutual protection, preferring to pay the charge of £1 for each wagon ferried across the Caledon, then in spate, to remaining on the other side. He naively remarked that he had rejected a proposal to seize the two principal ring-leaders for fear of raising a hornets' nest.

At this juncture in the middle of May the Magistrates J.O'Reilly, from Somerset East, and T.J. Biddulph, from the Kat River settlement, reached Bloemfontein.[6] The publication of Biddulph's unfavourable report on the social conditions and prospects of the Settlement by Sir H. Pottinger had made him very unpopular and he had written to Southey desiring employment as Magistrate over a rural district requiring energetic management. "I can do more work than any two I know of".[7] Having no money at command to meet his travelling expenses, poor Biddulph had gone to Bathurst to sell his little property there, but his uneasiness on hearing of Sir Harry's anger at his delay in taking up the appointment soon gave way to his usual self-assurance,

"I can never brook anything like resistance to Her Majesty's authority. I can put up with anything almost but my Queen and country reviled and laws set at defiance is what your Biddulph will never submit to".[8] He recommended a Mr. Dyason as his -clerk-

1. S.G.1094, 18/5/1848. 2. G.G.1094, No.134, 22/5/1848. 3. G.G.1119, 6/5/1848, Pretorius gave similar figures to Rev. Murray, 5,000 Boers & 13,000 Natives.
4. G.G.1120, 15 & 23/5/1848, corroborated by J.O'Reilly. 5. G.G.1120, No.85, 10/5/1848, an order from Vaalbank. 6. G.G.1119, 19/5/1848; G.G.1120, 15/5/1848. For reception vide D, 94, 13/6/1848, B.B.X., G.G.1119 & Letter Book, 8/4/1848, Warden had received the instructions for the guidance of these two magistrates.
7. Southey papers 5/1/1848. G.G.1120, 31/3/1848. Southey papers 4/4/1848.

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clerk, seeing that he knew Dutch and was familiar with official business, having grown grey in the service, and engaged two troopers of the 7th Dragoon Guards as his constables.[1] At Colesberg on the way up Biddulph was sworn in by Sir John Wylde, the Chief Justice, who took occasion to deliver an hour's speech explaining the Manifesto to the Boers.[2] Both O'Reilly and Biddulph were considerably delayed en route by the heavy rains and even after leaving Bloemfontein on the 13th the latter took ten days to cover the hundred miles to Winburg, as the Vet River proved impassable, whilst the former reached his destination, Waterfall, midway between Bethulie and Beersheba, complaining he had never suffered so much in his life before from wet and cold.[3] Owing to the inclement weather not only had Commandant Snyman and a body of Burghers waited in vain for O'Reilly at Sanddrift but Biddulph's welcoming party had also dwindled to twenty-five.[4]

In other respects too their arrival could scarcely be regarded as auspicious. O'Reilly confirmed all the previous reports of the activities of the disaffected faction and the resultant alarm of the well-disposed, adding the rumoured threat of Pretorius' determination to 'execute' everyone opposed to him.[5] He issued notices to persuade the people not to give ear to Pretorius' "nonsensical mandates" but "the loyalists ask me what they are to do"![6] Moreover, no sooner had Biddulph arrived in company with Major Warden, than he called upon everyone to observe obedience and declared illegal all meetings and assemblies convened without his sanction.[7] But the news of his coming to Winburg had caused considerable excitement throughout the country, so much so that about 40 Boers met at J.G.Vermeulen's farm on the 24th May, as originally ordered by Pretorius, to consider what line of action should be taken, whereupon W.Jacobs transacted business as President of a Court of Landdrost and Heemraden and immediately left for Mooi River. His intention, apparently was to seek explanations of Pretorius for his "Algemene oproeping" and for his non-appearance subsequently at Vermeulen's and at Liebenberg's Vlei on the 15th, on which day, it will be remembered, Pretorius attended the fruitless Potchefstroom meeting.[8] A document was also delivered to Biddulph signed in the name of the United Public according to the memorial sent to the Governor, notifying that they would in no wise

1.C.O.1120,27/4/1848 - J.Gillan & G.Brustmeyer. He did not know Dyason personally but he was recommended as "reformed and steady". Dyason's appointment gazetted 6/4/1848. 2.C.O.1094,3/5/1848, C.O.1120, 6/5/1848, C.O.1119,22/5/1848. 3.C.O.1119, 19/5/1848. Letter Book 12/5/1848,(also C.O.1119) & 27/5/1848. Southey papers,15/5/1848: address of welcome to O'Reilly No.135 (116 Dutch), vide D.94,13/6/1848. Sovereignty was followed by heavy rains and likewise abandonment! (interim severe drought). 4.C.O.1396,Encs.to D.9, 13/6/1848, also B.B.X & XVI. C.O.1120, 13/5/1848. O.R.S. 32/44-52 for correspondence Biddulph to Southey May, June, July 1848. 5.C.O.1120, 15/5/1848. 6. C.O.1120, 18/5/1848 & 23/5/1848. 7. C.O.1119, 22/5/1848. 8. C.O.1120,31/5/1848. War Tribute Commission in Southey papers. Mr.Zietsman travelled from Chrigstad via Mooi River and reported a fixed determination not to live under British rule, particularly in Winburg district. Pretorius wrote to Bester that as this meeting had decided to obtain independence from the British Government by the pen and not by force of arms he would not attend the appointed meeting at Vermeulen's.

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submit to him as Magistrate./ In the meantime Biddulph had hired the house formerly occupied by the Governor for £3 per month and started to build a kitchen, but noted that he had been so interrupted by farmers calling to greet him that he had not had ten minutes to himself. "It's all nonsense about the Boers seizing and taking me across the Orange River: I believe they are frightened to do anything of the sort. I don't mean to budge an inch, come what will. I am determined to stand my ground".[2] Yet a body of better informed and more observant men, inspired by J.J.Wessels and G. Meyer, in thanking Sir Harry for a magistrate felt obliged to advise that he was entirely without power, that the Manifesto had not caused the evil-disposed to be afraid or impressed, and that only a military post of 100 to 200 men would ensure the maintenance of law and order.[3] Clearly it would be found difficult to govern by force of reason alone, nevertheless several weeks were to elapse before the storm burst.

In all these circumstances the British Resident laboured under severe handicaps in his attempt to effect the speedy establishment of an efficient administration. The promulgation of the Governor's proclamation making provision for the legalisation of marriages gave, indeed, general satisfaction.[4] Subscription lists for the erection of churches were sent out by Warden and the boundaries of the three districts were provisionally defined at the beginning of June.[5] That between Bloemfontein and Winburg followed the high land between the Vet and the Modder rivers - the waters running into the former belonging to Winburg and those into the latter to Bloemfontein district - extended westwards to Van Wyk's Vlei, thence along the wagon road to Platberg, the former residence of the chief Moroko and then to the Vaal. The line between Bloemfontein and Caledon districts followed the well beaten road from the Orange River to Thaba 'Nchu, the country occupied by the Barolongs being in the Bloemfontein district. Warden experienced some difficulty in selecting a spot for the seat of the magistracy in the Caledon district, a grazing and not an agricultural country, possessing springs with few exceptions too weak to support irrigation.[6] Towards the end of June he met O'Reilly and arranged the transfer of Messrs. H. and F. Halse's farm, Waterfall, to the Government, having received an assurance from Snyman and the oldest inhabitants regarding the sufficiency of the water supply.[7] The Halses had to give £500 towards the cost of erecting a church, to build a dam and furrow and to provide erven for the public offices and a prison, but they were permitted to retain-

1.C.O.1120, 31/5/1848, Cory V.p.146. C.O.1094, 25/5/1848. C.O.1119, 27/5/1848, Warden wrote they had no objection to a British Resident but a Magistrate at Winburg was not wanted by the Vet River farmers. 2.C.O.1120, 25/5/1848. Southey papers 31/5/1848. He refrained from taking possession of the Raad house and tronk. 3.C.O.1094, 26/5/1848. 4.Proclamation O.R.S. 42/114, 17/5/1848; O.R.S. 37/31-2. Letter Book, 9/6/1848. C.O.1120 19/6/1848. C.O. 1119, 2/6/1848. ~~O.R.S. 37/31-32 and~~ Govt. Gazette 17/5/1848. 20 couples married by Rev.A.Murray. 5.C.O.1119, 2/6/1848. Letter Book, 9/6/1848. C.Korsten's appointment as Schoolmaster at Winburg gazetted 15/6/1848. 6. C.O.1119, 8/4/1848 and Letter Book. 7. C.O.1119, 27/5/1848, Letter Book Warden said "no more suitable or central spot". C.O.1094, 175. 24/6/1848. C.O.1120, Rex 24/6/1848, Colesberg people contended Waterfall was badly watered - late heavy rains might have strengthened the usually weak springs.

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retain 100 erven for disposal. Early in the following year, however, this site was abandoned for the New Smithfield, ten miles to the North-east where conditions were more favourable.[1]

In the course of his visits to the new magisterial districts the British Resident succeeded in arranging a weekly post between Bloemfontein and Winburg and considered the possibility of an extension of this regular postal service to the Drakensberg and Natal.[2] A beginning was also made with the election of the burgher officers. In the Caledon district five hundred Rds. were subscribed towards a church, thereby bringing the fund to 2,000 Rds, which sum plus a like contribution from the Government and additional monies from the sale of erven placed them in a position to proceed with the building whenever they pleased.[3] When a party of residents along the Riet River approached Warden for permission to purchase land on Adam Kok's reserve for 10,000 Rds for the erection of a church, he suggested they first persuade the Griqua captain![4] In Bloemfontein itself in order to secure sufficient funds to build a church the Resident sought the sanction of the Governor to sell by public auction upwards of twenty erven.[5]

The Land Commission had, however, not as yet begun its work. The delay in Biddulph's arrival followed by the heavy rains temporarily postponed Warden's dilemma as to whether he should get busy in the Winburg district or proceed with the appraisement of improvements on Boer farms in Adam Kok's country, as agreed upon between the Governor and the Griqua captain. Nevertheless the Resident's intention to commence operations in the Winburg district, then in Bloemfontein and finally in the Caledon, instead of in each district simultaneously, gave "the only ground for complaint" in the last named district that many months would elapse ere the farmers there could obtain title to their farms.[6] In the meantime not only was the revenue bound to suffer from the loss of quitrent, but natives were actually crowding on farms causing damage and annoyance, and were alleged to be taking possession of lands certainly not belonging to them at the proclamation of Sovereignty.[7] For the rest O'Reilly communicated that the unsettled state of his district had almost entirely -subsided-

1. C.O.1119, 30/6/1848. Rev.J.Pellissier mentioned deficiency of water - alleged he wanted it for Paris M.S., Quaggafontein. 2. C.O.1119, 19/5/1848. C.O.1120, 8/6/1848 C.O.1119, 23/6/1848, 2/6/1848, 30/6/1848. One farmer wanted £360 pa.! C.O.1120, 14/6/1848, Biddulph to Moodie. 3. C.O.1120, 27/6/1848. Some 64 inhabitants attended a meeting on Jacobus Erasmus' farm and elected Hendrik Matthysen as Field-Cornet for the ward Slikspruit. C.O.1119, 30/6/1848. At another meeting on 28th June on Andries Lubbe's farm Jan Cloete and Michael Oberholzer were chosen Field-Cornets along the Riet River. 4. C.O.1119, 12/5/1848 & Letter Book 17/6/1848. Dreyer p.118, Kok refused & Warden held church should be at seat of Govt. People wrote to Faure 18/10/1848. He saw Smith who agreed. 5. C.O.1119, 2/6/1848. Those in possession before February to retain occupation of plots on payment of ⅔ average price. 20 Boers came to Warden in Bloemfontein re rumour they would have to give up farms on death of occupier and pay 150 Rds before title would be given. Warden reassured them land held on yearly quitrent only. 6. C.O.1120, 19/6/1848 - "Our affairs wear a most promising aspect". 7. C.O.1120, 8/6/1848.

subsided and that Jacobus Odendaal, a former Field-Cornet of Pretorius, had renounced the disaffected party, whilst Biddulph cheerfully advised that all was perfectly quiet and going on well at Winburg "I neither see or hear anything of Patriots". [1] Within a week, however, Biddulph had taken to his heels! [5]

While Willem Jacobs pursued his journey to Mooi River to report developments to Andries Pretorius, in consequence of the decision at the meeting of the 24th May to remove Biddulph through the instrumentality of Pretorius, his personal animosity gained the upper hand. [2] As Landdrost of Winburg Jacobs had from the first jealously resented the unauthorised intrusion of Pretorius and the holding of meetings without his consent, but he was none the less alive to the fact that he and his following were of little account without the presence of Pretorius who, having no stake in the country, might possibly prove a useful figurehead. Throughout these troublous times Jacobs restricted his plan of action fundamentally to the confines of the old Winburg district, and he protested later that he had no intention of risking a trial of strength with the British Government, preferring first to dragoon the loyalists of that region into concurring with his point of view and then to memorialise the Governor to withdraw British rule. Accordingly upon the failure of Pretorius to follow up the ball he had set rolling, Jacobs nursed a bitter grievance and on his arrival at Mooi River sent "een uitschrapende beledigende brief" to Pretorius requiring his attendance at an interview forthwith. Denying him a reasonable time within which to comply, Jacobs gave vent to his feelings towards Pretorius in an open letter to the Public, which later became the subject of futile recriminations in the Court of the Landdrost and Heemraden at Krugers Post, and returned to Winburg. [3] Some of Pretorius' supporters there, however, mistrusting Jacobs despatched Piet Brits to fetch their leader and in due course Pretorius appeared once more in the Orange River Sovereignty.

At a large meeting lasting from the 20th to the 22nd June on the farm of I. van Coller, Sand River, it was decided apparently that the people should assemble and go to the Orange River to shew the Governor that the majority were averse to the system he had adopted or rather altogether opposed to British rule. [4] But Pretorius, who had all along visualised the realisation of a much more ambitious and comprehensive programme, regarded the numbers as too weak to attain his object and the occasion not ripe, and so disbanded them with directions to meet again in one month's time on Piet

-Venter's-

1. C.O.1120, 14/6/1848. C.O.1119, 9/6/1848. 2. C.O.1094, 20/6/1848.
3. R 189/49, Pretorius vs Jacobs. C.R.S. 97/319, 6/2/1853 W. Jacobs [illegible] all I could to prevent war". 4. C.O.1120 and C.O.1119, 23/6/1848 (170 people present). Warden's Letter Book 22/6/1848. Evidence before War Tribute Commission in Smuthey's papers. 3. C.O. 1120, 29/6/1848.
5. In fairness to Biddulph his instructions (vide footnote p. 89 above) should be borne in mind. He sheltered behind these when Warden complained later of the inadequate quitrent revenue collected from the Winburg district.

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Venter's farm in the same vicinity. "What the great work is with the armed force is unknown", wrote G. Meyer and well he might have wondered![1] Pretorius also held a Krygsraad at which his Commandants and Field-Cornets were sworn to secrecy and instructed to make all the necessary preparations for an 'Algemeene Oproeping' on the 20th July. The assemblage before leaving Van Coller's place took a solemn oath to be true and faithful to one another and to Pretorius their leader.[2] Strong opposition to Pretorius came, however, from Jan Kock who had taken a leading part at the Zwartkopjes and Vet River engagements and was averse to any further violent action.[3] A fierce altercation arose between them whilst the former was addressing the assembly from a wagon-box, but Jan Kock was unable to counteract Pretorius' influence and set out immediately with the intention of bringing Potgieter to the next meeting arranged for the 20th July.[4]

Provided by Pretorius with a patrol of 25 armed burghers Jacobs left the meeting and proceeded to Winburg. They passed the night before their entry at Cronje's house where Douthwaite, formerly of the 21st Regt., overheard their conversation and hastened to warn Biddulph, who considered discretion the better part of valour and posted at once to Bloemfontein.[5] "I could not submit to be roughly handled by these brutes and if I had shot one or two there would perhaps have been war. I left Winburg to avoid an unequal collision with a set of desperate unprincipled fellows. You must, I repeat, be patient and not condemn Biddulph who was never rash in his life. I hope His Excellency will approve of my not submitting to the indignity of being thrust into their Tronk"![6] His clerk, Isaac Dyason, who stood his ground and was unmolested, described how on the morning of the 22nd June, a few hours after Biddulph's going, a body of fifty armed men rode into the village and halted at the Court House where Landdrost Willem Jacobs, a tall lame man, and his Secretary Frederick Schnehage transacted business. One couple was married by them whereupon Dyason dutifully presented Schnehage with a copy of the Governor's Proclamation of the 17th May respecting Marriages![7] Sir Harry was naturally furious at Biddulph's flight and Rex commented that it would give a "fresh impetus to their foolish arguments". On the other hand Biddulph's position was unenviable for he was not fluent in Dutch, in fact Rawstorne hit the nail on the head when he remarked that no unilingual Englishman was suitable for the post of Magistrate at Winburg and referred to the obvious qualifications of Gideon Joubert, "who I have a hundred times seen out-talk the opposite side and leave them not a word to say for themselves"![8]

Some idea of Pretorius' designs may be gathered from the following letter of

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1.C.O.1094, No. 183, 27/6/1848, between 300 and 400 people present. 2.Produced by C.M.v.d.Heever before War Tribute Commission, 20/9/1848 in Southey papers. C.O.1120 5/7/1848. C.O.1094, 193, 21/6/1848, Enc. D.106, 26/7/1848. B.B.XVI. 3.C.O.1094, 20/6/1848, C.O.1119, 27/5/1848 and C.O.1120, 4/7/1848, Dyason, also show Kock had fallen away. 4. v.d.Heever 20/9/1848, C.O.1119, 7/7/1848. 5.C.O.1120, 4 & 5/7/1848. Intention to seize, C.O.1094, 15 &20/6/1848. 6.C.O.1120, 29/6/1848, 21,23, & 28/6/1848. 7.C.O.1120, 24 & 26/6/1848. C.O.1095, No.38, 6/7/1848. C.O.1119, 30/6/1848. C.O.1120 28/6/1848, Jacobs charged 15 Rds., Biddulph charged 45 Rds. 8.C.O.1095, No.38,6/7/1848. C.O.1120, 14/6/1848,"You know I can't read Dutch", wrote Biddulph.

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the 20th June to Sir Andries Stockenstrom: "Myn heer tot myne grootste ongenoegen ontvang ik op het oogenblik een berig door den Com L Pretorius dat UE een pos aan my heef gesonden en welk kosbaare leeven van den brenger hem ontnoomen is en hem Hartseenberg en paarden in den groot Rivier geworpen.

Sir Andreas ik ben nog altoos in beweging en had op den 15 My eene algemene oproeping gedaan en had den menschen van Origstad tot groot rivier in beweging dog er is door kwaade persoonen een hinder ingekoomen en nu is het uydgestel tot wy wa UE tyding kryg. Ik ben ook selfs by Panda gewees en hy staan gereet om met syne mag met ons saamen te gaan en Natal schoon te vegen. Alle andere hoofden welk no met den Brit waaren staan met ons. 3 Mosus en Morokko was nog den laatste dog nu dat hun grond gemeten wort en ook Panda hun bedryg is sy ook aan het wankelen en als sy niet schielyk aan ons onderwerp sal ik Panda op hun setten. Ik heer dat U met hun gekontraktiert heef en dat dan selfde ook verlooren waaren het welk my see spyd. Ik wil niet seggen dat den menschen alle eens is: hier is nog klyne verschille maar een seer groot lichgaan heef my veer gekoosen als Comm Generaal. Nu wanneer sy my getrouw blyf sal ik tot myne doot voor vryhyd alles doen wat in myne vermoogen is door Godts hulp. Ik had soo ik op den bovengemelde 15den My by elkander hier aan UE een pos afgesonden dog het was vereydel.

Ik woon tans aan den Magaleberg ben nu hier heen gekoomen om te sien hoe den saaken loop en ben seer onbekend met den beweging over den wereld en vond toen UE ongelukkige tyding waardoor ik veel verloort dog ik send UE desen en hoop dat het UE sullen gewordan en dat ik schielyk van UE berig sult hebben. 2 Ik vertrouw dat gy my sult inligten of er geen gevaar is dat den andere moogendheeden ons het land sullen afneemen als wy het ook van den Engelsche vry kryg. Sal ik niet aan den wereld bekend maaken dat wy ook aanspraak op Natals grond maak? Soo wy hier klaar heef sullen wy naar Natal gaan. Soo te seggen alle den Boeren was van daar weg: er is nu sommige voor den winter met hun vee af dog was aan den maatschappy. Het soude my veel lig gegeven hebben had ik uwe pos ontvangen. Den emigranten sullen nimmer onderwerpen. Sy willen vegten of verder trekken. Kruyd en loot i een algemene behoeften. Aldat gy aan my wilt bestellen moet gy aan L.Pretorius besorgen. Wy hadden eene beweging bepaald dog sullen nu op uwe tyding wagten en alles in gereedtyd houden. Hier is nog verraaders onder ons vele van hun syn gedraay naar ons en soo ik den mag op den been heef sal ik den andere als verraders behandelen. Wy heef nog niets aan den magistraaten gedaan tot wy aan den gang waaren sullen wy het alles doen. Den Commedant H.Potgieter is met wynig menschen nog verre den bossen in. My wil niet gaarne vegt. Ik heef van L.Pretorius vernoomen dat UE een benden naar hem gesonden heef en naar uwe pos te soeken en va hun heef hy den muws dat UE in beweging is. Ik wil niet hoopen dat daar misverstanden is . Gy kund verseker wesen dat geen swarte van dese sy op den Blank sult vallen want ofschoon sy niet alle met ons sullen gaan sy sullen ook niet met den Brit gaan. Den zwaarste werk hier is onder ons selfs omdat alle affrikaanders niet siet wat wy sien. Ik was tot op Origstad en den menschen te vereenigen dog ik hebt sy niet alle tot een saak konde krygen maar wanneer sy den werksaamhyd en den stroom sien sullen sy toe vloejyen. Ik heef tyding van Natal dat den Engelsch Kaffers en vrede met ons vraag en hun ook ontrek van den Brit. Het is jammer dat UE niet den pos in een verborge plaat had konden bergen: nu is den water leeg dat sulle in den mag overal kon deur. Ik hoop gy sult desen haastigen en korte berig ontvangen en vertrou dat ik myne leven voor vryhyd sult opofferen". 4

Andries Pretorius had met Stockenstrom on his fruitless visit to Pottinger the previous year, but whatever understanding there may have existed between the two of them-

1.C.O.1094,No.192,20/6/1848; Enc.C.O.1396,D.108,26/7/1848, C.O.1454, O'Reilly reports secret and frequent communication between Pretorius and someone in the East Riet River Division of Somerset - person hinted at not susceptible of belief, 16/7/1848, Southey papers. 2.News of the French revolt had recently reached the Colony: Southey papers, 8/7/1848,Fleming P.E.wrote: "I am afraid the democratic fever in Europe will embarrass Sir Harry in some degree by the Home Government calling for a reduction in troops". 3.C.O.1119, 27/5/1848 & Letter Book, Mr. White, a trader, was present at a meeting attended by Moroko's brother Makhabi and three petty chiefs who, on being asked by Landdrost Lombard, said they would assist the Boers. Through Kodk's interposition White was allowed to depart though Lombard had ordered his detention.
4. In this letter Pretorius was concerned about the loss of a certain communication from Sir A.Stockenstrom and awaited information from the latter about the political situation generally. The Boer leader revealed the extent of his operations, the general mobilisation arranged for the 15th May, which had been delayed through some hitch and his visit to Panda who was to be sent against any recalcitrant tribes. He stated that he had again been chosen Commandant General by a large body and that they were holding themselves in readiness, for the Emigrant boers would never submit but rather fight or move further away. Potgieter, he added, was in the bushveld and did not wish to fight. Pretorius dwelt on the lack of unanimity among the people, the presence of waverers, evil-disposed persons and traitors with whom they would deal in due course. They intended to retake Natal and he wanted to know from Stockenstrom whether they should announce their claim to it lest some other ~~foreign~~power might take the country. He mentioned the general scarcity of powder and lead and suggested that the baronet should forward what he would to L.Pretorius.

them, Stockenstrom forwarded the above letter with his comments upon the "pitiful state of ignorance into which the emigrant farmers are sunk and how much they deserve compassion when their leader can be the dupe of such palpable imposture ... a melancholy specimen of the fruit of many years agitation, deception and mistake operating on the minds of rude men". 1 This tends to confirm what Jacobs wrote later "Pretoris heef de wereld in vlam gestoke ... Had de publiek dadelyk een memorie gemaakt dan kon wy verenigt onse besware voorgebragt hebben en een ieder had overtuig, en de bewysen gegeven dat wy elkanders welsyn soek". 2

The British Resident did not hesitate to send Biddulph back to Winburg at once. An escort of eight men of the Cape Corps accompanied the Magistrate with orders to protect him from insult but on no account to quit the village. 3 Warden knew Sir Harry would be opposed to the employment of military force if milder measures could be used and the soldiers were returned within a week. Warden was unable to go to Winburg with Biddulph as he had arranged meetings of the farmers to elect Field-Cornets and to discuss church matters, 4 but, instead, he warned Jacobs of his "day of reckoning" and announced that the Land Commission would start work beyond the Modder on the 5th July. 5 At one of these duly advertised meetings Piet Erasmus was elected Field-Cornet for the ward between Kaffir River and Middelveld, midway between the Modder and the Vet Rivers, and also chosen a member of the Land Commission for the Bloemfontein district. Erasmus had been persuaded by the Resident to resign his position as Field Cornet of Pretorius and he wrote to the Boer leader accordingly. This done, the Land Commission became engaged upon the demarcation of the boundary between the Barolongs and the Boers, a line which Warden surmised would be anything but straight, for not only had any encroachment upon the natives to be avoided but the lands held by the Boers had also to be secured to them. 6

In the meanwhile the Winburg district remained unsettled and Pretorius very active, never stopping at the same house two nights together. 7 Dyason, the Magistrate Clerk, took an optimistic view of the situation when he submitted his opinion that the trouble would end in the disaffected trekking across the Vaal beyond the limits of British jurisdiction. He considered the Boers were not sufficiently united to make war and hoped that the Governor would not deem it necessary, upon receiving information of the recent occurrence, to have recourse to any very severe measure. Yet according to his own observations a great gulf of hatred and non-intercourse existed between the well-disposed and the disaffected parties, whilst a large number not unfavourable to the Government remained neutral waiting to see whether British power would be firmly established: "The Boers are a timid people, very prejudiced, easily deceived and more readily credit reports tending to their injury than to their good". 8 Biddulph,

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1.C.O.1095,No.44, 10/7/1848. 2.Letter 19/9/1848, Evidence before War Tribute Commission in Southey papers. O.R.S.42/15, 14/9/1848, W.Jacobs: "Ik heef geen deel of lot in de leugenagtigen of valsche werk van Pretoris maar heef hem kragdadig tegen gewerk om sulks niet te doen maar hy heef de mensche opgewek en hem tot generaal opgeworpen en heef myn met minagting behandelt en is na willekeur voortgegaan. Ik schreif sulks niet hem te beklatte en tot myn verschoning maar omdat het de waarheid is en wans met de waarheid in myn hart, mont en pen te sterven want die moet een iede opreg man vry maken". 3.C.O.1119,23/6/1848, also Letter book. 4.C.O.1120,29/6/1848, Warden was very unwell at the time. 5.C.O.1120,28/6/1848. 6.C.O.1119,7/7/1848. 7.C.O.1120,5/7/1848. 8.C.O.1120,4/7/1848,Biddulph had received friendly visits from chiefs &remarked it was expensive feeding 15-20 people for a day or two!

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on the other hand urged repeatedly and unequivocally that a body of fifty or more troops would keep the country quiet without firing a shot and ward off those Boers who did not own a foot of land in the district and came only to raise a disturbance, or to alarm and intimidate the adherents of the Government, indeed "His Excellency's Government ought to be strongest where there is most disaffection ... I have no one here like Halse and Commandant Snyman of the Caledon district to counteract Pretorius' measures by holding meetings, explaining Laws and Proclamations, and riding amongst the disaffected to laugh and bully them into a better understanding ... If His Excellency thinks the name of Magistrate without a force can turn the tide he has miscalculated". /

The general tenor of news from across the Drakensberg had also of late been not so promising. The number of families that had returned to Natal immediately on the reading of the Proclamation of the 10th February was thirty, yet by the end of June only ten more families moved in; nevertheless the occupants of many wagons encamped in the neighbourhood of Liebenberg's Vlei were waiting to hear whether the Governor's measures were being carried into effect.[2] Indeed, during this month Jacobus Uys came over in company with eight Boers to re-occupy farms, having also been deputed by Andries Spies and other former Klip River farmers to enquire when the Kaffirs were to be removed, upon which event he felt certain that "all the people would return and twice as many more ... I desire to offer Your Excellency a thousand thanks for what you have done for us".[3] Apparently, however, a personal interview with Mr. Moodie left Uys very dissatisfied and the impetuous and outspoken James Howell wrote to Sir Harry that "the Secretary to the Government does not appear to be over zealous in executing the terms of the Proclamation."[4] Whatever doubt and uncertainty lingered in the minds of the authorities that serious mischief was afoot in the Northern Sovereignty would have been dissipated by confirmatory reports from Howell at Pietermaritsburg. Not only was he, and presumably other inhabitants of Natal, well informed about the intentions of the disaffected "Winburgers", of Jacobs' resolution to remove Biddulph and the subsequent mission to Pretorius to carry out this measure, but he also exposed Pretorius' dealings with Panda, his letters to the Portuguese at Delagoa Bay and Sir Andries Stockenstrom.[5] From this source it was equally clear that "Andreas the First" had been making his credulous countrymen believe that Stockenstrom was "aiding and abetting" and that "England must fall by the hands of the French". To Pretorius' inquiry whether he was ready, Umpanda replied that he wished to see the former's force, being too shrewd a man to provoke a war with the Government.[6]

1.C.O.1120,28/6/1848 & 29/6/1848. Meyer wrote that hundreds of loyalists were joining the rebels daily through feaf of losing their cattle & property. C.O.1094,No.183, 27/6/1848, Biddulph reprimanded Schnehage for putting up a notice - this had been smeared over with cow dung by some of the loyalist lads of the village & could not be read. 2.C.O.1094,15,17 & 20/6/1848, Subsequently there was a paucity of news owing to the guard set up to prevent boers returning to Natal. At Colesberg later Smith heard of the return of 35, C.O.145,10/8/1848, C.O.1454. 3.C.O.1094,15/6/1848, Uys. 4.For an account of James Howell see Malan's Opkoms,p.308 - He went to live later in O.F.S. C.O.1094,No.176,15/6/1848 - "Returning farmers desire a magistrate in the country, & dread being summoned to Pietermaritsburg for every trifling case and subjected to the infamous system of plunder carried on by some of the unprincipled practitioners, the particular friends of the Recorder". 5.C.O.1094,20/6/1848, also 15/6/1848. 6.Southey papers, 22/8/1848. Of course Howell's letters were received when the opposition had come to a head.

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Government. Similarly the Portuguese authorities at Delagoa Bay were not to be drawn and intimated that Portugal was an ally of the British Crown. "I really pity my unfortunate countrymen", concluded Howell, "the game they are playing must sooner or later end in tragedy". /

The 20th July had originally been the day arranged for the gathering of the anti-Government Boers to accomplish the objects premeditated in secret conclave by the 'Krygsraad' of Pretorius' commandants, who spared no threats or exertions in anticipation of 'Der tag'. Even along the Lower Caledon, where in the opinion of James O'Reilly, the Magistrate, everything was almost in "perfect order", Louw Pretorius pursued his project undeterred. [2] According to his loyalist brother-in-law, Frederick Bezuidenhout, he had the assistance lately of a renegade trader from Grahamstown, one Comphries Bond "the Maatschappy messenger", who rode repeatedly backwards and forwards from the disaffected to the Colony and circulated rumours that the whole of England was in a state of rebellion and Queen Victoria no longer allowed to rule the country and that the Government had no troops to send across the Orange in support of the Magistrates. [3] Indeed, Sir Harry Smith had withdrawn so many troops from Kaffraria that Meurant, while continuing through his paper to point out to his "infatuated countrymen" the unconstitutional nature of their venture, stressed the "fearful risk" the Governor was running should the Kaffirs take it into their heads to avail themselves of this rupture with the Boers. [4]

As Warden's business with the boundary between Boer and Barolong brought him nearer Winburg, Biddulph called a meeting of the landowners of his district for the 12th to choose a Field-Cornet and a Burgher member of the Land Commission, to which F.Rex and R.Moffat had just been appointed surveyors. [5] In order to forestall the Land Commission in its work of inspecting farms and granting certificates of title, Pretorius and Bester issued from Sand River a call for an armed meeting at Klip Spruit on the 11th July, whereupon one J.A.du Plessis wrote immediately apprising the Magistrate of this warlike development. [6]

Shortly after the receipt of this alarming information confirmation reached Biddulph from other sources. On the 1st of June the High Commissioner had offered a free pardon to all deserters who would rejoin their colours and in due course quite a number took advantage of this unusual boon. [7] One Michael Quigley, who had only a few days before received his free pardon from Biddulph and gone northwards to convey the good news to others about the Mooi, had been impressed by one of Pretorius' field-

-cornets-

1.C.O.1094,24/7/1848, No.95. "La Belle France having sent away Louis Philippe with a flea in his ear Young Africa and very young she is proving herself to be, thinks to burlesque the thing by making Biddulph cut a little stick". 2.C.O.1120,6/7/1848 - Mrs. O'Reilly had made up her mind not to stay in that out of the way part of the world. Southey papers 16/7/1848. Dutch minister much desired: already collected 3,200 Rds & 2,000 from Government. 3.C.O.1120: 2,6,10,16/7/1848. By the time a warrant for his arrest was issued,he had gone to Winburg. See also O'Reilly's letter 16/7/1848 in Wilmot's Life of Southey re secret communications with Colony. 4.Southey papers 21/8/1848, Kaffirs badly off in Amatolas but cattle fat elsewhere. 5.Southey papers 5/7/1848. C.O.1120 6/7/1848. Rex said Moffat had not yet shown up. 6.Southey papers 8/7/1848: Order of Field-Cornet, C.M.van der Meever. 7.Southey papers 8/8/1848:Halse. C.O.1120. 5/7/1848.

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cornets and forced to go in another direction, but found the opportunity to pencil a message to the Magistrate on the back of his pardon and hand this to another deserter for immediate delivery.[1] Moreover M.Wessels revealed to Biddulph that it was the fixed determination of Pretorius to resist with force any attempt by the Government authorities either to interfere with the land or exercise magisterial duties. When also other loyalists, whose intention it had been to attend the meeting of the 12th, informed him that they dared not do so, having to protect their families and property, the Magistrate did not delay to communicate to Major Warden his decision to withdraw to Bloemfontein at once for the whole district appeared to be under the control of Pretorius, backed as he was by 200 Transvaalers, and consequently in a state of open rebellion against the Queen's authority.[2]

The call of Pretorius and Bester to an armed meeting on the 11th July may have been received by the Boers as an invitation to a 'gewapende protes'[5] but at any rate on that date Pretorius left Brits's farm on the Sand River and entered Winburg the following day with upwards of two hundred Boers besides the men of Commandants Spies and Bezuidenhout.[3] Here he issued immediately a public notice prohibiting anyone from adopting a neutral attitude and requiring, under pain of dire punishment, the immediate removal across the Orange by the 20th of all who were opposed to the "Maatschappy".

> "Daar de Emegranten Boeren die de groot Revier syn doorgetrokken voor hunne vryhyd hunne moeder land heef verlaaten en daar wy ziet dat den Britsche gouvernement aan alle andere schepselen voorregten en vryhyd schenken en wy maar gedmurig in Boeyjen en Bellingschap worden gedwongen - Soo wort hierdoor aan elk en een ieder kennis gegeven dat alle en een ieder die hun niet met desen regvaardigen saak van vryhyd met ons willen bemoyjen op ontvangs der of voor den 20ste deser den Stroom van groot Revier moeten doorgaan sonder verkoop van plaatsen of eenig grond wan alle verkoopping sullen van heden voor onwettig worden beschoud op dat niet de krygsraad met verdere straf op hun persoon en goed sullen koomen niemand sullen toegelaten worden hun eenzydig te houden die niet met ons is sullen als vyanden worden behandelt Een ieder die desen maatschappy tegenkand het sy met woort of daat sullen als een oproermaaker worden behandelt en sal dadelik door den krygraad worden gestraf."[4]

G.H.Meyer, J.Fick and the Winburg loyalists nevertheless went into laager on M.Wessels farm at Vet River, whilst Michael Oberholster and Commandant J.T.Snyman with their parties followed suit on the Modder and the Lower Caledon respectively;[6] in addition, Pretorius' erstwhile Field-Cornet, P.Erasmus, also ignored the former's written order to call out a force.[7] Even, therefore, had there been but few other people determined never to throw in their lot with the reckless Pretorius and his like this unmistakable defiance-

1.Southey papers 7/7/1848. C.O.1120, 11/7/1848. Theal VII p.271 & Cory V.p.147 refer to Quigley. 2.C.O.1120, 11/7/1848. Malan p.101. C.O.1120, 5/7/1848, Vermeulen, Viljoen & Standers (formerly in Colesberg Cacl p.31) among others were removing their flocks & families towards the Vaal. 3.C.O.1095, 30/7/1848, No.93, Ed.Corbitt. 4.C.O.1095, 12/7/1848, No.115, also Nos.15 & 33. C.O.1097, D.155,10/9/1848. Govt.Gazette 5/10/1848 Printed in English & published with other correspondence of Pretorius before Boomplaat O.R.S.36/50 & 37/57. Southey papers, War Tribute Commission. 5.A 'gewapende protes' was a basically peaceable but dangerous appearing form of gathering which these people not uncommonly practised. Sir P.Fitzpatrick in S.A.Memories p.213 quotes Gen.J.H.de la Rey, "the last argument of the Boer who was dissatisfied and wanted to split up was 'wat nou jou roer' but it was quite well understood that it was not intended to kill each other. They declared their war, and went out on commando but not to murder each other. It was much what you might call a demonstration of force ..." G.H.Calpin in "There are no South Africans" p.89 also quotes De la Rey - "It is the way of the Boer" 6.C.O.1095, No.138. 7.C.O.1095, No. 36, 12/7/1848.

defiance and disapproval of his methods would have counselled caution and a necessary modification of his programme to one more alive to the interests of the people as a whole.

After some hard riding Biddulph fell in with Major Warden and Rex whilst they were busily engaged in inspecting farms beyond the Modder River. They continued giving out Land Certificates all day on the 12th but early the next day news came to hand from various persons of the actual occupation of Winburg by some five hundred Boers and of the movement of patrols in the direction of Bloemfontein, whereupon the Resident sent to the seat of Government for a troop of twelve men to escort him back. These men soon reached him, and the party had already recrossed the Modder in the late afternoon of the 13th when Warden and Biddulph, who were riding a long way ahead, observed a body of 25 armed Boers galloping in the distance with the obvious intention of intercepting them at the Drift on Rhenoster Spruit, some six miles from Bloemfontein. Major Warden hastily rejoined his escort of coloured Cape Corps at the wagons and, as these showed a bold front in this emergency, a parley was mutually agreed upon.[1] Commandant Stander the Boer leader, thereupon produced a peremptory order from Pretorius for the seizure of the Resident who stoutly declined to surrender his person but, when the former explained that Pretorius desired him to proceed to the Boer camp to see the overwhelming numbers he commanded, Warden pledged his word that Rex would meet Pretorius at the Modder in two days' time to receive any communication he might choose to make. On his return to Bloemfontein that evening, therefore, the Resident despatched an express letter to the Governor, confirming Biddulph's worst fears and relating his own recent rencontre with the rebel patrol.[2] At the same time a duplicate of this despatch was sent post-haste to Colonel Somerset at Grahamstown to enable him to prepare an adequate force, whilst urgent messages were rushed to the Native chiefs, Moshesh, Moroko, Molitsane, Gert Taaibosch and Carolus Roetjé advising them that their safety depended upon the Resident's and requesting them to occupy the upper part of the Modder. Adam Kok was similarly apprised of the situation. Meanwhile all hands settled down to strengthening the defences of the village and preparing mines beyond the embankment of Fort Drury in the event of the Boers attempting to storm the position.

The next day, Friday the 14th July, Biddulph's clerk, Dyason, and the two constables after witnessing the entry into Winburg of more forces and two ammunition wagons from the North, were suffered to depart unmolested though most of their property was confiscated.[3]

1. C.O.1119, 13/7/1848: C.O.1120, 26/7/1848. Theal VII.p.271-2 & Cory V.147-8 also describe this episode. Warden wrote that Erwee witnessed their departure with tears in his eyes, because he knew they would inevitably succumb to the violence of the disaffected. 2. C.O.1119, 13/7/1848; also Enc. C.O.1396 to D.106,26/7/1848. Andrew Bain carried the despatches, see O.R.S. 43,30/10/1854, Sir G.Clerk's eulogy to Sir G.Grey. 3. C.O.1119, 16/7/1848. Dyason reported the entry of Jan Kock.

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confiscated. On the other hand, upon Rex and his companion putting in an appearance at the Boer camp on the Modder as promised, they were placed under close guard pending the arrival of Pretorius on Sunday the 16th, when a fruitless interview ensued and they were unceremoniously "bundled into an old baggage wagon already groaning under the weight of filthy blankets and karosses". Here they were almost smothered on the way to Bloemfontein, and, to add insult to their discomfort, two of the escort of twenty armed Boers were mounted on their prisoners' horses and made them prance and jump about in the moonlight.[1] From what Rex overheard, however, it was clear the Boers had come to the conclusion that this would be the last attempt should they fail - "Pretorius is a proud man; the deceit carried on as well towards his countrymen ad towards His Excellency stamps him as a character unworthy to be left at large in any capacity". By resorting to force and pitting himself against a man of Sir Harry Smith's calibre and resources, Pretorius was jeopardizing not only the success of his own particular venture, but also the future welfare of the generality who had a stake in the northern Sovereignty.

Meanwhile the alarm was widespread throughout the South. Adam Kok on hearing of the Resident's predicament sent to Colesberg for ammunition which Rawstorne supplied at once, urging the Griqua captain to march forthwith to Warden's assistance; but Adam Kok proved to be a man of straw and feared to comply; nor did another urgent reminder meet with a different result.[2] In the Caledon River district Pretorius' Field Cornets, J.Odendaal, Sr., P.Botha, D.Senekal and Louw Pretorius had succeeded in unsettling the inhabitants, if nothing more.[3] Nine-tenths about Smithfield held firmly aloof from the Maatschappy, and many of these loyalist farmers went into laager following the example of Snyman, whilst a considerable number were hurriedly crossing the Orange at Ruffels Vlei and Sand Drift with their cattle and sheep through fear of being press-ganged or forfeiting their property. O'Reilly ordered Field-Cornets Matthysen, Weber and Vogel to assemble men and proceed to Bloemfontein, but he doubted whether they would, for those who remained preferred to be neutral.[4] Further the number of armed parties over the countryside effectively precluded any likelihood of native allies assisting the Government and compelled many Boers, especially those who had countenanced British rule, to join the ranks of the disaffected or provide wagons slaughter stock and other enforced contributions.[5] Thus when Pretorius formed camp within two miles of Bloemfontein on the 17th and approached the village, at the head of four hundred men, the British Resident must have contemplated his inadequate -resources-

1.C.O.1120, 26/7/1848.(Biddulph - C.O.1120,5/7/1848 - referred to the general belief that Pretorius was stronger than the Government but when convinced to the contrary they would desert him. They regarded him as a man who would lay down his life in thei cause) 2.C.O.1095,18 & 39. 3.C.O.1120,23/7/1848, also I.Dreyer, J.Scholtz Sr.& Jr. & Wolvehans - all resident between the Orange & the Caledon, south of Koesbergen. 4.C.O.1095,15. C.O.1120,23/7/1848 & 31/7/1848 "They abhor Pretorius and his plans". 5.C.O.1119,16/7/1848. C.O.1120,26/7/1848 - 251. O.R.S.37/37, 24/7/1848 Enc.C.O.1397 to D.145, 10/8/1848. There were three rebel camps besides that of Pretorius and one lower down Modder so disposed to cut off succour, whereupon Jan Bloem the Koranna chief discreetly withdrew.

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resources with considerable misgiving, for any resistance by the handful of "seventy good men" under his command and a like number of civilians, deserters, Barolongs and Bushmen, encumbered by twice as many women and children would have been nothing less than suicidal.[1] "And whereas Sir Harry Smith is obstinate as regards the majority being on our side" wrote Pretorius to Warden, he would give the latter only one hour to consider his parlous case. Terms of capitulation were perforce agreed upon, with Rex once more acting as interpreter, whereby the troops and inhabitants of Bloemfontein as well as the Magistrate's staff at Smithfield, were to leave bag and baggage for the Colony by the 20th, on which day the Commando entered the capital of the Sovereignty.[2] The die was now cast.

1. C.R.S. 37/37, 24/7/1848 Touwfontein; Enc.G.O.1397, D.145, 10/8/1848 - Rex said Boer force amounted to 1,000, whilst Warden later gave the figure at 400 and his own as 57 men, viz: 45 Hottentots of C.M.R. and 12 raw recruits, 42 civilians and deserter 25 Bushmen, 200 women and children. G.O.1454: D.145, 10/8/1848, also B.B.XVI. ~~Smith~~ Smith said Warden acted with prudence and discretion in withdrawing. C.R.S. 37/117: Major Warden to Sir H. Smith, 10/2/1850. "For a Commander-in-chief to express publicly his approval of the giving up of a military post to rebels (which saved the Cape Corps and 2 guns from falling into their hands) could hardly perhaps be looked for. That step however was a wise one, although I must confess that had Mr. Rex when he came from the rebel camp given me anything like the true strength of the Boers with Pretorius instead of declaring that they were from 11 to 1,800 strong I should have been led to make a stand with my little force".

2. Enclosure, [illegible]/1848, G.O.1397, D.145, 10/8/1848, also G.O.1095/34. C.R.S. 31/215, 200 - a copy of capitulation. Terms: People guaranteed free exit. Wagons would be supplied by Pretorius where procurable. Warden to inform the tribes of the capitulation that collision might be prevented - this he did, R 146/48. If the time allowed was insufficient to remove their property, the owners could do so later on at their convenience (Unfortunately they found their property seriously or irretrievably damaged on their return). Copy C.R.S. 37/39 - witnesses were L.R.Botha and P.M.Bester, A.Fraser and T.Biddulph.

Major Warden's despatch describing his predicament was conveyed to the Orange River by Andrew Bain and Sir G.Clerk later eulogised this 'public service','merit so conspicuous' and 'loyalty so genuine' as follows:-

"When no other means remained for communicating with the Colony Mr. Bain at the risk of being shot from behind any rock or bush personally carried an express from near Bloemfontein to Colesberg a distance of 190 miles with the utmost expedition and thus made known to the Commanding Officer at the latter place the difficulty of the position of the British detachment and opened communication with Sir H. Smith at Cape Town. When personally called upon by that General for support before the battle, Mr. Bain answered the summons with a description of zeal which is rare and with a result I imagine unparalleled in S.A. warfare in like circumstances of emergency. He started in the morning early and during the same day he had placed at the disposal of the Commissariat more than 100 wagons procured by his persuasion and influence from the Natives in the vicinity of the district where the Boers were in rebellion. The means of transport thus afforded to the troops enabled Sir H. Smith, who without it was at a standstill to advance from the Orange River and defeat the Boers at Boomplaats.

Such zealous service obtained a distinguished reward. Sir H. Smith conferred on Bain in free gift the farm called "Hartebeest Hoek" a few miles from Bloemfontein with its very extensive lands. The chief advantage of this property consisted in its producing wood, and consequently its being that from which the contractor for the garrison as well as the inhabitants at Bloemfontein generally derived their supplies of fuel".

C.R.S. 43, 30/10/1854., Sir G. Clerk to Sir G. Grey.

CHAPTER IV.

Boomplaats and the Restoration of the Sovereignty.

Having thus disposed of the Government representatives in the Orange River Sovereignty, Andries Pretorius authorised his officers to assemble at Bloemfontein, where he proposed to stay for at least a week.[1] The day after his entry and Warden's retirement, he recapitulated the arguments of his letter to the Governor of the 22nd April in a lengthy memorial which was signed by some nine hundred Boers - illiterate and credulous in the main - as a protest against Sir Harry's Manifesto of the 29th March.[2] Once more appeared those generalizations that the natives were allowed self-government and all the privileges of liberty whilst these were withheld from the white cattle farmers, who could not live with any security under Her Majesty's Government in a country inhabited by so many coloured people. The Memorialists referred to the recurrence of Kaffir Wars and losses on the Eastern frontier of the Cape Colony under British rule, as if a panacea were within their own peculiar power to produce at will. Similarly, by way of further censure, they claimed that British occupation had brought no improvement in Natal where they contended, with a facile lapse of memory, they had previously enjoyed security. Obsessed with the recollection of his personal experiences and of the indifference of Pottinger at Grahamstown and quite unmindful of the real nature of Sir Harry's undertaking at the Tugela and of his own questionable measures to gain a following among the Sovereignty Boers, not to mention the opposition to him there, Prëtorius finally asserted that the Memorialists were the legal possessors of the land beyond the Orange where the majority desired to be left unmolested.

Both the Griqua captain and the leader of the Caledon pro-Government Boers were immediately apprised by Pretorius of the British Resident's evacuation. In a state of great consternation Adam Kok temporised with an evasive answer when required to proceed to Bloemfontein and to remain "in friendly Alliance" with the Emigrants to whom Warden had capitulated.[3] Upon Jacobus Snyman Pretorius also exerted his persuasive powers in order to detach him from the Government cause and to enlist his support: "Nu myne waarde vriend denk over u saak. Er is een algemene beweging over den wereld tot in ander landen welk alle voor vryhyd werken en waarom sult gy nu met wynegen U E en familie ongelukkig maaken. Gy syd tog een man van verstand. Siet gy niet dat den mag van den Engelsche niet meer is en dat sy alle weg gaan om hun eygen land wel in gwaare oorlog waaren. Nu ben ek nog u vriend maar een enkelde schoot soude myn buyten den staad stellen om U E te redden uyd den handen van uwe verbitterde landsnooten en medebroeders. Den heer Orelle is ook onder den selfde onderhandeling aangeseg om te vertrekken waarvan ek aan U E copy send. Ek heef een groote mag hier by my en den burgers koomen nog alle daagen soo dat ek seker tegen den 24 dezen nabij een duysen man by elkander sult hebben soo dat iemand veel ligte een berg in den see kan werpen als om hun tegen desen mag of stroom van vryhyd kan versetten. Ek hoop binnen kort by U E of nabyhyd te syn en U E dan selfs te spreken. Wanneer gy desen ontvang hebt ek myne plig voor God en den wereld gedaan en soo gy nu verder tegen uwe broederen kant is het voor U E eygen verandwoording.

Ek hoor dat den kaffer van Mosus in beweging is. Ek heef ook den kaffers van -Panda-

1.C.O.1095/34, 17/7/1848. 2. O.R.S. 31/8, 18/7/1848; Enc. C.O.1397 to D.145, 10/8/1848, C.O.1454. Theal VII p.273. Cory V. p.151.

3.C.O.1095, 35, 17/7/1848. Vide Warden, 2/8/1848, Enc. C.O. 1397 to D.145, 10/8/1848 C.O.1454

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Panda laaten aanseggen als Mosus in beweging gaan bring hy hun in een 5 jarige oorlog".[1]

But such misrepresentation and veiled intimidation, even though coupled with the previous despatch of a hundred men to strengthen the commando of Louw Pretorius who had issued orders through his Field-Cornet requiring everyone to assemble in a day or two with gun and food at the Orange, did not shake the loyalty of Snyman's party.[2] These people remained in laager until the subversive movement from the north began to disintegrate, and were proof against a later urgent appeal in similar strain: "en das Sir Herries Smit selfs soo vele geld op myne persoon gesit heef kan ek selfs niet gedoogen dat onder ons iemand blyf die sig tegen ons of my wilt kanten maar selfs voor myne eygen vylighyd soo daniegen nu onder ons doen verdwynen ... Den wereld staan op voor hun vryhyd soo wel hier als in den andere landen soo het den wille des Allerhoogsten is wie anders sult het kan tegen kanten ... Van den menschen die Warding tegens ons commadeert heef is gisteraavond vrywillig by ons Wy heef al soo veelle menschen dat wy niet meer weet wat te doen en sulle koomen nog alle daagen by .. Wy habben tot hier onder den Segen en medewerking des Allerhoogsten geen tegen kanting gehad. Wy hebben ook met den Griekwa volk vrede getekend en hoop verder onder den Godts bestier geen drippel menschen bloet te vergieten nog geen streek land deer oorlog van ons kand te verwoesten maar ons reg te erlangen welk Godt aan alle schepselen op den aarde geschonken heef. Selfs den slegte Bosman heef vryhyd en selfs bestier en waarom moeten wy en ons kinders in Boyjen worden gebrag".[3]

The day after Major Warden's retirement from Bloemfontein James O'Reilly withdrew from his Smithfield magistracy across the Orange, having previously removed his family as many of the well-disposed Boers were doing.[4] His last two posts to Warden, including the district plan, had been intercepted, he did not possess a sixpence for he had received no payment since his appointment, and he wondered how on earth he was to meet the salaries of his staff.[5] Reporting shortly after upon Pretorius' appearance at Commissie Drift and his tampering with Moshesh and the chiefs, the distraught Magistrate advanced the vindictive suggestion "how easy will it be if His Excellency can communicate with the chiefs to cut off Pretorius' retreat and murder all"! What O'Reilly communicated about the Boer leader's latest manoeuvres and the feelings of the loyalists in this crisis was fully confirmed by the British Resident, who crossed the Orange on the 27th July to form camp at Botha's Drift. A great number of farmers from Griqualand were also retiring with their property to the Colony but very few would actively resist their rebel countrymen, in fact Warden received a paper from a hundred Boers on the Lower Riet offering to help except by taking up arms. The Basuto chief had apparently twice refused overtures to attend upon Pretorius at Bloemfontein and in these circumstances, therefore, Warden wrote to all the chiefs to

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1.C.O.1095, 113, 22/7/1848; Govt. Gazette 5/10/1848; O.R.S. 36/50.
2.C.O.1094, 17/7/1848. C.O.1095, 15, Halse, who reached Bloemfontein on 18th after the capitulation, reported that nine-tenths Smithfield district Boers held aloof from the Maatschappy and nearly all moved into the Colony, also that Snyman and Wessels stood firm. 3.C.O.1095, 114; Govt. Gazette 5/10/1848; O.R.S. 37/57. 4.C.O.1120, 23, 24 & 31/7/1848. The unfortunate man was well-nigh distraught what with a 'fistula in ano', made worse by recent riding, and with the suffering of his second son who had just lost an eye and the fingers of his right hand through the accidental discharge of his gun. He went to Adam Gilfillan's at Stormberg Spruit: the French missionary doctor Lautrie attended the son.
5.Southey papers 16/7/1848 & 31/7/1848. Mrs. O'Reilly made up her mind not to stay any longer and he asked for another magistracy. He was appointed to his former post at Somerset East.

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hold themselves in readiness. [1]

In the meantime, on the 22nd July, Warden's despatch had reached the High Commissioner at Cape Town.[2] Without delay Col. Somerset was directed to move four companies of the Cape Corps, two guns and two companies each of the Rifle Brigade, the 45th and the 91st regiments from the Eastern frontier to await Sir Harry's arrival at Colesberg, where he expected to be in just over a fortnight's time, after procuring the necessary relays of horses.[3] The embarkation of the 73rd regiment for Cape Town was countermanded, one half being detained in British Kaffraria and the other sent to Natal to establish communications across the Drakensberg, if required, with the forces en route for the Sovereignty. The Lt.-Governor of Natal was also expressly advised to be ready to co-operate. Further the sum of £1,000 was offered by the Governor for the apprehension of the "arch-agitator" Pretorius, whose "so called patriots" had abruptly interrupted the "progressive system" beyond the Orange, and soon after a reward of £500 was similarly proclaimed for the seizure of Jacobs.[4] "Scarcely was Pretorius in possession of the current of events in Europe", commented Sir Harry in reporting his measures to Earl Grey, "than he exerted himself to the utmost to agitate the evil-disposed, to intimidate the undecided, and to overwhelm with apprehension the loyal, stating that I should be obliged to send home all the troops to the aid of England and that the time had arrived to proclaim themselves a Republic, he himself being of course the First Consul". All this "sounds very warlike" continued the Governor, but he reassured the Secretary of State repeatedly that the outbreak was of little moment and would collapse on his approach, and that the only additional expense in some extra transport - "for troops cost the same wherever they are" - the insurgents would be made to pay. He concluded that the occurrence was "a matter of congratulation" since he would be enabled to enforce rigid in lieu of conciliatory measures .. "for, unless these turbulent Boers be brought now under full subjection and rule, a mass of white barbarians would be engendered on our northern frontier, who hereafter would be a curse to the Colony".[5]

The Governor spent a busy last day in Cape Town completing nearly forty despatches including one on the subject of a Representative form of Government for the Cape Colony, a step forward which he personally favoured.[6] Accompanied by his private secretary, Major Garvock, Richard Southey, secretary to the High Commissioner, Dr. Hall principal medical officer, and Lieut. Holdich A.D.C., Sir H. Smith left for the north on the 29th July. The party travelled in three wagons and covered the six hundred

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1. Warden 2/8/1848, Enc.C.O.1397 to D.145, 10/8/1848, C.O.1454. Bas.Rec.1/581, Pretorius writes Moroko, made repeated but fruitless efforts to shake his fidelity to the English Govt. & induce him to join the Boers. Some Barolong sent to join Warden were intercepted. 2.C.O.1119, 13/7/1848. 3.C.O.1095/43 Col.Somerset sent up C.M.R. immediately he heard from Warden. 4.Also £1,000 & £500 for information leading to the apprehension of Pretorius & Jacobs respectively, Govt.Gazettes 27/7/1848 - 24/8/1848. Printed Proclamation G.R.S. 37/35 & 36 re Pretorius & 37/40 & 41 re Jacobs.
5.C.O.1454, D.105, 26/7/1848 & B.B.XVI provide most details of this paragraph. D.145, 10/8/1848. C.O.1340, D.202, 23/10/1848 Earl Grey received intelligence of this insurrection with much regret and trusts it will be speedily suppressed.
6. C.O.1454, D.107 - 144, 29/7/1848: No. 109 on Representative Government.

odd miles to Colesberg, via Worcester and Beaufort West, within twelve days; but a like period was yet to elapse ere the last of the troops from the Eastern frontier, who had been delayed by swollen rivers in Albany, made their appearance at the Orange[1] Sir Harry found the well-disposed farmers collected in camps awaiting his arrival and received a deputation of 300 Boers from the Caledon River district offering assistanc The native chiefs too were all ready at his beck and call, but he preferred a "displa of Her Majesty's exclusive power" to enlisting Boers against Boers or natives against white farmers. It is noteworthy that he was more than ever convinced of the propriety of his measure in proclaiming the Orange River Sovereignty earlier in the year, and that the majority of responsible and propertied Emigrants loyally desired his mild an paternal government. On the way up he had again been thrown much among the Dutch population and remarked that "the execration in which they universally hold Pretorius is proof of their loyalty". He assured Earl Grey that no one could be more averse to any extension of British possessions in South Africa and emphasized that the peculiarity of the circumstances alone had dictated his line of action: "I must strongly draw your Lordship's attention to the fact that this outbreak has from wha I now ascertain, been long contemplated by Pretorius and is not the result of my exertions to benefit the Emigrants ... I see my way perfectly and by establishing a military post at Winburg and re-establishing the one at Bloemfontein the well-dispo will be protected", until such time as the stability of rule and good order might warrant the withdrawal of military forces altogether.[2]

Pretorius' own arrival in the neighbourhood of the Orange synchronised with that of the Governor, but for many days previously Botha's Drift, the principal ford across the river serving Colesberg, had been occupied on the opposite bank by the insurgent forces, as well as Sand Drift higher up beyond the confluence of the Caledon and the Orange, where Field-Cornets Myburgh, J.Odendaal, Sr. and Fred Senekal kept watch on behalf of the Maatschappy.[3] Civil Commissioner Chase of Albert had in consequence authorised Commandant J.Olivier to call out burghers to control the drifts from the Colonial side, though there was still much water in the Orange. One particular rumou in circulation that Pretorius had several thousand ravenous and blood-thirsty Zulus t let loose upon the countryside was calculated to unsettle even the most phlegmatic loyalist.[4] Yet time fought on the side of the Government, which continued to receive accretions of strength in volunteers and deserters, whilst the Maatschappy forces diminished perceptibly with the passing of each day.[5] It was too much to expect that the Boers who had been forced to join against their wishes or had joined merely to stage a demonstration would remain in the field indefinitely, especially in view of the Governor's warlike preparations.

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1.In Jan.1835 Sir Harry at the age of 48 covered the 600 miles from Cape Town to the Eastern Frontier on horseback in six days! 2.C.O.1454, D.145, 10/8/1848 and B.B.XVI. 3.C.O.1120 & C.O.1095/101, 6/8/1848, Olivier to Chase. 4.C.O.1095, 3/4 & 60, 31/8/1848. Chase appointed Fd.-Ct.H.Wessels to protect the Caledon River loyalists on O'Reilly's withdrawal. 5.C.O.1095/190,8/8/1848 G.S.Halse,also in Southey papers.

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On the 10th of August, the day after Sir H. Smith's entry into Colesberg, a letter was addressed to Major Warden at Botha's Drift expressing a wish to see and speak to the Governor and bearing the signatures of Pretorius and Commandants G.H.Kruger, A.J. Spies, L.R.Botha, P.M.Bester, J.A.Enslin, J.J.Jacobs, J.Koekemoer, and Isaak Joubert, who signed for F.Otto.[1] They claimed that the majority of the Emigrants including Gert Kruger and the followers of Commandant H.Potgieter were present in person with no other desire than that the Government should leave them alone in peace. They disclaimed all responsibility for the flight of the (loyal) Boers, but "wy hooren dat het Gouvernement alle zwarten op ons tot eene totale verdelging suit zetten"![2] True to form the rest of the document was interlarded with Pretorius' personal reminiscences of the past year, reciting how the Winburgers had sent for him whilst he was living beyond British jurisdiction, "buiten den lyn van den Britschen Heerschappy", and how he had just heard of the reward for his apprehension but was pleased to say that he was now the Head of the whole united emigrant power, pledged to himself and to one another for whatever fate had in store. He maintained that it profited nothing whether they entreated or prayed "Sir Harries", "hy neem ons met gewelt in besit, en jaagt ons daardoor in den wildernis ... ons liever aan den genadige beschikkingen van den Grooten Schepper zullende afwagten, als ons selfs langer onder de voeten der ieder geringen gekleurde schepselen te worstelen"![3] To this effusion, the first of a far from conciliatory series, the Governor on the same day despatched the 'reproof valiant' that he could neither see nor treat with rebels in arms, that he would protect Her Majesty's loyal Emigrant subjects who were fleeing from their homes in fear of their rebel countrymen and that he had no intention of falling upon white men with black men.[4]

During the week-end a reply was received taking strong exception to the Governor's letter "waarin hy ons bedrygd onverhoord alle dood te schieten soo het in syne magt staan" and to his apparent intention to deal with them "als Pharao den kinderen Israel heeft behandeld".[5] They contended that he had travelled so quickly through the country in January that few of the actual owners of the land were able to see him but "nu staan den gantsche volk uit eigen vryе wille op by elkander met uitzondering van weinigen die wy alle by den namen kunt noemen". Emphasis was laid on the voluntary nature of their movement and they protested that they had not come to make war-

1.C.O.1095/107, 10/8/1848. They claimed that Potgieter was also expected. Cdts.A. Stander and H.Steyne were absent on patrol. O.R.S.31/216-220 copies of documents written about the Orange, bearing merely the signature of A.W.J.Pretorius for the information of the Asst.Commissioners. 2.They heard that the Government would move the natives to exterminate them. 3.Sir Harry just took by force and drove them into the wilderness. They preferred to await God's merciful dispositions rather than to endure any longer the yoke of petty coloured people. 4.C.O.1397, 10/8/1848, Enc.M146 23/8/1848; R 148/48. Bas. Rec. 1/178, 9/9/1848. Compare his treatment of the Gaika chiefs assembled in the Amatolas wanting corn & peace. "I desire peace, I will have peace, but I cannot treat with rebels - their surrender must be a general & unconditional surrender trusting to Her Majesty's clemency. This tendered in a solemn manner & in good faith, hostilities shall cease .. the life of each shall be respected .. the Gaikas rebelled without complaining of grievance or hardship". Godlonton correspondence 16/1/1852. "In London Exeter Hall cannot say I refused peace. The Ministers when asking Parliament for money can say the Governor declared his readiness & determination to have peace". 5.C.O.1095, 108, 11/8/1848, signed by Pretorius, Kruger, Bester, Botha, J.F.Otto & H.Steyne. Sir Harry's letter "in which he threatened to shoot them all unheard if it were in his power" and "to treat them as had Pharaoh the children of Israel"... but "with the exception of a few who could be named, the whole people now rose up of their own free will".

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war, instancing their treatment of the Resident, "want wy hadden Majoor Warden in handen", and claiming that they could have brought "duisenden van swarten die voor ons gereed staan". Sir Harry was promised a safe conduct if he would visit them across the river, but any attempt on the part of the troops to effect a crossing would be resisted to the uttermost.

"Sunday being a day of rest" the Governor deferred his response till Monday the 14th August, when he undertook to be in Major Warden's camp the next day at noon to confer with Mynheers Kruger and Bester, for which purpose a boat would be sent to the opposite bank.[1] Unfortunately, Pretorius managed to gain his point that any letters not addressed to himself should not be received,[2] and the rejection of Sir Harry's offer appeared immediately in Major Warden's camp in the shape of an open invitation to the former inhabitants to return without fear of molestation to the land beyond the Orange, whence they had been induced to flee quite unnecessarily and through the currency of false rumours. This document announced that peace had been arranged with the Griqua people and reiterated their desire to live in friendly relation with the British Government: Sir H. Smith, however, persisted in calling them rebels and had refused all overtures, "terwyl wy niet over de rivier wilt gaan".[3] The Governor therefore waited in vain for Commandants Kruger and Bester to put in an appearance, and on the following day he received instead Pretorius' ultimatum demanding the withdrawal of his Proclamation of Sovereignty, failing which the Emigrant forces would join up with their friends in the Colony to secure deliverance.[4] To this last communication which effectively closed the door to further negotiation - though Pretorius had obviously never intended to agree to any compromise beyond the Orange - Sir Harry sent the formal acknowledgment that he would reply in person when his troops arrived.[5]

His Excellency and staff left Colesberg on the 17th and pitched camp at Botha's Drift, where a final printed warning, on the lines of his Manifesto of March 29, was issued for circulation in the Sovereignty. The insurgents were reminded of the benefits they enjoyed, such as the legalisation of marriages, the tenure of land in perpetuity and "not on an expiring lease of 40 years" and that, in fact, they had the privilege of "almost entirely governing themselves". Sir Harry reproved them for the misery their rebellious conduct had caused in the prevailing inclement weather and further vindicated his establishment of Sovereignty by pointing out that even beyond Winburg, where resided numerous violent men opposed to rule and government in any -shape-

1.C.O.1397, 14/8/1848, Enc. D.146, 23/8/1848; R149/48. 2.Vide also Theal VII/275.
3.C.O.1095/109, 14/8/1848. The letters were written by P.J.Hammes, Clerk to the Commandant-General. 4.C.O.1095/111, 16/8/1848. 5.Smith's replies, Government Gazettes 31/8/1848, 7/9/1848; Encs. C.O.1397, D.146, 23/8/1848.

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shape, he had met many who begged him in private to send them a magistrate. Similarly he censured Pretorius for his duplicity in perverting the meaning of the Proclamation after having undertaken to recommend its contents, and after the Governor had agreed t confine its application to the land south of the Vaal, leaving the 'Transvaal' to thos who might disapprove of his measures. Had Pretorius served on the Natal Land Commissi he might have rendered useful service to those countrymen who had sent him to Grahams-

town the previous year.[1] "I know that four-fifths of the people of property are in favour of the liberal government I set up", whereas "Pretorius' followers are not heads of families but persons ruined in circumstances .. If the men beyond Winburg desired to have their own government why did they molest those of Bloemfontein and Caledon?...No armed party shall presume to seek what I cannot listen to...Choose, therefore, between War or Peace"! Thus ended the wordy warfare on the banks of the Orange!

On the way to Botha's drift Sir Harry received a report from Major Warden that the insurgent forces had broken up their laager of 62 wagons the night before and fallen back. It was conjectured that they had heard the rumour of an army advancing against them from Natal via the Drakensberg and evidently feared to be caught between two fir On the 19th they encamped for the day within three miles of Bethulie, but the chief Lepui and the Rev. J.P.Pellissier refused to go to them and later rejected the offer o a written treaty of perpetual alliance and peace borne by Pretorius' colleagues, Krug Stander and Steyn.[2] Much vexed at this refusal the Commandants threatened that if any of the native tribes assisted the Government against them such intervention would be the cause of an everlasting war. They explained that their retreat was due to the Governor having sent no men to oppose them, but should the English cross the river th would turn back in another direction and march to the Cape, for they would rather she the last drop of their blood than be ruled by the English! While at Philippolis Pretorius had been no more successful in his endeavour to make a treaty with the Griqu On the Boer leader's advance southward the Griqua chief disappeared apparently to sound Waterboer, and left Councillor Piet Draay and Secretary Hendrikse to enter into a pacific arrangement of neutrality, on the understanding however that it would only be binding upon ratification by Adam Kok, who kept discreetly out of the way![3]

Preparations were at length completed for the transport of the Government troops all of which had arrived by the 20th August, with the exception of the 91st regiment. In six days an effective force of some 800 soldiers with three guns, 117 wagons and one month's commissariat supplies crossed the 250 yards of rapidly flowing Orange by means of one small boat worked by a hawser and newly invented caoutchouc pontoon -brought

1.D.147,23/8/1848, B.B.XVI Enclosures from Lt.-Gov.West of Natal showing relations between blacks and whites in Transvaal & efforts of Pretorius to stir up trouble in Natal. Sir Harry offered 3,000 morgen on Klip & Tugela Rivers to each of those who ha no land. Southey papers, 21/8/1848, Maurant - "I pointed out to my infatuated countryme the unconstitutional means". 2.C.O.1095,24/8/1848,118,Rev.J.P.Pellissier to the Gover nor. Cf.p.38 above. 3.C.O.1095,13/8/1848, 69, Mr. Chase. Also C.O.1454, D.146, 23/8/1848. R.145/48, Adam Kok to Pretorius, 29/7/1848. R.147/48, "Hendruk, Secretaris," to Pretorius, 10/8/1848.

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brought out by Sir Harry from Chatham.[1] According to the Governor the effect produced by this forward movement was most apparent throughout Griqualand, where many of the heads of families now confident of Government support expressed their readiness to joi the troops against the rebels; whilst Chase wrote that large numbers of the Maatsch followers of Pretorius were falling away from him and endeavouring to mix themselves up with the loyal Boers to avoid the consequences of their rash conduct. Authentic reports came to hand that crops and houses had been destroyed, that cattle and sheep were dying in hundreds and that the country actually stank with the effluvia arising from the dead carcases.[2] Indeed such excesses had been committed upon isolated farm houses that the hostile feeling of the loyalists towards the "Patriots" had greatly increased.[3] Within a day or two Sir H. Smith was joined by Commandants Erasmus and Snyman who had kept their followers safely in laagers and were well supplied with gunpowder and lead from Colesberg.[4]

In the meantime the insurgent cause waxed more desperate from internal discord. Their numbers had been so seriously depleted by the escape of those impressed by force by the departure of others having no intention of fighting and by many cases of sudden indisposition that Pretorius finally refused all applications to get away from the Commando.[5] Moreover on the 26th he issued a circular to his Field-Cornets instructing them to call up every available man and, pending the result of investigation into the report that troops were marching from Natal, to assemble at Winburg to protect his rear and act as reinforcements. They were informed that the Governor was sitting brooding over they knew not what on the other side of the river, but were assured tha all progressed favourably and that the Colony was prepared for them - "Our cause is now about to be born ... it is the last trumpet that the British are sounding".[6]

In due course on the 27th the Government forces began their advance northward fro the Orange leaving 40 men of the 91st and 20 Cape Mounted Riflemen to secure their lines of communication at the river, and on the following day a Griqua contingent som 250 strong under Waterboer and Adam Kok entered their camp at Visser's Hoek nearby Philippolis.[7] On the morning of Tuesday the 29th August the troops halted for breakfa at Touwfontein where Sir P.Maitland had considered his arrangements for Transorangia

1.Norval's pont ran on the rocks when being moved from Norval's drift to Allemand's -little- drift for the troops: he claimed £300 compensation for its loss C.O.1095, 156, 22/8 & 160, 26/10/48.2.C.O.1095, 21/8/1848, 57, 31/8/1848, 60, Chase appointed Fd.-Ct.H. Wessels to protect farmers on O'Reilly's departure. Wuras & Radloff of the Berlin Missionary Society recovered £300 (original claim £600) in Warden's Court from H.v.d. Merwe and 8 others for loss of property at Bethany Station, Letter Book 12/1/1849, Gazette 16/11/1848. 3.It was estimated some 500 families fled from Caledon River district. 4.D.O.1454, D.146, 23/8/1848,for some details of this paragraph. C.O.109 122-126 & 129 for Snyman's letters. 5.Evidence before War Tribute Commission in Southey papers. See also W.Jacobs O.R.S.42/17, 19/9/1848. O.R.S.20, Lower Vette River 23/9/1848. 6.C.O.1095,26/8/1848,112;Enc.D.155,10/9/1848,B.B.XVI;Govt.Gazette 5/10/184 C.O.1095,117, Pretorius claimed to have a friend from the Colony with them: appealed also to them to make no disturbance in his camp. There was some friction with the Editor of the Grensblad who had evidently consigned Pretorius to a hot place, whereupon he replied "Is this not an earthly Hell? To what hotter place would you still drive us?" 7.C.O.1454, D.151, 30/8/1848. Govt.Notice, Enc.Rec.1/177.

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little more than three years before. Here they obtained information that Pretorius' forces had been in the vicinity the previous evening and this was confirmed en route an hour later by a herdsman, who had witnessed fires along the Kromelleboog Spruit, a tributary of the Riet meandering beyond a few low hills on the line of march ahead. As the long cavalcade approached this broken country shortly before noon the uncertain behaviour of large herds of game also aroused the Governor's suspicions. Lt.Warren and a few men were thereupon sent to reconnoitre and when they surprised a body of some fifty Boers into retreating precipitately behind one of the ridges, Lt.Salis and the White (European) company of the Cape Mounted Rifles advanced to cover the front of the column in skirmishing order and to feel around the hills with orders not to fire a shot unless fired upon.[1] Sir Harry made his dispositions and rode to the front conspicuous in the blue jacket and white cord trousers he had worn at the Tugela and confident that no European in South Africa would point a weapon against his person.[2]

The Boer position along a succession of ridges guarding the approach to the ford at the Kromelleboog Spruit and the farm house of Boomplaats was most favourable for defence and as soon as the leading party of the Cape Corps came abreast of the low hills on their right they were thrown into some confusion by a volley of musketry directed from the Boer left.[3] These mounted men were at a disadvantage and immediately received orders to give way for the guns of the Royal Artillery which were brought to bear upon the insurgents. At the same time the infantry deployed into line, the order of attack being the company of the Rifle Brigade on the right, two companies of the 45th in the centre and the 91st held in reserve as an escort for the guns, whilst the Cape Mounted Rifles were directed to meet the threat of the Boer right upon the Commissariat wagons in the rear.[4] The men of the 45th suffered considerably in the centre, as well as the Rifle Brigade on the right, through not taking sufficient cover in storming the hills.[5] Accordingly Sir Harry's own escort of Riflemen withdrew

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1. For accounts of the Battle of Boomplaats note Theal VII.pp.276-281 and Cory V.pp. 155-161; also General Sir H.A.Holdich's diary in Smith's autobiography pp.598-603; C.Warden 18/5/99, O.F.S.Archives; D.151, 30/8/1848, B.B.XVI. Cp.Boomah Pass Theal VI p.89 where infantry were not permitted to load their muskets to avoid an accident. Lt.Salis was severely wounded and saved from death by Piet Mostert who was rewarded by Southey when summoned before the Winburg War Tribute Commission for the Witteberge 2. Southey papers 24/8/1848: J.Wylde in Chambers trembled at the thought of harm to the Governor for the Boers' "roers carry some distance". O.R.S.31/209,5/2/1852, Pretorius to Asst.Commissioners: Sir Harry strengthened his force "met een bende onbeschaafde Barbaren"..."ons ten onder te brengen en uittevoeien"!! And we had no alternative but to fight ..."en door de stiffhoofdigheid van Sir Harry op dien dag veel onnodige bloed is gestord". 3.R189a/49, Pretorius complained "dat de voorste burgers, voor ik by hun kwam, selfs al aan het schieten waren". 4.Theal VII,p.279 & Malan p.107 place Jan Kock in command of the Boer right - no authority given! I have found no corroboration. P.82 above shows that Kock signed the Potchefstroom Resolutions in May and, on p.91, he openly supported these in June at the Sand River meeting. C.O.1122, 23/2/1849, he wrote that he had no connection with the rebellion and only sickness prevented him declaring his loyalty at the time. Southey papers,26/3/1849, Dyason wrote that Kock had passed through Winburg from Bloemfontein and was much improved in health. His name does not appear with those of the other commandants in the documents signed at the Orange, nor does it figure among those who were fined or punished after Boomplaats. Thus, Dyason reported, p.97 footnote 3, his entry into Winburg but this was undoubtedly on his return from trying to persuade Potgieter to come and stop Pretorius' designs. Southey papers,23/8/1848, Howell in Natal after commenting on the paucity of news across the Drakensberg owing to the Boer guard but probably having heard of Kock's presence at Winburg, wrote "Potgieter is neuter tho' Jan Kock joined Pretorius". 5.Here Capt. Murray was mortally wounded. 4. See Orpen p. 57.

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to protect the guns and the 91st were summoned to support the 45th who succeeded in dislodging the Boers. Meanwhile a sharp and determined conflict was proceeding between the Cape Mounted Riflemen and the Boer right: these Boers had impetuously descended the hills to turn the left flank of the Government forces and being exposed to one of the guns were driven back by the Cape Corps and in the course of their retreat harassed further by the two guns posted on the ridges from which their countrymen had just been driven.[1]

A short stand followed along the bed of the stream at the farmhouse and the kraal where Col. Buller was severely wounded in endeavouring to intercept the retreat of the Boers. The guns however compelled them to withdraw in disorder across an open plain to a neck between two hills where they turned to meet a demonstration by the mounted Hottentots of the Cape Corps and the Griquas "who on observing the retreat had turned up on the right in a very valiant manner!" The Government troops soon re-formed after crossing the spruit and upon the renewed advance of the infantry and a few shots from the guns the Boers decided against further resistance, set fire to the veld and dispersed pell mell. Sir H. Smith described these three hours of fierce fighting as one of the sharpest skirmishes he had ever experienced. The Boers probably suffered fewer losses in killed and wounded for they had the choice of position and enjoyed the advantage of fighting behind cover.[2] The wounded, including Biddulph, remained at Boomplaats whilst the troops continued their march to Bloemfontein which was reached early on Saturday morning, 2nd September.[3]

Without delay the Sovereignty was re-proclaimed under a salute of 21 guns and the Governor issued a new Proclamation detailing the course of events to Boomplaats and announcing that the property of those who should be found guilty of rebellion would be confiscated and that fines would be imposed by Commissions upon all who had aided or abetted the movement. There and then an additional fine of £1,000 was laid upon Andries Pretorius, and Andries Spies, Jan Krynauw and Louw Pretorius were each fined £500. The property of the last two named as well as that of Frederick Otto, Jan Jacobs, Philip van Coller, Jan Viljoen and Adrian Standers was declared forfeit and, for assisting the rebel cause, a fine of £200 was imposed upon O.J. van Schalkwyk, £150 each on Piet Louw and Jan Botes, £100 on Christoffel Snyman and £50 on Roelof -Grobbelaar-

1. Here Ensign B. Steele was mortally wounded. Plan of the action in Cory V. p.157 taken from Smith's autobiography p.600. 2. Government troops casualties:- 8 officers killed, 5 severely wounded, 20 rank and file killed and 33 severely wounded. Rebel forces uncertain:- Govt. Notice 9/9/1848 & According to Lt. Holdich's diary 49 bodies upon strict inquiry found lying on the field and Sir H. Smith said 12 were killed by one cannon shot. C.R.S.37/52, 49 of the enemy were counted dead on the field; their wounded may be considered upwards of 150 men. Southey papers, 24/2/1849, Meurant states that accounts among boers themselves so contradictory. Charles Warden 18/6/1899 lecture C.P.S.Archives, "As the soldiers were on the open flats and the boers being such dead shots it is astonishing that more were not killed and wounded. Probably it was owing to the hot sun on the red coats making the men appear taller than they actually were. The mirage could be seen from the wagons". 3. One Boer, Jacobus Meyer, had actually started ploughing on Warden's ground! C.O.1122, 25/7/1849, John Wright, the owner of Boomplaats claimed £75 compensation for standing crops destroyed and farmhouse used as hospital.

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Grobbelaar.[1] Within the week, however, Louw Pretorius made good his escape from the Caledon River district without his property and Jan Krynauw was absolved of the crime of firing the first shot at Boomplaats whilst at the end of the month Spies, who swore that he was opposed to the first 'calling out' but found it dangerous to resist the second, protesting that all the people had been misled and deceived, was granted his request to return to his farm at Klip River with all his party, provided merely that he took the oath of allegiance and paid a fine of 300 Rds.[2] The day of Sir Harry's arrival in Bloemfontein also witnessed the despatch of requests to Moshesh[3] and Potgieter to meet him at Winburg as soon as possible. The Governor expressed his pleasure upon hearing of Potgieter's efforts for peace and mentioned that he had written to Kruger and Bester pardoning their grievous transgression, seeing that they had been misled - "Nu is de tyd om goed te doen, myne eenigste oogmerk en begeerte".[4]

At dawn on the Monday and immediately preceding the advance to Winburg, two prisoners who had been captured under arms at Boomplaats and convicted of treason by a Court Martial on the Saturday were shot in the presence of the troops. This painful episode has hitherto not been presented in its true perspective. The release of the prisoners taken at Vet River in 1846 had lulled the anti-Government Boers into a faulty appreciation of the likely consequences of their actions.[5] Indeed the almost universal feeling was subsequently expressed by Johannes Vermeulen, the rebel camp commandant at Boomplaats, before the War Tribute Commission "I did not expect that the British Government would carry out the punishments threatened and was afraid to disobey Pretorius' orders". The circumstances of Boomplaats were somewhat different from those of Vet River and the young and simple Thomas Dreyer paid the supreme penalty because the movement had more than once been publicly characterised as a rebellion by the Governor. His widow on the other hand stigmatised Pretorius for having brought the Boers to the battlefield and having basely fled, stating, "dat door de lafhartigheid van hem, Pretorius, haar laatste man Tomas Dreayer vermoord is".[6] The fate of Michael Quigley is rendered even more melancholy since Biddulph, whom he had warned by scribbling a message on the back of his pardon, was still convalescing at Boomplaats.[7] No soldier had a greater horror of the miseries of war, of the sufferings of the dying and the wounded in battle, or of that 'awful ceremony' a military execution than the Governor, but unquestionably the incident produced the salutary-

1.Govt.Gazette, 14/9/1848; O.R.S.37/48; Encs.C.O.1397 to D.155, 10/9/1848. C.O.1122, 27/2/1849, M.W.Pretorius applied for grants of farms confiscated from his father A.W.J. Pretorius - "Ill ever since His Excellency left us on Tugela".C.O.1122,18/10/1849, 159 M.P.Pretorius thanking Smith for the grant of Deerkraal and wanting Rietspruit jointly with M.W.Pretorius: Said she resided ever since April 1848 with her father-in-law Jan Vorster,"I trust Your Excellency will always find me loyal and obedient". C.O.1122,160 M.W.Vorster, who married Susanna 2nd daughter of A.W.J.Pretorius in 1845, wrote that owing to the unfortunate opposition of his father-in-law (A.W.J.Pretorius) to the Govt his farms have been confiscated. Vide also Cory V.p.162. 2.C.O.1095,8/9/1848,146. C.O.1122,8/9/1848. Southey Papers 29/9/1848,"Keep Spies' nose to the grindstone":Wilmot incorrectly has "kick Spies"! Smith wrote "Mr.Southey will explain to Spies that the former husband of his wife, Uys, was the Governor's faithful friend, & this feeling aids this act of clemency". Pardon received by Southey 16/10/1848 & communicated by Bester to Spies the next day - War Tribute papers. 3.Bas.Rec.1/177. 4.R150/48, 2/9/1848. O.R.S. 21. 23/9/1848.C.J.Kruger's grateful acknowledgment of pardon - initialled by Sir H.Smith & hope to appear with A.H.Potgieter before Sir Harry in a few days. 5.See p.21 above. 6.R186/49. 7.C.O.1120, 8/9/1848 & Southey papers. Cory V., p.162 says incorrectly that Biddulph was then in Bloemfontein.

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salutary effect intended.[1] Despite the precipitate flight and the scattering of the Boers in all directions after Boomplaats, further hostilities remained a distinct possibility and shortly after his arrival in Bloemfontein Sir Harry received an appeal for help from G.Meyer as small parties of rebel Boers had passed hurriedly by his laager for some camps at Sand River, where they were to meet to resume the resistance "if only to destroy and plunder us".[2] Southey later referred to the current belief that another stand would have been attempted near Winburg but for the intelligence of the trial and execution of Dreyer "when the ringleaders lost all hope of keeping a party together for no one would risk the chance of the same fate".[3]

For the 'arch-rebel', Pretorius, Boomplaats proved a complete debacle and effectively put a period to former aspirations.[4] The extent to which he was discredited may be gauged from the above accusation of Dreyer's widow and that of her Mother, "de weduwe Robbertse", "dat sy onder myn bestier nooit weder een kind geven sal op eenige expedietie, want dat ik te lafhartig ben".[5] To the charge that he had not kept faith had abandoned the entire laager "tot een prooi van de vyand" and was "de twede man die Winburg voorby gevlugt is", Pretorius replied that he had tried in vain to stem the rout even to such an extent that officers warned him "dat sy selfs van myn eigen menschen heeft horen vloeken en zweren dat sy my zoude dood schieten", whereupon he had himself joined the general sauve-qui-peut. Afraid to follow the direct road to Winburg lest he might be captured by a 'zeker Rensburg, een der verraders', or be intercepted by Snyman among others, he had therefore followed a more easterly route skirting Thaba Nchu district and Winburg, crossing the Vet to make a halt for one day at Sand River. On the way he met Jacobs and high words passed between them to be reiterated a year later in the Court of Landdrost and Heemraden at Kruger's Post.[6] Meyer thus reported his passage "men zegt dat Pretorius verder zal vlugten en dat Spies, Jacobs, Kruger, Stander en andere die zamenrotting bewerkt heef".[7] Hearing that all had safely escaped, Pretorius said he rode to Valsch River where he also delayed a day till reassured of the safety of the Boers before proceeding homewards. "By de Catsrand kreegte ik togn een pyn aan myn grote toon dat die my een ziekbed van een maand gekost heeft"![8] -A small-

1.Smith wrote to Southey,2/11/1848,"Enquire into the circumstances of the widow. Poor creature hers is a melancholy case and, if in distress, something must be done for her. The E.P.Herald said the execution of Dreyer was an unnecessary act of cruelty - Southey papers, Garvock 25/9/1848. C.O.1454,D.155,10/9/1848,"Sentence on the two rebels struck terror in the hearts of the disaffected and has shown to the well disposed the power of the law". Enc.C.O.1399,D.62,26/3/1849:- Smith: "If British subjects combine as an army and shoot H.Majesty's soldiers and the act does not constitute treason. What does? The Boers in 1848 levied war on a territory over which H.Majesty's sovereignty was proclaimed! Porter: Levying of war within the Colony would be High treason as "within the realm".I question if a levying of war not within the Colony could by the Judges be deemed to be High treason. If such persons while in arms take life they become chargeable with murder. Smith: I tried Dreyer for murder. See Autobiography pp.49 & 56. 2.C.O.1095,3/9/1848,138. 3.Southey papers Feb.1849, also Enc.D.62,26/3/1849; also B.M. XV. O.R.S.42/54, 17/10/1848, Southey to Smith: "The trial & execution of the two men at Bloemfontein has had a wonderful effect on the minds of those inclined to rebellion & will tend more to prevent a recurrence of anything of the kind than the death of a hundred in open fight. The Fd.Ct.Van Vuuren on whose farm I now am is first cousin to Dreyer & says if a cannon ball had cut him in two during the fight he would not have minded a bit but to be taken & deliberately shot, he can never forget it and a brother in law of Dreyer was here this morning to pay his fine & expressed himself in the same way". O.R.S.42/55,17/10/1848, Southey to Smith:"The effect of the punishment has been most beneficial, the justice of which no sane man will ever dare impugn". 4.Dating back to 1840 vide Natal Notulen pp.73...101...150. Bird I 388, II 203 ...but revived in 1847 5.R186/49. 6.R189 a/49:"Ik heb geen 800 handen om de menschen vast te houden". Potgieter & Theunissen p.195 "Veral wiens gebrek van dissipline is die Pretorius commando op die vlug gedryf". 7.C.O.1095, 138, 3/9/1848. R119 f/47 (12/2/1849) Pretorius "Het blyk dat Casper Kruger een groote verraad op den Commando met my gespeel heef met het verlaaten der Commando".

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A small force was left under the still disabled Col. Buller to garrison Bloemfontein where the Governor proposed to construct a small but tenable redoubt with four nine-pounders to serve as a deterrent and some security against any future risings, and the column continued its march northwards to reach Winburg on the forenoon of the 7th Sept. In the neighbourhood of the Vet River on the previous day they were greeted by the loyalists from Field-Cornet Wessels' laager "with a salute from their roers and loud shouts which caused no little excitement in the rear of the column"./ Moroko and a few Barolong followers also put in an appearance whilst Gert Kruger presented himself and took the oath of allegiance. The tendency he had noted at Bethany that "the friendly Boers are gathering thickly around me" became so marked from this time onwards that Sir Harry estimated the number of well-disposed to exceed the disaffected in the proportion of nine in ten.[2] "The manner in which they fled from Boomplaats shows their readiness to abandon a cause which they were unwillingly brought to espouse. There are so many assurances of this by young men brought in by parents to take the oath that the fact becomes indisputable".[3] It may reasonably be inferred from the sum total of the evidence that had the intimidating presence of Pretorius and his nucleus of 200 desperate firebrands who compelled supplies of men and food from scattered farmhouses been removed, then the vast majority of the people would have favoured the establishment of Sovereignty or become readily reconciled to that measure.

Just as at Bloemfontein so at Winburg the Governor paraded the troops immediately upon arrival and re-proclaimed the Sovereignty under a salute of 21 guns, setting forth once more in his preamble the developments culminating in Boomplaats where, he solemnly asserted, the rebel opposition had suffered to the extent of 49 killed and 150 wounded.[4] On the one hand Sir Harry Smith doubled the original sum of £500 for the apprehension of Willem Jacobs and also offered £500 each for Adrian Standers and F. Bezuidenhout, whilst on the other he warmly commended the conduct of the parties under Field-Cornet Wessels and G.Meyer of Winburg, Commandant Snyman of Caledon River, and those in the intervening region of the Riet and the Modder under Field-Cornets Cloete and Oberholster, Commandant Erasmus and Andries Erwee, since by forming camps and resisting both the blandishments and the threats of the anti-government faction these people had also preserved the greater part of their flocks and herds. As part of his policy of pacification and consolidation he publicly pardoned Paul Bester and Gert Kruger on the ground that they had endeavoured to restrain Pretorius' forces from acts of violence. Similarly realizing that the former Winburg magistracy had proved much too extensive for effective control the Governor formed the northern portion between the Sand and the Vaal into a fourth district where he appointed Potgieter the Landdrost

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1. Lt. Holdich's diary in Autobiography of Smith p.605.
2. C.O.1454, D.151, 30/8/1848 and E.B.XVI.
3. C.O.1454, D.155, 10/9/1848. "Pretorius kept a peculiar surveillance over them, had a nucleus of vagabonds from Natal".
4. Bas.Rec.1/177, 2/9/1848 to Moshesh. Govt. Gazette 14/9/1848.

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and, pending the latter's assumption of office, issued a commission to Piet Venter, Commandant Botha and Paul Bester to administer this new district.[1] Major Warden, the British Resident, continued to act as Civil Commissioner and Resident Magistrate of Bloemfontein, Thomas Vowe succeeded O'Reilly in the Caledon River district, while F. Rex was to deputise at Winburg during Biddulph's convalescence. Seeing that he had assured the Secretary of State that all his measures would be conducted with the strictest economy and in keeping also with his definite undertaking that the rebels would be made to foot the bill, the High Commissioner announced the appointment of his Secretary, Richard Southey, as president in chief of the Commissioners for selling confiscated property and imposing fines on the culprits.[2] At the same time all public meetings and marriages not recorded in terms of the Proclamation were declared illegal.

On the 8th September Moshesh, bedecked in a general's old blue coat, gold lace trousers and a forage cap, Sikonyela and many minor chiefs all accompanied by numerous followers entered Winburg, so that by the next day, Saturday, a large concourse of natives including the chiefs Moroko, Molitsane and G.Baatjie had assembled to listen to the Governor. Upwards of 150 burghers of the Winburg district also attended the meeting, whilst Paul Bester was deputed to answer for some hundreds of the Vaal River district unable to be present on account of the distances to be covered at such short notice. Sir Harry Smith prefaced the proceedings by referring to the various proclamations issued at their request, to the steps he had taken to advance their interests and to Pretorius' rising and his attempted tampering with the chiefs. To his frank question whether they would be prepared to protect their magistrate at Winburg should he leave one there supported only by a strong military post at Bloemfontein,[3] he received a unanimous affirmative and, on his inquiring how many men could be depended upon, Commandant Erasmus answered immediately for 400 and Field-Cornets Cloete and Oberholster for 300 and 250 respectively in the Bloemfontein district, and Mr. Erwee in the name of Commandant Snyman for 450 in the Caledon River district, making a total of 1,400 men well-disposed to the Government in those two districts

1.O.R.S.37/49; Govt.Gazette 21/9/1848; G.O.1454, D.155, 10/9/1848, also Enc.B.B.XVI. -alone- Southey papers, Biddulph 8/10/1848. Southey papers, 9/9/1848, Bester wrote that Botha had taken the oath & sent fine imposed. Bester gave 300 Rds towards Government. Bester's surprise must have been great considering the relative situation of himself and Dreyer who was shot, the one a leader, the other probably a dupe. Standers lived in intimacy with & close to Mr.Erwee and had even lately attended the funeral of one of Erwee's sons, but scarcely had the outbreak commenced than he seized his neighbour's property as his own: Enc.C.O.1397, D.155 above. Malan, on page 111, gives an embellished account - no source quoted - of how the Governor was about to hang C.V.D.Heever and F. Schnehage when the latter's wife interceded on their behalf. Schnehage was somewhat of a time-server, vide pp.78, 91, 94(footnote 1) above, but as he had not taken up arms it seems unlikely that the Governor would have seriously contemplated hanging him, especially as he had just pardoned the two commandants Bester & Kruger. In the absence of any authority this story may be discredited. 2.Southey papers,14/9/1848, Warden was not unnaturally "very sore" & protested personally to Sir Harry who informed Southey that he had removed the impression that Warden felt he had been put under him "but as it existed be cautious in interfering with him in any way whatever unless you have something to report to me".C.O.1120, 17/9/1848, Warden explained to Southey that he had complained not from any ill will, since he had always had the greatest respect & regard for his character both as a man & as a staunch friend, but as it trenched upon the just rights of the Resident. 3. "Strong enough even to resist French soldiers".

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alone.[1] That very morning a request had been handed to the Governor for a military post, if only of 50 men and one cannon, at Winburg or somewhere in the northern reaches of the Sovereignty since it was felt that Bloemfontein was situated too far off to provide help against sudden invasion 'which always came from Mooi River', and the petitioners undertook to co-operate with the troops to resist all risings and invasions, urging also the immediate appointment of Commandants and Field-Cornets and the imposition by Proclamation of severe punishment for failure to turn out on the orders of the Civil Commissioner for defence of the district.[2] Indeed at Colesberg one month previously Sir Harry Smith himself claimed to have seen the need for a military post at Winburg yet he now emphasized to the assembled throng that such a post would not be established, promising instead that in case of need troops would arrive from Bloemfontein within three days.[3] Once again, the warmth of his reception and the obvious sincerity of the loyalist protestations undoubtedly suffused his optimistic soul and unfortunately clouded his better judgment.[4]

The purport of the Governor's pointed interrogation was not only to emphasize the vital benefits of an ordered society among these people, but also to stress their share of responsibility for its maintenance by eliciting their unanimous approval and confirmation of his measures. They also expressed satisfaction with the measurement of their land and the issue of recognized certificates in terms of the Proclamation of 8th March whereby every man would henceforward be able to pass on a secure and legal title to his children. Sir Harry was quick to sense their own predilection and desired no strict measurement but insisted that no man was to take land from a native chief without his permission and that of the government. No objection was voiced on the subject of quitrents which he intimated would range from £1 to a maximum of £8 per annum, while they all showed their appreciation of the Governor's recent marriage regulations and his intention to establish churches and schools in the territory.[5] When the Burghers had completed the election of their officers - Marthinus Wessels as Commandant and Jury Wessels, L.Badenhorst, Jan Schutte, Willem Venter and R.van Rooyen as Field-Cornets for Winburg, also L. Botha as Commandant and Dreyer and Van Vuuren as Field-Cornets of Vaal River - Sir Harry made his final appeal: "Remember I leave you to your own resources, supported by the Law and by the post at Bloemfontein. In the Colony the half of you served under me when Kaffirs invaded the land and here you must defend yourselves whether from white or black robbers. What object have I to form a Government for you but your own peace and happiness among yourselves and among the natives". Upon Moshesh briefly remarking "I will only add my deep gratitude to His Excellency for all he has done for this land", the Governor -congratulated-

1.Smith's Autobiography - Holdich's diary, p.805. Also C.O.1454, D.155,10/9/1848 and Enclosures thereto in C.O.1397. Govt.Gazette 21/9/1848, for the Minutes of the meeting 9/9/1848; O.R.S. 37/51; O.R.S. 36/48 - 49 War Tribute Commission. 2.C.O.1095,9/9/1848, 139. 3.See p.103 above. 4.The Governor emphasised at the meeting 9/9/1848 that no power but Her Majesty would induce him to make any alteration in the Bloemfontein and Caledon districts because the arrangements there were what 9 persons in 10 desired."I have been told that 19 in 20 wish for them"; Govt.Gazette 21,28/9/1848, 5/10/1848. O.R.S.37/54. 5.In actual practice subsequently quitrent was rarely demanded in excess of £3 per farm per annum & great difficulty was experienced in collecting at all in the two northern districts of the Sovereignty even in early years of the O.F.S. Republic later.

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congratulated and thanked the chiefs "on sitting still", as required during the recent disturbances. Commandant Erasmus then assured Sir Harry that he felt every word of the Manifesto had been carried out, expressing his trust that every one would be faithful to Her Majesty in future, and Paul Bester also declared he would do everything to preserve order. At the conclusion of this meeting many Burghers took the oath and brought in their fire-arms, while the Basuto chief was much impressed by a special review of the troops in his honour.[1]

The High Commissioner now prepared to return across the Orange and prolonged his stay at Winburg merely to witness a Basuto War dance and the parade on Monday, 11th Sept., of Moshesh's forces some 700 strong, a fine body of men though undisciplined in the European fashion yet including, significantly enough, a large contingent of mounted warriors armed with old roers.[2] Sir Harry wrote regretting he could not wait to meet Potgieter as his presence was required in the Colony, but informed the Boer patriarch of the nature of his immediate duties intimating that Richard Southey possessed full power, subject to the Governor's confirmation, to meet his views in the arrangement of the Vaal River district for the benefit of all: "Mr. Potgieter and all the people are again assured that my sole object is their welfare, that they may possess a government of their own, but some government all people must have".[3] Leaving behind Richard Southey as President of the War tribute Commission with private and confidential instructions to "see the basis of every system, directed by the High Commissioner to be carried out for the future rule of the Sovereignty, well laid down and understood", the Governor and his staff departed by mule wagon the next day to reach Bloemfontein at noon on Wednesday, the troops following by ordinary marches and arriving there on the 15th. Two companies of the 45th Regiment, one company C.M.R. of whom 20 were Europeans and a detachment of sappers with three six-pounder guns of the Royal Artillery, totalling 254 rank and file, were detailed to garrison the Queen's Fort with Major Blenkinsopp in command, and the remainder of the troops were directed to return under Colonel Buller to their respective localities in the Colony as soon as the fort was well in progress.[4]

At Smithfield on the 18th the Governor was welcomed by a large gathering and received a loyal address of congratulation signed by some 350 persons, while Commandant Snyman presented him with a memorial, as numerously signed, wherein they asked for the speedy appointment of a separate Land Commission for the Caledon River district to obviate further delay and inconvenience in defining the limits of their -farms.- [5]

1. Govt. Gazette, 21/9/1848 gives the remarks quoted above. Moshesh pointed to Piet Venter as one of the first Boers he had seen: it was during a war with the Korannas & he asked Venter for aid but the latter referred him to the Colonial Govt. Their guns were returned in most cases. 2. Horses were practically unknown in those parts a decade earlier whilst at Berea, Dec. 1852, there were thousands of mounted Basuto. The range of Native raiding increased accordingly to the detriment of the European farmers. 3. Southey papers 11/9/1848. 4. C.O.1397, D.155, 10/9/1848. Order 15/9/1848. The ground around the Queen's Fort to the distance of 400yds. became Ordnance property, as much as was required for barracks & officers' quarters being reserved. 5. Enc. C.O.1397, D.159, 18/9/1848, also B.B.XVI. C.O.1085, 21/9/1848, 136, Halse's description. They asked for this before, see p. 89 above.

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farms. In his reply to the address Sir Harry recapitulated to the 400 people present the course of recent events, speaking in much the same strain as at Bloemfontein and Winburg. In a "characteristic disposition to satisfy" he promised to meet the request of the memorialists reminding them that their lands were held on tenure of burgher service, whereupon Commandant Snyman guaranteed the support of 800 well-disposed men, and not only the 450 previously vouched for by Mr. Erwee. The new Magistrate Mr. Vowe then handed in a list revealing that 4,000 Rds had already been collected towards their church and in the afternoon accompanied by about 100 Burghers the Governor attended to the laying of the foundation stone.

On the move again before dawn the following day in heavy rain that had persisted since their leaving Bloemfontein, the party later crossed the Orange River into the Colony at Buffels Vlei and travelling via the larger Eastern Province settlements embarked at Port Elizabeth for Cape Town. From Winburg Sir Harry had explained to Earl Grey that "by the quelling of this rebellion, a large community of British subjects, instead of being permitted to fall into barbarism and thus become fearful enemies upon our frontier, will now be brought under the influence of religion and law and the natives will be protected" adding that it would moreover tend to tranquillise the well-disposed and discourage the disaffected in Natal and restore to that district its semigrant population. Once back in Cape Town he made the most of contemporary public opinion by despatching to the Secretary of State the many expressions of congratulation upon the success of his undertaking and deploring the misconduct of the rebels "with a view to demonstrate and prove the loyalty and good feeling which animate the vast majority of the inhabitants of this Her Majesty's Colony of the Cape of Good Hope".

The first task ahead of the administration, once the Governor had taken his departure, was the collection of the War tribute and accordingly the Commissions set to work without delay. The personnel of these bodies in the four districts respectively comprised Major Warden, his clerk Joseph Allison, Commandant P. Erasmus and A.J. Erwee for Bloemfontein; T.W. Vowe, his clerk A. O'Reilly, Commandant J.T. Snyman and Hermanus Wessels of Caledon River; F. Rex (till Biddulph's return), his clerk J. Dyason, Commandant M. Wessels and G. Meyer for Winburg; Piet Venter, Paul Bester, -Commandant-

1. Govt. Gazette 12/10/1848. The Church was not built there as the village was removed to Rietpoort a few miles away. 2. Smith approved of the site of a town at Buffels Vlei & Aliwal North came into being on 12/5/1849. 3. C.O.1454, D.155, 10/9/1848; also B.B.XVI. 4. Reached Cape Town 21/10/1848: D.171, 21/10/1848, B.B.XVI, "Measures adopted for the protection of the well disposed inhabitants who had so earnestly prayed for a regular form of government". He passed through Burghersdorp, Cradock, Graaff-Reinet, Somerset East, Port Beaufort, Kingwilliamstown, Grahamstown, Port Elizabeth, receiving at each place such an address & finally from the Jews and merchants of Cape Town. Smith wrote to Southey 29/9/1848: "The Eastern Province or rather Grahamstown & Port Elizabeth are vociferous about a separate and distinct government". Smith however believed in 'ex unitate vires'. "Only think I slept in Pretorius' old home". C.O.1120, 3/10/1848 J.O'Reilly's account of Smith's reception at Burghersdorp - the firing, addresses, fireworks, row, delight made poor little Burghersdorp quite a city. Yet see Southey papers, 13/9/1847, Joseph, Somerset East writes "This affair at Boomplaats has caused a sullen gloom over our Dutch neighbours"

Commandant Botha and the landdrost's secretary for Vaal River.[1] Their instructions required the immediate levying of all fines imposed, failing which the persons of those fined were to be secured, while Richard Southey the President-in-chief of the Commissions had to transmit the most accurate and detailed accounts with receipts and vouchers to the High Commissioner and to lodge all monies in the hands of the Chief Commissariat officer at headquarters, the Commander-in-chief issuing a receipt for these remittances. The persons fined were those who had been with Pretorius under arms and, secondly, those who had otherwise aided and assisted by furnishing supplies of wagons, oxen, horses, provisions, etc. The former in addition to paying their fines were required to give up their fire-arms and to take the oath of allegiance to the Queen, but in most cases the fire-arms were returned since many of the people subsisted by killing game.[2] Throughout this period Sir Harry Smith kept in regular touch with his secretary and enjoined on him to be moderate in his seizures and to act with leniency yet with decision, emphasising that there was "no discretion" in imposing what a man could not pay without borrowing the money, and that he relied upon his "just moderation".[3] Therefore in fixing the amount of fine to be paid the Commissions were guided, except in a few special cases, as much by the ability of the party to pay as by the degree of guilt proved against him and Southey asserted subsequently that none was fined more than he could pay without suffering much inconvenience. This is borne out also by the very large majority of the fines being £10 and under.[4]

In the course of its sittings each Commission dealt with numerous cases of Boers either protesting their innocence or pleading extenuating circumstances. Many contended that they had been forced to provide slaughter stock, horses and wagons or had done so to ensure their own safety, whilst not a few explained that they had obeyed orders. Some asserted that they had not accompanied the rebel force very far and had slipped away before Boomplaats. In certain instances their pleas were established to the satisfaction of the Commissions but in others they were not believed. According to all the evidence submitted it would appear that a considerable number of Boers were "impressed" and further, that whatever the extent of their voluntary share or complicity in this subversive movement the majority of the participants were landless men.[5]

1.B.155,10/9/1848, B.B.XVI; Gazette 21/9/1848; O.R.S.37/50 & 58. Vaal River -Thomas- Commission in Gazette 5/10/1848. C.O.1095,11/10/1848, 150, Cdt.P.Erasmus recommended to Southey the appointment of Coqui - a clever man versed in English, German & Dutch, as clerk to the Landdrost of Vaal River where Coqui was resident - not acted upon. If funds proved equal to it they were to indemnify the sufferers during the rebellion but they did not! Theal VII, p.284. 2.Southey papers 11/9/1848,Winburg. Receipt issued by Rex, acting magistrate to Sgt.J.McKinnon, 91st Regt. for ~~xxxx~~ 35 stand of arms (Boer guns). O.R.S.42/35, 30/9/1848 Southey to Smith. O.R.S.42/36, Southey's return of guns handed in by 138 Boers at Winburg only - 86 of these were returned the same month,Sept. C.O.1119, 7/10/49 & Warden's Letter Book, except those beyond Vaal. Southey papers and in Wilmot', Smith's letter 24/10/1848. Enc. No. 5, 28/2/1849 to D.62, 26/3/1849,B.B.XV 3.Vide correspondence 29/9/1848 and 2/11/1848 in Southey papers and Wilmot's Life of Southey. 4.O.R.S.42/20; 21/9/1848 Southey assured Smith that the highest fine inflicted was not commensurate with the crime committed by the person fined.
5. See pp. 103, 106, 107.

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Thomas Vowe and his colleagues began their work on Monday, 25th Sept., and held their last sitting in the middle of October. The Caledon River Commission did not mince matters, mulcting some 150 Boers to the tune of more than £3,000, though two-thirds of these escaped with a fine of £10 or less.[1] Very little difficulty was experienced in collecting the money in this district, which was one of the wealthiest in the Sovereignty, especially as many Boers expected an entire confiscation of their property and capital punishment or transportation besides. By the end of the year over £3,300 had been paid to Southey or sent to the military chest at Bloemfontein, Vowe having so much silver that he had to engage a wagon to convey it from Smithfield. The Commission confiscated and sold three farms, that of Louw Pretorius who had been proscribed by the Governor, one of Jacobus Odendaal's two and one of Piet Botha's three; these realised 4,000 Rds and two were purchased by Mr. Pellissier, the French missionary.[2] Charles Halse remarked that the magnanimity displayed by the Governor towards the conquered rebels called forth sentiments of gratitude and eternal loyalty from many of them and he commented further that the system of fining had an excellent tendency to promote the future welfare of the district, inasmuch as those who had formerly been too lazy to work were henceforward of necessity urged to do so to retrieve that which by their folly they had lost.[3] Moreover Vowe did not resort to seizing their property forthwith or to sacrificing their stock needlessly, for he preferred to give them a few weeks within which to pay, insisting nevertheless upon security and instructing the Field-Cornets to keep a strict watch on them in the meantime.[4]

Within the district falling under the jurisdiction of the Bloemfontein War tribute Commission the Governor had previously fined five rebels by Proclamation and had also declared forfeit the property of three others: the former comprised O.J.van Schalkwyk - £200, Jan Botes and Piet Louw - £150 each, Christoffel Snyman £100, and Roelof Grobbelaar £50, and the latter Frederick Otto, Jan Jacobs and Philip van Coller. On the Saturday before leaving to commence the work of levying fines Major Warden realised £71 through the sale by public auction of an old wagon, some worn out horses and oxen left by the rebels at the Modder River.[5] Upwards of 100 farmers attended the first meeting held on the 27th Sept. at the farm of Hans Brits on the Koorn Spruit including all persons suspected of having aided the late rebellion in any way, even to the extent of expressing themselves in favour of the rebel party. Of the 49 persons whose conduct came under investigation 31 were found guilty and paid their fines which averaged just over £4, for all but two paid less than £10 each. The Resident explained that these -guilty-

1.C.O.1120, 25/10/1848, Vowe ; also 8/11/1848, 353. C.O.1120, 12/10/1848, O'Reilly. There is no reference to the Caledon River proceedings in O.R.S. 20 - War Tribute papers ◆ O.R.S. 42/29 & 30 for copies of meetings at Brypaal & Bosch Spruit, 25 & 28 9/1848. 2.C.O.1120, 11/10/1848 & 25/10/1848. 3.Southey papers, 6/10/1848. 4.C.O.1120, 28/9/1848. 5.C.O.1119, 25/9/1848 and Southey papers 24/9/1848.

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guilty parties on the Upper Modder and Koorn Spruit were in such low circumstances - the majority being young Boers possessing only 5 to 20 head of cattle, without farms and dependent almost entirely on game for subsistence - that the Commission could not conscientiously impose larger amounts.[1] The second sitting took place during the first week of October at Hans Pretorius' farm lower down the Modder. Acting on the same principle and taking into account the property held by the guilty party so that no degree of suffering should be inflicted on their families the Commission required only one of the 51 people fined here to pay over £10.[2] These first two meetings brought in over £500 including Jan Botes' £150.

A fortnight later the Bloemfontein Commission began its third session in the ward of M.Oberholster on the Riet River among the wealthier farmers of Griqualand. Sums totalling nearly £1,600 were imposed here but only £1,000 could be collected at the time since some either did not pay or could not raise all the money. The majority of the 70 Boers fined were found guilty of being at Boomplaats or on commando and these included Stefanis Fourie £250, Josef Fourie £45, David Scholtz £50, Adrian Smit £82, Piet Bezuidenhout and Daniel Verwey £100 each, Isaac Joubert £55 and Sarel du Toit £21, the last four mentioned having acted as Field-Cornets under Pretorius. Hendrik Joubert and Piet du Plessis were fined £44 and £21 respectively, the former because he had allowed a man to go on commando - killed at Boomplaats - giving him a horse, and the latter also for the same reason that he had given a man in his stead. The Commission held its fourth and last meeting at the farm of Field-Cornet Cloete near Bethany further up the Riet River on the 23rd and 24th October where 35 Boers were fined nearly £700, though this amount included £400 from Van Schalkwyk, Louw and Grobbelaar fined by Proclamation of His Excellency.[3] Here the Commission dealt with the farmers who during the rising had robbed the Mission Station of property valued at £600 according to Mr. Wuras and they were ordered to pay the half of that amount.[4] The Resident remarked that in all matters connected with the rebellion he found one Boer ever ready to exculpate another. Altogether the fines awarded and the value of the farms, stock and wagons confiscated by the Bloemfontein Commission exceeded £3,200, of which amount £1,000 remained outstanding at the end of the year, but an additional £600 was collected during the first quarter of 1849.[5]

Richard Southey presided in person over the proceedings of the War tribute Commission for both the Winburg and the Vaal River districts and within a couple of days of Sir Harry Smith's leaving him at Winburg he issued instructions to each Field-Cornet-

1.Warden's Letter Book, 1/10/1848; O.R.S.20. 2.Warden's Letter Book, 7/10/1848. Fifteen were acquitted. 3. G.O.1119, 29/10/1848, Warden to Southey.
4. Govt. Notice, O.R.S. 37/62. 5.O.R.S.20. Warden to Major Garvock. Total amount awarded at 3rd and 4th meetings was £2,210 15s.0d. of which £1,122 15s 0d. was paid. O.R.S. 37/64 Warden to Smith, also Warden Letter Book, 18/11/1848. O.R.S.42/65, 19/11/1848, Southey transmitted £3,000 - without Vowe's district.

Cornet to prepare correct lists of all the farms in his division with the names of the owners and all males over 16, as well as the names of all who had been under arms or had contributed in any way to the rising. At the first meeting held on the 20th Sept. the Commission considered the cases in the Field-Cornetcy under Jurie Wessels, namely the village of Winburg and most of the surrounding country between the Vet and the Sand Rivers.[1] Here over thirty Boers were ordered to pay £400 in all, the men who had played a leading rôle being the rebel Field Cornets G.v.d. Heever and J.H.Grobbelaar, fined respectively £75 and £50, and Asst. Field-Cornet G. Joubert fined £15 and A. Kruger £50. A third of those charged were able to establish their complete innocence or pleaded duress and were either not fined or let off lightly. Indeed if the statements of the numerous Boers examined in the northern half of the Sovereignty are to be believed, then little doubt can remain of the methods of force, if not of terrorism, employed in fomenting the rebellion by a nucleus of active leaders such as Commandants Pretorius, Bester, Botha, Cronje, Jacobs, Kruger, Spies, Standers and their particular satellites.[2]

The next day the Commission levied £200 from twenty-five Boers within the Field-cornetcy of Taaibosch Spruit under Roelof van Rooyen, being the area lying to the south and bounded by Kaalplaats Spruit, the Vet river and the district boundary between Winburg and Bloemfontein. Fully half the number of the individuals fined objected that they had been forced by Commandant Standers or Field-Cornet G. Grobbelaar, who had also apparently taken at will whatever supplies they needed from loyalists and others alike. In the Field-cornetcy beyond Zand river under Willem Venter, that is the north-western country falling within the limits of Coal Spruit, the Sand river to its junction with the Vet, thence to the confluence of the Vet and the Vaal rivers and the district boundary between Winburg and Vaal River, twenty Boers had to pay an average of £5 each. The same element of compulsion continued to be revealed in the course of the Commission's investigations and was offered in extenuation by several Boers. On Saturday, 23rd Sept. Richard Southey and his colleagues dealt with Louw Badenhorst's Field-cornetcy of Lower Vet River which included the western stretch between the Zand, Vet and Vaal rivers and the district boundary of Bloemfontein and Winburg. An amount of £400 was levied from 40 Boers half of whom were required to pay £5 or less and among the remainder Commandants J. Vermeulen and A. Cronje £50 each and Field-Cornet G. Borman £15. Once again the leaders tried to save their skins or at least their pockets,

1. The details have been pieced together from Southey's papers. Smith to Southey from Bloemfontein 14/9/1848, "Be broad awake among these fellows and mind the Cape Corps horses are well fed - the ration now is 8 lbs. a day". 2. Whereas Bester, Kruger, & Spies were pardoned receiving only a nominal fine, many a humble musket bearer suffered for what was principally their transgression. Pardon of Bester & Kruger -Cronje- Southey papers, War tribute Commission, 7/9/1848 & also that of Spies dated 29/9/1848. C.R.S. 42/28, Southey to Smith, 22/9/1848: "With one or two exceptions only, every man that has appeared before the Commission declared that they were forced into the rebel ranks against their will & inclination".

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Cronje asserting that he had been forced by Pretorius and Bester, and Borman that he had acted as Field-cornet against his wishes.[1] One fourth of those who appeared before the Commission were found not guilty and discharged as their loyalty could not be called in question.

The Winburg War tribute Commission concluded its labours with Jan Schutte's Field-cornetcy of the Wittebergen that is the North-eastern section bounded by Coal Spruit, Zand river and the Vaal River district. The majority of the 100 Boers fined here paid £5 or less, the few who had to pay more than £10 being Joachim Koekemoer £30 and his son the Field-cornet £15, Cornelius du Plooy £50, Adrian van Niekerk, J.Fourie and J.Pick £15 each. The younger Koekemoer maintained that W.Jacobs insisted on his acting as Field-cornet yet he had been by no means an inactive officer, ordering a wagon at his father's expense. Pick gave a similar excuse. Du Plooy was charged with having gone into the Colony with letters to and from Pretorius and with having tried to excite the people of Burghersdorp and elsewhere to aid the rebel cause. Van Niekerk said that he had been ordered out by Pretorius personally and had raised many objections only to be told that he would be compelled to remain perhaps for five years as the Commandants had sworn to be true to one another for that period. Quite a number of the Boers however had managed to return to their farms with or without permission before the fighting began. Among those not fined were Jacobus Botha, a wealthy and well-disposed man, who on being forced to give two head of cattle had told Pretorius to his face that if the latter succeeded in his enterprise he would leave the country and go to Witenhage, and also Piet Mostert who was rewarded for withholding his fire from the wounded Lt.Salis at Boomplaats.[2] In this ward the impositions amounted to £700, so that the sum-total of fines in the Winburg District reached nearly £8,000. Most of this money was paid in due course, indeed within two weeks Henry Green, in charge of the Commissariat at Bloemfontein, received the large -remittance-

1. Smith remarked to Southey 24/10/1848 "Vermeulen shows a contrite spirit". Vermeulen said "I never gave permission for the meeting to be held at my place and I only knew of it the day previously when I received a letter from A. Pretorius on the subject. I made no objection W.Jacobs was the principal person". p.87 above. One son 17 years old, also out with Pretorius. G.R.S.42/35, Southey to Smith, 30/9/1848: Vermeulen after paying £50 was speaking of it to Jurie Wessels, who remarked "If you think you have paid too much, you can petition His Excellency to reduce it". Vermeulen replied "No, I consider I have deserved my fine and have paid it cheerfully. I feel I have deserved greater punishment but will take more care for the future". Vermeulen's record, see p.31 & Combrink affair; D.P.Theron & le Roux had protested in person to Biddulph against the impressment of their sons. D.P.Theron's son was ordered out by Borman but the father resisted until Pretorius sent word that he would have him cut into pieces and made into 'forced meat'. When he was finally obliged to go his father told him to run away should there be war; and this the youth did. Theron had been chosen by the Church Commission an Elder of the Church at Winburg; he was threatened by Pretorius with the same fate as Commering (Combrink) a loyalist who had been murdered by Korannas instigated, it was said, by unfriendly Boers. Two of Theron's sons caught six natives in the act of thieving and took from them one gun & an assegaai (these natives were harboured on Vermeulen's farm). C.O. 1094, 193, 21/6/1848 also Enclosure to D.106, 26/7/1848, B.B.XVI for Biddulph's statement. Borman took by force 1 horse, 2 oxen, 3 Hottentots from Andries Visagie. C.O.1095, 149, 10/9/1848, for A.Visagie's loyal profession: "I was afraid to disobey his (Pretorius') orders". 2. G.R.S. 42/44, 3/10/1848, Southey to Smith refers to a poor orphan fellow (Piet Mostert) not possessed of 10/- worth of property charged with being under arms at Boomplaats.

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remittance of £1,170 in gold from Biddulph who had recently resumed duty at Winburg.[1]

During the second week of October Richard Southey and the other members of the Maal River Commission began their inquiry into the rebel activities of the inhabitants of that extensive region.[2] In the Field-cornetcy of Bloemspruit under H. van Vuuren and in the larger Field-cornetcy of Valsch River under J. Dreyer all told nearly a hundred Boers were required to pay an average of £4 each.[3] Heavy requisitions in the way of wagons, trek oxen, horses, meal and slaughter beasts had been demanded willy-nilly from these simple and comparatively impoverished people and consequently the heaviest fine amounted to only £10 which was awarded against H. Nieuwenhuys for sending a Hottentot under arms with Pretorius. Several remarked pathetically that they had 'obeyed orders' and many of those who had joined the Commando lamented the loss of a horse, a gun or a greatcoat, providing further evidence of the precipitate collapse of the rebel opposition at Kromelleboog Spruit.[4] Not a few protested that they had not gone very far and had certainly not been at Boomplaats. Jan Schutte appeared specially before the Commission at the request of Commandant Bezuidenhout and Field-Cornet P. Brits, both of whom had quitted their farms fearing the worst but were now desirous of being allowed to return in view of the Government's palpable moderation: they were fined £75 and £25 respectively. Schutte and Bester admitted that Brits had fetched Pretorius from across the Vaal, but 'not for the purpose of making war', and that he had advanced about £200 with which they 'believed' Pretorius had purchased gunpowder: it was surmised moreover that Brits would not be able to recover his disbursement 'even if Pretorius could pay' the money.[5]

A few isolated cases occupied the attention of Richard Southey in his capacity as President-in-chief of the War tribute Commissions. Thus Willem Jacobs had written wanting to know why he in particular was being victimised, explaining that he had tried to do his duty towards the Emigrants and "dat ik geen deel heeft aan Pretoris of syn bedryf - ik heb van harte getragt vry te syn". He had also asked Cilliers to approach Southey on his behalf saying "Pretoris heef de wereld in vlam gestoke en nu moet ik meer als hy lyde. Hy woont stil en heef een verborgen vreden en ik moet voor syne overtreding lyden. Gy weet immers goed dat ik geen deel heeft in syn werken. Ik heb vyanden om syn ent wil gekregen en welke vooruitsigten is er nu voor

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1. C.O.1095, 14/10/1848, 152. O.R.S. 42/34, copy of Winburg Fines - F. Schnehage £150, total £1,849 15s 0d., paid £1,645 15s 0d. 2. Southey papers 12/6/1849, Moffat gives interesting details. His Excellency allowed this Commission to dispense with the oath of allegiance and in consequence of there being many beyond the Vaal quite willing to pay their fines they were given three months, from 1/6/1849, within which to appear before the Commission. D. Bezuidenhout wanted to return to Liebenberg's Vlei but objected to the oath of allegiance to which Smith wrote "I want no oath", C.O.1122, 10/3/1849. 3. O.R.S. 37/68, 3/1/1849, Bester advised Southey some went to Natal without paying. 4. These comprised a third of the 100 cases. 5. Brits was the owner of three farms. R 144/48. Schutte acknowledged that Brits did accompany Pretorius as far as Bloemfontein but was then allowed to return in consequence of indisposition. Bezuidenhout had a farm and a pretty fair stock of cattle. He went no farther than Bloemfontein & returned to wat ch the natives. Though many acknowledged their guilt without making excuses only one of the Boers - Jan Greyling, who had a farm in Natal-said he went because he thought by so doing to obtain his freedom from the English Govt. O.R.S. 20/16.10.1848.

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een ieder".[1] But the Governor felt that Jacobs was not penitent, that he was 'a man of blood', and instructed Southey to sell his farm.[2] Fortunate indeed were the children of Andries Pretorius whose property in the Colony and Natal had been declared forfeit to the Crown for Sir Harry Smith lent a ready ear to their prayer that they might not be made to suffer for their father's fault. He acceded to their "reasonable" representations and restored to them their father's confiscated farms being of the opinion that "the contrary course would be calculated to confirm many of the Boers who might be wavering in their allegiance".[3]

Having completed such imposition and collection of fines as could be effected Southey directed the C.M.R. detachment to return from Bloemspruit to Bloemfontein on Sunday, 22nd October.[4] The troops had not accompanied the War tribute Commission to ensure its personal safety but rather to comply with the wishes of Bester, Venter, Meyer, Wessels and other loyalists who felt that their presence would have a good effect in the Valsch River district by showing that they were available if required.[5] It was Southey's opinion, besides, that apart from the fact that the few people living there were generally very poor, the members of the Commission unassisted by himself would not get any money. Bester and Botha had been instrumental in inducing and forcing many of the Boers into the field and these naturally regarded them with considerable suspicion and even dislike for turning round and assisting the Government.[6] At the beginning of the month in order to expedite matters Southey had caused a copy of a notice to be served upon Stephanus Lombard, Landdrost of Potchefstroom and an uncle of Bester, for circulation among those Boers who had fled to the Transvaal after Boomplaats assuring them that they might return in safety to their farms and requiring them to attend the Commission without delay as well as to deliver up their arms, which -would-

1. Quotation from Evidence before War tribute Commission, letter 19/9/1848, Southey papers balance of which appears on page 93. Also Malan's "Opkoms" p.118. O.R.S.42/15 & 17, 14 & 19/9/1848, W.Jacobs: U.E.sal by u seker overtuigd syn dat U.E. het niet so seer door de mag van uwe wapenen so ver gebragt heeft maar wel door de ontrouheid van vele en de verraderlyke handelwys van ons syde en grootendeels door willekeur van vele daar moet nu alle onderleiden. Hr was een verblintheid op het Publiek dat sy niet sien kon wat sy doen moest. O.R.S.42/35, 30/9/1848, R.Southey: I shall for the present stay the sale of his farm. I think it would be well if Your Excellency took no notice of him for the present and I shall see farther into his circumstances. O.R.S.42/55, 17/10/1848, Southey: I think it will be well Jacobs should forfeit his farm and that he will be a good riddance away from Winburg. O.R.S. 42/57, 2/11/1848, R.Southey: Bester & Botha agree with me that it is desirable not to allow Jacobs to return to Winburg district. He is said to be the fomentor of all the bad feeling among the people about there. (Sugarbush rant). O.R.S.42/58, 11/11/1848, R.Southey. Jacobs' farm offered for sale. Everyone thinks it desirable that he should not be allowed to return. O.R.S.42/18. Comments of Sir H.G.Smith in his own hand upon Jacobs' memorial 42/17:- 1.You desired to shoot the prisoners at Port Natal years ago - Pretorius prevented you. 2.You deforced the Magistrate posted by me at Winburg on the memorial of many of the inhabitants. 3.You are accused of exciting rebellion by every means in your power and of going to fetch Pretorius from his retreat at Magaliesberg. 4.You threatened to shoot Capt. Campbell in his road from Natal into the Colony. 5.I candidly admit Pretorius deceived you and you now appear to think he has deceived you but your conduct has ever been most violent in opposition to all British rule and authority.

2. Southey papers letters 24/10/1848, "Jacobs is too notorious a rebel".

3. See note on p.110 above. D.175, 12/9/1849, E.E.XVI. Grey acknowledged this C.O.1343, E. 427, 4/1/1850. "That poor devil Pretorius has paid dearly already for neglecting my kindness", Southey papers 24/10/1848. Pretorius' property in Natal was considered to be worth £4,000.

4. O.R.S. 42/56, 22/10/1848. R.Southey to Sir H.Smith. 5. O.R.S. 42/44, 3/10/1848.

6. O.R.S. 42/47, 9/10/1848.

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would be returned if necessary for their maintenance, but emphasizing that if they failed to do so they would always be liable to punishment since no distance to which they might remove within the continent would release them from the allegiance which they owed to the British Crown.[1] Lombard had however prohibited any communication with officials of the Government under pain of forfeiture of property and placed an armed party to watch the drifts.[2] Accordingly when Southey reached the Vaal River those persons who had been engaged in the recent conflict and had crossed to the other side on his approach remained in ignorance of the notice and did not come in to pay their fines though he waited there for two days moving about freely on both banks without insult or interference. It was evidently a common practice in the region of the Vaal to open all letters passing to and fro and if the contents were regarded as injurious to tear up such letters and throw them away. In this manner both the original and the duplicate of the High Commissioner's communication addressed to Potgieter from Cape Town, reported his Secretary, had come into the hands of Pretorius and been destroyed and a similar fate he supposed had befallen those sent from Winburg.[2]

Southey had purposed making a personal visit to Mooi River but was probably deterred by Lombard's refusal to come to him or to promise a safe conduct north of the Vaal and he preferred no doubt to await the outcome of the meeting in the Landdrost's house at Potchefstroom on the 24th October when report said a resolution was taken behind closed doors to maintain the independence of the Transvaal.[3] On the other hand Jan Kock who resided a few miles across the Vaal had written previously that he awaited the arrival of Potgieter and hoped to accompany him to Southey yet the latter surmised that although he was still dangerously ill Kock dared not come to see him in the continued absence of the 'Hoof-Commandant'. The intention of the High Commissioner's Secretary to call upon Kock in consequence of further inquiries was frustrated at the last moment however by the rapid rise of the river and being reluctant to risk his horse Southey decided to return to Bloemspruit.[4] Here he spent a day or two with the object of establishing a good feeling by bringing together Bester and Botha and those who "without scarcely knowing why" were keeping aloof from one another. He went with a party on a lion hunt and assembled some fifty people at Commandant Botha's place for target shooting and horse racing wound up by dancing in the evening. "All went off with great harmony", he wrote to Sir Harry, "and many of them kept it up until daylight".[5] -Southey's-

1. C.O.R.S.42/40-41, 2/10/1848. 2. C.O.R.S.42/57, 2/11/1848. William Thomas was ordered by Lombard to cross the Vaal within 24 hours because he had circulated some of Southey's notices. Thomas complained to Southey that he had been compelled to leave behind property valued at £1,500. "The Friend" 3/11/1851 "We have no law or ordinance in the Sovereignty to punish as a felon any persons interfering with communications passing through the Post Office". 3. C.O.R.S.42/47,48-49,56-57. C.O.R.S.42/63, Bester to Southey 17/11/1848, the man who brought the letters from Potgieter & Kruger, see p. 133 advised that Spies, Standers & Pretorius were present at this meeting & that a treaty was the "oogmerk" of Boers. Otherwise, the last Boer would trek to Marico, already white with wagon tents C.O.R.S.42/62, R.Moffat Jn to Southey. 4. C.O.R.S.42/50, 7/9/1848, Kock to Southey. C.O.R.S.42/54, 17/10/1848, also 42/57, 5. C.O.R.S. 42/58, 11/11/1848. "Old Vermeulen & several other influential persons who like him had been heavily fined came distances of 26 & 30 miles to be present..Yr.Ex.'s health was proposed by about a dozen persons during the evening. Prosperity to the British Empire by Bester..."

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Southey's observations to his chief upon the feelings and reaction of the inhabitants during these weeks of travel through the northern Sovereignty were uniformly sanguine. At Bester's in September he met a large party preparing to return to Natal, which they had quitted as a result of reports raised by Pretorius of an invasion of the district by Panda, for these Boers having come to realize how Pretorius had been motivated principally by his own ambition and not the public benefit were determined to mind their own business in future.[1] Shortly after at Vermeulen's he found the people exceedingly civil and noted that they were completely "down" and "must have suffered very severely at Boomplaats though there is no getting at anything like truth from them". Old Abraham Smit and his party came in on the appointed day. Smit had been very active in carrying out the Governor's instructions to arrest the flight of the people and to induce the Boers belonging to Natal to return so much so that those about the Wittebergen and Liebenberg's Vlei had already moved back.[2] At Winburg early in October the Elders and Deacons of the Church were in "high spirits", confident in a continuance of peace consequent upon the decisive check to the rebellious movement and planning to commence their building.[3] The Patriots who formerly took no notice of the Land Commission were coming in daily "very anxious" about their claims being registered, whilst numerous applications for farms were being submitted to the Commission by the landless people.[2·4] A fortnight later from the northern reaches he wrote:- "I am here among those who were at one time the most disaffected in the District of Winburg. I have visited many of their places, and been everywhere treated with every possible kindness. I encourage them to speak freely and many have said they wished to have established an independent government. They find they cannot and will now be good and peaceable subjects ... Commandant Botha appears a straightforward honest fellow: he did his best when acting with Pretorius and now says he will act with equal energy as a Government man. He requests me to assure Your Excellency that you will find him true and faithful, as does Bester, and to renew his assurances at Winburg ... Old Venter says Your Excellency' may depend on his influence being used to carry out Your Excellency's measures. Old Celliers and his son paid their fines and said 'twas no more than they deserved".[5]

The state of feeling in the Sovereignty when the various War tribute Commissions had done their work may be gauged also from the observations of Dr. W.Robertson of Swellendam, who with the Rev. P.Faure constituted the second delegation of the Cape Synod despatched thither towards the close of 1848 at the special request of the Caledon and Riet River people.[6] He noted that the inhabitants of this region appeared with very few exceptions to be very loyal and well-disposed and anxious to have a -church-

1.O.R.S. 42, Southey to Smith 21/9/1848. It should be remembered that the extremists had fled across the Vaal. O.R.S. 42/54, 17/10/1848 .. Howell fell in with several families returning to Natal who expressed regret at what had happened & their satisfaction with the leniency with which they had been treated. 2.O.R.S.42/35, 30/9/1848. 3.O.R.S.42/44. R.155/48, 3/10/1848, They wrote to Pretorius for the return of the Rds 598 set aside for the building of the church at Winburg & which he had appropriated. 4.O.R.S.42/47, 9/10/1848. 5.O.R.S. 42/54 & 55, 17/10/1848, Southey: "Got a parrot from Magalisberg for Lady Smith. Glad if you will send old Venter a pair of spectacles - 57 years old - These were forwarded a month later, O.R.S.42/65. ORS 42/58 11/11/1848, "On my return I halted the night at Piet Venter's, he had collected a number of people to meet me & all appeared as happy & contented as could be desired". 6.Vide Dreyer pp. 121-2. C.O.1095, 5/10/1848, 151; also D. 26/8/1849.

church and a minister. In their public services the ministers studiedly abstained from any direct allusion to rebellion but embraced every private opportunity of speaking kindly, albeit candidly, with those who had been implicated, especially near the junction of the Riet and the Modder Rivers where they met several of Pretorius' supporters.[1] B.Bezuidenhout, a field-cornet at Boomplaats expressed great regret that he had gone so far and promised for the future to conduct himself as a loyal subject. Dr. Robertson doubted however whether he had had much success with Daniel Verwey, another of Pretorius' field-cornets, who had also been fined £100 and was alleged to be still actively engaged in fostering disaffection.[2] "The minds of many", he observed "are smarting under the fines which they have had to pay and there are always wicked and designing men who are ever ready to lead astray the minds of the simple and ignorant" - with the result that numbers of these people, who had not fled incontinently after Boomplaats and who now nursed an added grievance against the authorities, began to remove as of old farther into the interior.[3]

The expenses entailed in putting down the rebellion were estimated at approximately £10,500 but though the gross statement of War Tribute money collected and outstanding from the imposition of fines and the confiscation of property both movable and immovable slightly exceeded this sum the actual amount received in one way and another fell short by quite four figures.[4] Over £7,000 had definitely come to hand by the end of November, 1848, principally in drafts by Henry Green on Deputy Commissary-General Miller, and the Governor intimated to Southey then that "the war tribute is fully as much as I could have expected - indeed, far more".[5] On Southey's return to Cape Town at the beginning of the next year however the Governor's military secretary wrote to him on the subject pointing out that there was some misunderstanding:

"Some sums appear counted twice over. We make the amount about £7,500 which is what you sent me ... Miller makes £9,000 Tribute money which I do not quite understand".[6] In due course Southey prepared an account showing nearly £8,000 as having been received and another £3,000 to be collected, one half being the balance

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1."We generally take care to obey the Apostolic command by praying for the Queen and all in authority". 2. Dreyer, p.140. C.R.S.42/72, Southey: "I met Dr.Robertson and Mr. Faure at Winburg - their service was well attended, old Vermeulen, du Plooy and many others of that stamp attended. They proceed to Mooi River to-morrow thence to Magaliesberg and back via Wittebergen. The clergymen will do much good correcting false reports for there are still mischievous people who endeavour to keep up agitation. Some fellow spread a report that Your Excellency was about to send a thousand missionaries among them; another report is that everyone who has a Kaffir child in his possession is to pay a fine of £50." Rumours were very common - C.R.S. 42/57, 2/11/1848, Southey wrote from Bloemspruit: "There is a report about here that Your Excellency has offered £3,000 for the apprehension of Sir A.Stockenstrom and that he with 80 Boers have made their escape into Kaffirland". 3.Confirmed by Southey C.O.1399, Enc. 5, D.62, 26/3/1849; B.B.XV. 4.Southey papers, H.Maydwell, 10/1/1849, Enc.C.O.1399, D.62, 26/3/1849; also B.B.XV. 5.Southey papers 23/11/1848; also Wilmot. Letter book, Warden to Southey, 15/12/1848, £3,000 on account fines. Southey Papers, 30/11/1848, 4 drafts totalling £3,068 10s 4d. 6.Southey papers 10/1/1849. 3. C.O.1130, pp. 363-387 Report of proceedings R.M.Court Caledon River 1/10 - 31/12/1848. Re rumours on eve of Boomplaats Herbst swears that Piet Mahary said that the Queen had been dragged some distance out of her palace by her people - that a great number of French soldiers would march overland from Natal to assist Pretorius - large French fleet seen in the vicinity of Table Bay etc.

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of fines still to be paid and the other in respect of rebel property sold or to be sold.[1] Owing to the inadequacy, in fact the lack of government funds in the Sovereignty, all expenses were deducted forthwith; moreover most of the confiscated property was sold on terms and this rendered an early settlement out of the question.[2] In April Major Warden was able to pay Majors Garvock and Henkinsopp the sum of £600 but did not expect there would be anything more to send in the shape of War tribute money, since he anticipated that the military works would consume what was nearly due on two confiscated farms sold six months previously, not to mention a couple he pur purposed selling in a few days' time.[3] In February heavy rains had played such havoc with the buildings that the apparently substantially built powder magazine in the Queen's Fort had fallen in and a large portion of the Barracks converted into ruins, for the repair of which demands had already been made on the Tribute Fund.[4] As far as can be ascertained no final statistics were ever prepared and - suffice it to say here - Majors Garvock and Maydwell in 1850 and in 1851 respectively were still making inquiries with a view to clearing up the whole matter.

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1. Southey papers, Feb. 1849, Enclosure No.5, D.62, 26/3/1849 above; also "The Friend", 22/9/1851. For instance C.O.1120, 20/1/1849 - Fred. Buitendag's confiscated farm sold for £102 to J. Rensburg at 4,8 and 12 months' credit.
2. In 1852 the fines received were also used to finance the administration.
3. C.O.1119, 29/4/1849, also 6/5/1849 the Boers who did not pay were beyond the Vaal. Southey papers, 7/6/1849, Biddulph wrote that he was shortly sending money re farms sold.
4. Warden's Letter Book, 25/2/1849. O.R.S.36/146 Garvock to Warden, 22/12/1850, approves of keeping Barracks of Queen's Fort in order by advancing sums from the balance of £98 which remains of the War Tribute.
5. O.R.S. 36/142, 29/8/1850, Smith: Major Warden is requested to furnish with the least possible delay an account of sums received and expended under the head War Tribute.

The New Régime Chapter V. in Operation.

That Sir Harry was much relieved when the Secretary of State's dispatch came to hand on his return to the Colony appears from his jubilant communication to Southey

> "You will be glad to know that I have received Lord Grey's approval of all I have done ... Nothing could be more satisfactory than his Lordship's tone and style which fits in very well to our late transaction"./

The High Commissioner moreover made a point of publishing forthwith a Notice in the next issue of the Government Gazette to the effect that Earl Grey could not doubt the inevitable necessity of the annexation of the Orange River Sovereignty inasmuch as the policy of Sir P.Maitland had evidently tended to the same result, and that if the necessity of carrying further what he had begun did exist the intermediate course of neither including the territory within the limits of the Cape Colony nor leaving the inhabitants altogether beyond the control of British law and the protection of British establishments seemed to be well calculated to end present and prevent future troubles. He added also that the approval of his measures by Her Majesty's Government would be forthcoming on the receipt of 'some further information' or in the Secretary of State's words, when steps had been considered whereby legal force and validity might be given to the measures in question.[2] He neglected not to utter the caution to Earl Grey that the immediate establishment of perfect cordiality "must not be expected among men who have for so

> many years led so unsettled a life as these emigrant farmers, men, moreover, of strong prejudices, most credulous in all respects especially where the Government is concerned, jealous to a degree of what they regard their rights, constantly at variance with one another and evincing that want of mutual confidence which I hope will be speedily removed by the measures in progress aided by the ministers of the Gospel and the churches now in course of erection ...".[3]

It was thus clearly imperative that the new state should be enabled by its principal originator to make good as speedily as possible and that nothing should be countenanced that might jeopardise its existence more particularly in view of the ceaseless and relentless criticism levelled at Earl Grey's Colonial policy in the House of Commons.

The Parliamentary session of 1849, during which the influence of the Manchester School brought about the repeal of the Navigation Laws, early saw a renewal of the previous year's onslaught when the Navy and the Army Estimates came under consideration.[4] Ample matter could be seized upon for serious comment, what with the accumulated commitments following upon the Irish relief service and arising from untoward happenings and recent disturbances in New Zealand, China, Borneo, River Plata and

1. Southey papers (also in Wilmot) 29/9/1848 - referring to Grey's 147,-South- and Confidential 21/6/1848, C.O.1339, on p.61 above. 2. Govt. Gazette 5/10/1848; O.R.S 37/55. C.O.1340, D.224, 18/11/1848. (B.B.XVI.p.89) Grey -"I must postpone submitting these ordinances for Her Majesty's pleasure pending information re legality of your Proclamation". Repeated in Grey's Dispatch 240, 27/12/1848 acknowledging Smith's accounts of events of August & September "That such a conspiracy could have succeeded to any great extent seems highly improbable from the account which you give of the general disposition of the people of the frontier, both of European & native race". 3. C.O.1454, D.62, 26/3/1849 & Enclosures C.O.1399; B.B.XV. Sir Harry added, "The character of the Dutch farmer is peculiar; he is kind and hospitable, affectionate & grateful for kindness when really convinced of its sincerity, inclined to be very religious and entertaining the highest respect for the ministers of his Church".
4. Vide Hansard C 111/1849: pp. 888, 966.

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South Africa.[1] Moreover the charge was preferred that all the House ever learnt of Colonial wars and expenditure was condescended when a vote was required as in 1849 when the Chancellor of the Exchequer asked for £1,100,000 to pay the cost of the Kaffir War.[2] Sir William Molesworth painted once more a vivid picture of the extent of the British dominions in South Africa as a result of Sir Harry Smith's Proclamations and emphasized that if this enormous territory - 'half as large again as France' and 'equal to the whole of the Austrian Empire', possessing a 'northern boundary 1,500 miles long, as far as from here (London) to Naples', and peopled by 'the fiercest savages on the face of the earth' - was to be effectively maintained, then twice 5,000 men and an annual expenditure of a million pounds would in all probability be ultimately required. He repeated also his previous strictures that the boundaries included arid deserts and country difficult of military access and occupation where open or concealed warfare was always raging with the Kaffirs, whilst the more fertile portions were inhabited partly by rebel Boers who had already thrice revolted against the hated British dominion. Altogether Molesworth protested against this 'acquisition of a vast desert and useless Empire inhabited by wild beasts and wilder savages' and proposed that the Boers be left to take care of themselves and the colonists allowed to manage their own affairs, and also that the troops be withdrawn leaving merely a garrison of 1,000 men at Cape Town.[3]

In the course of the following months of April and May 1849 the House rejected a motion introduced by Mr.H. Scott, the member for Berwickshire, "that a Select Committee be appointed to inquire into the political and financial relations between Great Britain and her dependencies with a view to reduce the charges on the British Treasury and to enlarge the functions of the Colonial legislatures"[4] and, though another sponsored by Mr.Roebuck, the member for Sheffield, "that leave be given to bring in a Bill for the better government of our colonial possessions" also met with defeat, a not insignificant number of votes was recorded in its favour.[5] In these debates the affairs of South Africa in particular were naturally merged in the general topic of colonial administration. Mr. Scott contended that much too vast a field of duties and responsibilities devolved upon the Colonial Secretary[6] and also that several evils arose which tended to promote inefficiency and dissatisfaction on the one hand owing to the fact that from the time of Earl Bathurst (1812 - 1827) the average tenure of office of a Colonial minister had been but eighteen months and on the other since the bureaucratic or Crown Colonies were governed by instructions from Downing Street, while in all of the Colonial possessions the enormous amount of reserved Civil list placed the Government independent of any vote and the question of supply - the keystone -of-

1. To be followed by the Second Sikh War, Eighth Kaffir War & the Burmese War.
2. See p. 82 above. 3. See Hansard CIII/1849, p.1,000, and CIV/1849, p.372.
4. See Hansard CIV/49, p.316, 16/4/1849. 5. See Hansard CV/49, p.942, 24/5/1849 - 116 to 73 votes: obviously many members not present at time of division.
6. "moral, social, loyal, judicial, penal, political, civil, ecclesiastical, naval military ordnance, financial, fiscal, commercial, establishment of new and maintenance of old colonies; to convicts, pensions, rewards of old servants, to places & salaries of present servants - to the patronage of the thousand and one places at his disposal and the creation of new offices".

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of political freedom - was denied to the colonists.[1] Mr. Scott even quoted Earl Grey himself (then Lord Howick) as having remarked in 1845 upon the unfavourable results of attempting to govern a settlement at the Antipodes from Downing Street and queried whether "the authority which extended from pole to pole should be hid up three pairs of stairs in a 'cul de sac' in Westminster"[2] Other speakers laid similar stress upon the impossibility of the task heaped upon the shoulders of a Secretary of State by the Colonial office even "if he were the admirable Crichton himself"[3] and upon the right they had to expect the exercise of every economy by the Colonial office, whilst one member maintained that it was the darling theory of the Free Trade School that colonies were useless and the sooner they were shaken off the better.[4] Finally Mr. Adderley made reference to the feeling throughout the country that changes in the existing system were necessary "but whenever one ventured to make them, they were met with the single reply, 'Oh, but Lord Grey is a very good minister', but that answer was not at all satisfactory".[5] And there the matter rested for the time being.

Earl Grey's despatch in answer to Sir Harry Smith's report on the steps he had taken beyond the Orange demanded the latter's earnest and constant consideration for it summed up the whole situation to a nicety. The Secretary of State conceded a generous measure of support to his proconsul in South Africa subject however to an essential and very significant stipulation.[6] He reminded the Governor of the former declarations of the determination of Her Majesty's Government not to encourage any extension of the British dominions in Africa but proceeded to express a sense of the importance of allowing a free development of his plans and a readiness to believe on his authority in the necessity of departing from the general line of policy of the Colonial office in the case of the Orange River Sovereignty by the establishment of British supremacy there - on the explicit understanding that all expenses of administration and defence had to be borne by the inhabitants themselves. The acid test then was whether the new state would pay its way but Sir Harry Smith seemed confident that this could be done, and by giving such an assurance to Earl Grey committed himself thereafter to the duty of fulfilling his hazardous undertaking.[7] The Secretary of State again had no cause to doubt him especially as the Governor's statements of the expenses incurred in subduing the recent outbreak at Boomplaats and of the War Tribute fines collected showed that no demand would be made upon Imperial funds and, besides, the Queen's Fort at Bloemfontein had been completed at a trifling figure.[8] All the same since the revenue of the Sovereignty was to be derived mainly

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1.See footnote 6, p.129; 27 or 43 had representative institutions.
2.Mr.Mangles, CIV/49. p.363. 3.Mr. Gladstone, CIV/49, p.357, member for Oxford Univ.
4.Mr.Anstey, CIV/49, p.368. 5. Hansard CV/49, May, p.962. 6.21/6/1848, CO.1369.
Also see Grey's Colonial Policy, Vol.II, p.207. Support repeated in Grey's despatch 240, 27/12/1848. "I have every reason, as far as my information goes, to be satisfied with the subsequent steps". 7.Assurances based on the observations also of Southey, Moore & Robertson that great majority desired an order far different from that of past ten years. CO.1454, D.62, 26/3/1849. 8.C.O.1341,D.27, 9/5/1849, H.M.Govt. sanctioned expenditure of £451/17/- on fort, tanks & huts at Bloemfontein. p.243,8/1/1849,R.B. XVI. C.O.1119,28/5/1849, military buildings erected on Ordnance land, for no erven were sold or let to military save 2 houses put up by Major Hlenkinsopp & Capt. Bates.

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from quitrent Earl Grey drew upon the experience of other colonies to issue a valuable warning to Sir Harry Smith to use his "utmost exertions to prevent arrears from being allowed to accumulate in any instance" pointing out that should temporary difficulties at any time induce remission in the collection it would be found well-nigh impossible to recover such arrears, in which event the existence of a growing debt would ultimately place the state in the dilemma of having to renounce its rights and abandon revenue or to enforce reluctant payment.[1] Alas, how prophetic!

Sir Harry Smith was naturally anxious that the Sovereignty should return as speedily as possible to a settled system of order and "be moulded into a permanency of harmony and union" after the recent disturbances.[2] To this end and also to promote confidence in the administration his secretary was to see that the several Land Commissions resumed without delay their interrupted measurement and registration of farms, "to deliver land certificates on a firm but quick foundation" and to deal impartially and justly with all the applications for land coming in from loyalists and former 'patriots' alike.[3] All persons having claims to land and not residing thereon were given six months to make known and prove their claims before the Land Commission, upon the expiration of which period all unclaimed lands would be appropriated.[4] Richard Southey had been specially instructed to make the necessary arrangements with Major Warden regarding the collection of quitrents, for the High Commissioner had not lost sight as yet of the Secretary of State's injunction that these must not be allowed to fall into arrear.[5] Indeed though the new state had been in existence for the best part of a year the coffers remained empty and the Civil Commissioners and Magistrates were already feeling the pinch that unfortunately was to characterize the Sovereignty's chequered career. Major Warden wrote that he was 'hard up for cash' at Bloemfontein and forwarded the accounts for his civil salary for the two periods ending 30th June and 30th Sept.[6] Both Biddulph and Vowe were equally embarrassed through lack of funds, the former lamenting that his district would commence with a debt of £1,450 (1848/9) before a shilling quitrent was receivable and the latter requesting the necessary authority for the Land Commission to get to work in the Caledon River district - where quitrent to the value of £2,500 was anticipated from some 500 farms - especially as the Governor had agreed at Smithfield to its personnel.[7] For the rest Southey had in conjunction with Major Warden to recommend men capable of filling the positions of Justices of the Peace, to establish adequate postal services, and generally to take

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1. See footnote 6, p.130. 2. Southey papers 23/11/1848.
3. Southey papers 24/10/1848; 2,16/11/1848, also in Wilmot.
4. Govt. Gazette 16/11/1848; O.R.S. 37/63. 5. Despatch 21/6/1848; G.B.P.XV. Vide p.62 above. 6. C.O.1119, 25/9/1848. 7. Southey papers 8/10/1848. C.O.1120, 28/9/1848, 12/10/1848. Warden's Letter Book 29/10/1848 - He authorized Vowe to pay the Burgher members of the Land Commission 5/- per diem while absent from home.

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stock of the country's requirements so that on his return the form of the future government of the Sovereignty, then under the consideration of the Attorney-General, could be completed for Earl Grey's confirmation.[1]

The Governor did not omit to make a monthly reference to the presence of the soldiers of the Cape Mounted Rifle Corps at Winburg where they had been left on his departure. It is clear that Southey was allowed a certain discretionary control over their location - "Do as you wish with the Cape Corps but, as you say, so soon as they are not wanted at Winburg they are better at Bloemfontein but do not send them away too soon. Now is the time to establish the mastery".[2] His Excellency still adhered to his original resolve not to support a permanent military post there and desired them to be quartered at Bloemfontein sooner rather than later - "I am happy to hear the C.M.R. have returned but I hope you kept them as long as you required them".[3] In any case Southey's views were coloured by the optimism of his chief and neither foresaw that the Sovereignty's chances of survival would be seriously handicapped by the removal of even this small detachment from Winburg.[4] Much less pardonable was the Governor's acquiescence in indifferent civil servants over whom he had considerable control and who for want of correction contributed as much as any other single factor to the breakdown of the new régime across the Orange. To his Secretary the High Commissioner confided on different occasions that Major Warden, the British Resident, was a "weak man","shilly-shally", "very easily managed ... but very soon affronted", yet "ready to do right as soon as it is apparent what that is", whilst Biddulph, the Magistrate at Winburg, was "an alarmist of the most exaggerated, chattering character"... who "will, I fear, do harm - desiring to do good - wherever he can", and possessing "no more moral courage than a butterfly". Admittedly there may have been a limited choice of suitable officials - the emoluments were not exactly attractive - but the resignation of Sir Harry Smith to the apparently inevitable is at once unexpected and ill-omened: "if I had a head over the Orange River ... however, we must do the best we can with the tools we have got".[5]

Having completed his work as President-in-chief of the War tribute Commissions the High Commissioner's Secretary, Richard Southey, was at last free to devote his attention to his remaining duties, the more intricate of which, namely the settlement of the existing territorial disputes between the native tribes and the laying down at the same time of a boundary line between the European and non-European inhabitants of the Eastern districts of the Sovereignty, Sir Harry described as a subject of "real -importance-

1. Southey papers 2/11/1848, also Wilmot. C.O.1095, 3/10/1848, 169. Smith wrote that arrangements would no doubt be expensive at first but this was not to be avoided. Moodie advised Southey that Howell would see if the road were clear from Pietermaritzburg to Winburg. 2. Southey papers 29/9/1848, also Wilmot. 3. Southey papers 24/10/1848, 16/11/1848, also Wilmot. Vide p.113-4 above. 4. Therefore no means of compelling farmers to pay quitrents, curbing Mohitsane, discouraging Transvaal interest O.R.3. 42/58, Southey to Smith, 11/11/1848 at Winburg: "Some desire that they should still apply to have a small detachment of troops here (which Meyer does not) in consequence of the reports of the people over the Vaal River. I believe I have settled this point and Meyer's draft (address to Governor) will be carried (at the public meeting) if not universally by a very large majority". 5. Southey papers 29/9/1848; 2,23/11/1848, 7/12/1848; also 21/12/1848 "Ah, Warden is slow enough". Southey papers, 10/9/1849, W.Southey - Biddulph's opinion of Warden same as others - incompetent for his extensive duties. Southey papers, 5/9/1849, W.Southey - "If I may believe Dr. Fraser, Rex Stuart, Warden seems not a fit and proper person for the very important situation he fills". B.B.XV.3.23, Clerk, 25/8/1853: "The emoluments were not attractive compared with the high cost of living."

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importance for upon it depends peace".[1] The other business had remained in abeyance since his inability to contact Potgieter at the Vaal River with a view to ascertaining the latter's attitude and whether he meant to accept the office of Landdrost of the Vaal River district.[2] But no sooner had Southey reached Bloemfontein after a detour of inspection of the native territory in dispute during which he found opportunities to have personal talks with Sikonyela, Moshesh and Moroko, than the arrival of letters from Potgieter and Kruger announcing their presence at Potchefstroom and requesting an interview caused him to leave for Mooi River without delay.[3] Gert Kruger had also written to the Governor some weeks previously expressing thanks for his pardon and mentioning, just as Jan Kock had done, that he was trying to get the old Voortrekker leader to go with him to meet His Excellency but, as Potgieter now explained, his ill-health precluded any attempt on the long journey to Winburg.[4] Though Sir H. Smith's earlier letters had gone astray Potgieter read of them in a recent issue of the "Kaapsche Grensblad" and hastened to convey his appreciation of the offer in the Winburg Proclamation insisting nevertheless that "mede uit naam van alle Emigrante ik dit op desen voorwaarden (onder harer Majestyds gezag) niet kan nog mag aannemen. Uwel Edele en een ieder is het bekend wat wy aller opgeofferd hebben om vry op ons selve te syn en wy wenschen alsoo te blyve, en daarom syn wy liever genegen afstand van ons eigendomsregt op deser gronden te doen, hoewel hetselve te doen ons zeer Ja seersmartelyk zoude vallen, en het selve aan hare Majestyds Gouvernement afstaan dan deser voorwaarde aan te nemen. Nooyt was het myne voornemens nog van iemand anders aan desen zyde van Vaal revier, deze gronden, indien dezelve niet geheel vrey konde verkregen worden, met de wapenen te veroveren en daarom doet het ons alle leed dat eenige inwoonderen van in uwel Ed. Kolonie soo verre gegaan zyn om de wapenen tegen het gouvernement van U Ed op te nemen". Besides he contemplated summoning to court those Transvaal Boers and other refugees there who had been involved in the incidents culminating in Boomplaats in order to punish them according to their deserts as a deterrent against any such interference in future. Potgieter sought a well-founded and lasting peace between Her Majesty's Government and the Emigrants: "daar wy allen geen anderen begeerten hebben dan met Hare Majestyds gouvernement en onderdanen als goede en rustige naburen in vrede te leven en nimmer de wapenen willen voeren, dan om het land dat wy bewonen tegen buitenlandsche macht of inlandsche overval te verdedigen, daar wy sulks niet kunnende doen met de hulp des Almagtigen verder zullen trekken".[5]

The meeting took place at S.J. Van Vuuren's farm Buffelshoek about 12 miles beyond the Vaal River.[6] The 'Hoofd Commandant' was supported by Kruger together with some twenty other persons and a Hollander recently brought out by Smellekamp.[7] Southey's companions were old Piet Venter and Dyason with Lt. Bramley as a special witness. Potgieter repeated all the sentiments of his letter just quoted and declined the offer -of-

1. Southey papers 2, 23/11/1848 - "must be arranged finally by you & Warden .. something I can confirm". 2. Southey papers, 29/9/1848 & 16/11/1848, also in Wilmot. 3. C.R.S. 42/65, 19/11/1848; 22/11/1848. C.R.S. 42/59, 13/11/1848. C.R.S. 42/62 & 63, 17/11/1848. Potgieter & Kruger were not at the meeting at Potchefstroom on 24/10/1848. 4. C.O. 1095, 23/9/1848; 192 & 178. C.R.S. 42/50 & 54, 17/10/1848. 5. C.R.S. 42/60, 13/11/1848; R.158/48. 6. Warden's Letter Book 26/11/1848. C.R.S. 42/71, 1/12/1848. The Hollander was evidently Buhrmann. Bruce went as far as the Vaal River but did not like to cross. Potgieter spoke of bringing Pretorius & other rebels to court of Justice when they could form one & of severely punishing & perhaps putting them to death! "Kruger is a mild man" writes Southey. 7. Pretorius was discredited for a long time after the defeat at Boomplaats. At the Potchefstroom meeting on 13/11/1848 it was decided to have no more war against the English & Potgieter alone was given power to negotiate with the English for peace. Vide Dr. C. Potgieter's "Hendrik Potgieter" p.196.

of Landdrost of the Vaal River district lest he should lose his ascendancy over the Transvaal Boers in favour of Pretorius "whose influence is now entirely broken". He appeared to be very angry with Pretorius and others who had instigated the late rebellion whilst Kruger promised to furnish a list of his people who had served on commando and to assist in collecting the War Tribute if satisfactory arrangements were made with Potgieter, but Southey doubted whether much dependence could be placed on this. The Boer leader spoke at some length about the desire of the people to become free and independent and sounded Southey, who was impressed by his moderation and 'good share of strong common sense', upon all the implications of the Punishment Act of 1836 (6 and 7 William IV cap.57). The Hollander on the other hand held forth for about two hours raking up all the old grievances real and imaginary since 1806. He even recapitulated the names of countries from the days of the Roman Emperors that had obtained their freedom by fighting or otherwise, asserting that the Boers, man, woman and child, were resolved to throw off the British yoke or die in the attempt to which Southey replied that seven-eighths of his remarks were irrelevant and "the remainder was nonsense". The High Commissioner's Secretary assured Potgieter that Her Majesty's Government adhered to its former determination to regard the Emigrants as British subjects but that the Governor had no intention of interfering with their affairs beyond the Vaal River provided they remained peaceable and acted justly to all people. He therefore counselled him to hold meetings to elect Landdrosts, Commandants, Field-Cornets and other officials whose appointments should then be submitted to Sir Harry Smith for formal approval and confirmation and thus their acts of authority would at once be put on a proper legal footing, for it was impossible to say how soon His Excellency might be induced by the complaints of natives and others to intervene. Before returning to Bloemfontein Richard Southey visited Potchefstroom and also saw Jan Kock on his farm.[1]

The conversations at Van Vuuren's culminated two days later in a further letter addressed by Potgieter to the Governor. The former's regret at being unable to meet Sir Harry as so mutually desired had been tempered by the conviction born of the offer in the Winburg Proclamation and confirmed by his recent association with Southey that His Excellency was well-disposed towards him. Once more he referred with disapproval to Pretorius' duplicity not only in becoming embroiled anew after he had signed the resolutions of the Commandants in May to proceed constitutionally by the pen rather than by the sword but also in compelling some of his own followers "by dan lager te blyven door dryginge". Potgieter had no intention of playing into the hands of his -rival-

1. Southey wrote to Sir H. Smith, C.R.S. 42/71, 1/12/1848: Lombard was correctly described in one of Your Excellency's letters as a "Brute" although he treated us civilly.

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rival by abandoning his following and the Public to the latter's "kwaade oogmerken" and trusted therefore that Sir Harry would not take amiss his refusal of the office of Landdrost of the Vaal River district. At the same time with the object of securing a well-ordered and law-abiding society across the Vaal now that he understood from Southey that Sir Harry would not interfere there provided they conducted themselves peacefully, Potgieter submitted the following proposal for His Excellency's approval

"Dit is nu myn gevoellens hoog Edele heer om alhier onder Commandanten Veldkornetten Landdrost en Hemeraden aan te stellen op ons zelve door kiesinge der Publiek om alle wetten en straffen uit te oefenen, die door ons sullen worden gemaakt en opgesteld waarin een ieder sal tragten naar hunne beste weten te handelen en het kwaad zal kunnen worden tegen gegaan. Nu wel Edele Heer dit is myn hoogste verlangen in begeerte der publiek die onder myn bescherminge is en altoos zig rustig en into vreedenthyd heeft gehandelt met my en tragten saltoos er in te volharden wanneer uwer hoog Edele slegts tragten sal aan deser mynen versoek en wensche der publiek te voldoen en goette keuren"./

It will be noticed that though no direct request is made for 'onafhanklikheid' in the above overtures this is almost implied by the expressed intention to frame laws and the absence of any reference to the despatch of the lists of officials on the lines recommended by Southey. The latter had been careful not to compromise his chief in these negotiations for the High Commissioner had made it abundantly clear to his Secretary, upon whose prudence he confidently relied, that no agreement capable of bearing the construction of a treaty could be entered into with the Transvaal Boers, emphasizing that they were all Her Majesty's subjects. Sir H. Smith realised that by confirming the Sovereignty within the limits proclaimed and leaving the crossing of the Vaal to individual choice he had done all that could be done.[2] In a covering note accordingly Southey explained precisely what he had given Potgieter to understand and suggested that the High Commissioner should reply in such terms to Potgieter and also require him to render a periodical account of his proceedings and those of his subordinates for in any case he felt they should continue to act in accordance with the usages of the Colony. He added that he would not have conceded them the right to make their own laws if that had been mooted "for I know what that would lead to with the natives". In this connection Southey had formed very definite opinions upon the attitude of the Boers towards non-Europeans, for instance on his first visit to Bloem-

spruit he wrote: "Potgieter is living beyond Chrigstad and carrying on a lucrative trade in ivory and it is said in native children whom he obtains by making forays upon weak tribes destroying the men and making the children captives: whether there be any truth in this or not I've not been on a farm in these parts where there are not one, two or more native children or young persons some of whom were obtained in their wars with Dingaan and Mosilikatse, others too young to have been then obtained. These are not at liberty to leave their masters voluntarily but are occasionally passed from one to another by sale or barter. The knowledge that this would not be allowed under our government, I was told by two or three Dutch women, was their -greatest-

1. Malan's "Opkoms", p.515, & R. 162/48 curtailed. C.R.S.42/72, 5/12/1848.
2. Southey papers 7/12/1848, also in Wilmot's. Malan pp. 120 - 123.

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greatest objection to come under our rule".[1] And now a month later: "The great object many of the Boers have had in view was to establish a system of slavery and which they would at once openly do if they were allowed to make laws for themselves. I believe there is no doubt of the fact of Potgieter not long since having held a public sale of native children in Chrigstad".[2] At the end of the year Potgieter was notified by Southey that "Zyne Excellencie heb toegestaan het geene ik U.E. gerecommandeerd heef te vraagen ... Wees niet nalantig in de zaak, want zoo als ik U.E. gezeggen heeft, nu is de tyd voor de Afrikaansche burgers hunne affairen op een vatting wys te krygen door middel van Sir Harry Smith, hunne opregte Vriend, die voor hunne welvaard meer zal willen doen als misschien twintig Governeuren die na hem mogten komen".[3]

The next matter to be considered since Potgieter declined to come south to undertake the duties of Landdrost of the Vaal River district was whether Bester and Venter were to be confirmed in this appointment. Southey had his own doubts about the ability of these two to fill such an office adequately and informed the High Commissioner also that the Boers generally would prefer having an English magistrate to one of their own people![4] Moreover a deputation of Winburg inhabitants, fearing that another town would be injurious to them, had made it clear to Southey that they were in favour of the two districts being united again and so he pointed out that should His Excellency accede to this desire there would be a saving of an amount of £700 - £800 annually which could then be applied to other purposes. He recommended finally that the latter's decision might be postponed until they had ascertained what the Quitrents would realise and whether a satisfactory understanding would be arranged with Potgieter. But the Governor apparently brushed aside most of these considerations having already taken the view that the wealthy old Venter and the active youthful Bester would prove congenial colleagues in the administration of the northernmost quarter of the Sovereignty, though he anticipated that Bester's party would be dissatisfied with his defection.[5] Furthermore the recrudescence of agitation and dissension shortly after across the Vaal and the permanent retirement of Potgieter to the Zoutpansberg produced inevitable repercussions and attempts to renew interference in the northern Sovereignty. This evoked an immediate reprimand from Government House, Cape Town, and showed the real need for the additional district under Paul Bester.[6]

After an absence of six months Richard Southey returned to Cape Town early in 1849 to give an account of his stewardship and in March Sir H. Smith promulgated his regulations for the better government of the Sovereignty beyond the Orange, where Major Warden, the British Resident, was to remain as the paramount authority under the-

1.C.R.S. 42/57, 2/11/1848. 2.C.R.S. 42/72, 5/12/1848. Burnet to Clerk Vol.I, p.226 et seq. when O.F.S. formed: "Linde openly advocates slavery. Indeed so well does this object seem to be understood among the Boers that lately two young natives were bartered under the cloak of apprenticeship on the Valsch river for 90 sheep. I do not myself think it an evil: indeed in the greater part of instances it benefits the natives..." 3.R.163/48, 29/12/1848. 4.C.R.S. 42/72, 5/12/1848. 5.Southey papers 24/10/1848, also in Wilmot, C.R.S.37/80, 14/3/1849, Dr W.Robertson to Sir H.Smith suggesting the attachment of Vaal River district to Winburg or the appointment of a separate Magistrate, that the German then employed as clerk to the Landdrosts might without any injury to the public service also be allowed to return to his proper sphere, that of a carpenter, there being nothing about him fitted to give any dignity or responsibility to his office. 6.R 167/49,28/2/1849. See Walker p.257.

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the High Commissioner.[1] Sir Harry also forwarded these regulations to the Secretary of State together with the legal opinion of the Attorney General and requested that he should be furnished with a commission as governor of that territory. The four former divisions of the territory were retained and the Magistrates Biddulph, Vowe and Bester continued in office in the three districts of Winburg, Caledon River and Vaal River respectively, but Charles Stuart was appointed to relieve the overburdened Warden of the duties of Civil Commissioner and Resident Magistrate in Griqualand (Bloemfontein).[2] The principal innovation was the introduction of a legislative council consisting of the British Resident as President and twelve members, namely the four Magistrates ex officio and two landed proprietors nominated for three years from each of the four districts.[3] The Council was required to meet with open doors once a year, or oftener should the High Commissioner so decide, to raise a revenue and to frame laws for all persons and parts of the territory not belonging to the tribe or people of any native chief. In other words the lands of the Sovereignty fell into two classes, those belonging to any native chief or tribe, and those not so appropriated being held on quitrent; in the former of which the chiefs were guaranteed the exclusive exercise of civil and criminal jurisdiction over their subjects, whilst elsewhere the Roman Dutch law was declared to be in force, "as received and administered in the Courts of the Cape Colony ... but no local ordinance or enactment of the Cape Colony shall be in force in the Orange River district unless expressly re-enacted for such district".[4] The High Commissioner undertook to lay before the Council at every annual meeting a correct statement of the receipts and expenditure of all public money for the past year together with an estimate of probable revenue and expenditure for the ensuing year and appointed the British Resident to be the Treasurer-General. Further the Council was expected to function as an Agricultural Society, to take measures also for the improvement of the internal communications of the country and generally to advance the civil, social and religious interests of the people.[5]

The Sovereignty could certainly not be considered ripe for self-government and Sir Harry was not arrogating extraordinary powers to himself in fixing the number of councillors and in reserving the right of approving of their selection as well as the option of negativing whatever measures the Council saw fit to pass.[6] His intention

1. Vide Gazettes 15 & 22/3/1848; Enc.C.O.1399, D.62, 26/3/1849, C.O.1454; Rybers p.375 et seq.; O.R.S. 37/79. The continued use of the title "British Resident" was anomalous - quite suitable for an officer representing & protecting British interests among foreign tribes & people, but not for one presiding over a de facto British Colony or settlement. 2. For Stuart's appointment vide Notice 12/3/1849, Gazette 15/3/1849; O.R.S. 37/78. Bester had been acting Magistrate, accepted C.O.1122, 13/6/1849. Stuart had formerly been a member of the Council of Ceylon. Rex who hankered after a magisterial post compared his position with that of Bester who "is condoned with greater privileges" - Southey papers, 22/5/1849. 3. See Cambridge History of the British Empire, Vol.VIII, p.387.- "an undesirable mixture of legislative and judicial functions". 4. E.C.O.1455, D.195, 26/10/1849. 5. Proposed establishment of a weekly post linking each of the magistracies, also to Natal, and the making and improving of roads, drifts, ferry boats etc.: Sections 37 & 38 of the Regulations, 14/3/1849. 6. Consent by way of notification in Govt. Gazette of C.Colony until Govt. Notice, 3/6/1850 vide "Friend" 17, 24/6/1850, when "The Friend of the Sovereignty & Bloemfontein Gazette" became official organ in respect of all ordinances, regulations & Govt. notices of every description connected with Govt. of Orange River Sovereignty.

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was to give the people considerable management of their own affairs and this explains the preponderance of unofficial members in the Council where all measures were to be decided by a majority of votes. Moreover even if they were finally nominated by him from lists of the most influential farmers of the different districts, the individuals whose names appeared on these lists were actually proposed and elected in some instances by the burghers.[1] The High Commissioner reiterated that the members of the Council individually and collectively were competent to make any representations to him with the object of improving the administration and benefiting all classes within the territory. Indeed, a consideration of the Minutes of the few Council meetings reveals how the benefit of the community was uppermost in the thoughts of everyone, even to an agreement to a reduction in their salaries, and all measures regarded as premature, expensive, injurious or unnecessary were opposed.[2] Freedom of speech and liberty of conscience were encouraged and in practice discussion was unfettered though the burgher members did not enter as fully into the debates as the official members. One defect which contributed to a serious situation later was the non-introduction of an Executive Council or a channel for giving the Boers the right of making direct representations/to the High Commissioner.[3]

Sir H. Smith's Proclamation of the 14th March also dealt at some length with the future administration of Justice in the Sovereignty. The jurisdiction of each of the four Magistrates was expressly limited to hearing civil cases where the amount involved did not exceed 500 rix dollars (£37/10/-), while in criminal matters no heavier sentence could be passed than the imposition of a fine of 300 Rds. and imprisonment for four months with or without hard labour and/or 25 lashes. In respect of all civil and criminal cases arising beyond the summary jurisdiction of the Magistrate provision was made for a court consisting of no fewer than three of the four Magistrates and possessing the powers of a Circuit Court of the Cape Colony. This Court of Combined Magistrates whose decisions had to be unanimous to be valid constituted the highest court of the land capable of imposing the death sentence or of granting divorce and against its judgments there was no appeal.[4] The record of all -cases-

1. Compare his progressive spirit in permitting an election of members to resuscitate the Cape Council in the following year. Theal VII, p.116 & Cory V, p.245. 2. Vide Council meetings of July 1849 & June, 1850. Later the desire was evinced for the infusion of the representative principle in the legislature. 3. Green's Notes on O.R.S.18/6/1852. "The British Resident ... from his high office naturally exercised considerable sway over the minds of the ignorant Burgher members. Not contented, however with this, when any measure introduced by himself was not passed without discussion he viewed it as a personal affront, betrayed altogether such a lamentable want of temper as to awe them into voting in the manner he desired, without a warm opposition was got up by one or other of the official members". (Normally official members have to watch their step though they swear to vote without fear, favour or affection). Enc. to D. 20/7/1852, GH 31/1, also B.B.XV.2.46. O.R.S.32/166, 27/12/1853, Warden wrote that "the greatest harmony prevailed between me and members of the Council (except one official member)". 4. Porter - unless Court of Combined Magistrates capable of passing death sentence, foreigners such as Zulus or Germans might commit crimes with impunity.

3. Vide page 67 above. See footnote 6, p. 360, Fraser's remarks. Note "The Friend's" criticism on p. 286 below, also Warden's arbitrary and imprudent conduct in failing to consult the legislative Council on the eve of Viervoet, p.265 below.

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cases tried however had to be submitted to the High Commissioner and pending his approval and confirmation no punishment in excess of a fine of 150 Rds. or imprisonment for six months or 50 lashes could be carried into effect.[1] The Courts of the Sovereignty had no power to impose a severer sentence than a fine of 1,000 rix-dollars and imprisonment for 2 years and/or 50 lashes upon British subjects liable to be tried in the Cape Colony under the Punishment Act, 6 & 7 Will.IV., Chap.57.[2] Furthermore, "save for acts done or matters arising within the parts of the Sovereignty not belonging to any native chief or tribe", in which case Section 17 laid down that the native chief concerned had nevertheless to be invited to attend the trial, the above Courts had no authority over the people of any such native chief or tribe whose own laws and customs were to apply within their lands "subject always to the right of interference by the British Resident to prevent irregularity or injustice".[3] In all matters of procedure finally the Magistrates were directed to follow the rules in force in the Courts of the Cape Colony but there was a tendency to assimilate the administration of justice, for instance, in the absence of trial by jury not only in civil but also in criminal cases, to the practice of the old Courts of Landdrost and Heemraden whose abolition over twenty years previously had contributed in some degree to the Great Trek.

The regulations governing the tenure of land emphasized yet again the cleavage between the Europeans and the Native chiefs and tribes within the Sovereignty. The onus devolved specifically upon the administration not only of defining the lands of the several native chiefs and people but also of protecting them in their possession from unjust encroachment and aggression. Both tasks were to prove impossible of fulfilment and the attempts made from time to time to give effect to these requirements led to the ultimate dissolution of the Orange River Sovereignty. Those lands not allotted to any native chief or people were to be held by grant of the British Resident in the name of the High Commissioner subject to the payment of a moderate quitrent and at the same time Sir Harry issued instructions under separate cover to Major Warden prohibiting the purchase of farms by military officers and civil functionaries.[4]

1. Provision was made for requiring bail or security. 2. For this Act vide -Critics- Rybers p.146. 3. The British Resident had the right to decide where there was any doubt about the correct jurisdiction. The Native chief was not a member of the Court in quitrent territory - he merely attended to see that the native got a fair trial. [Southey papers, Moffat 27/4/1849, Some few ignoramuses are however frightened by the "Romisch Hollandsch Regt."] Porter, the Attorney-General, Enc.C.O.1399 to D.62, 26/3/1849:- "To say that the distinction of laws should be personal and not territorial so that every native should be tried by his chief and every Boer by a British Resident Magistrate would lead to practical injustice & preservation of peace impossible. If you tell the Boer that all the crimes which he commits against natives must be judged of by settled laws & British Magistrate but that all the crimes committed by natives against him must be judged of by their chiefs, he will not repair to the chief but quit the Sovereignty. This repugnance whether reasonable or not is invincible. Trial by jury would amount to a denial of justice in many cases at present. Opposed as I am to sending a guilty native to be tried by his chief I am even more opposed to the principle of sending a guilty Boer in O.R.S. to be tried by his peers. I do not believe that a jury of emigrants would convict innocent natives accused by Boers, but I do believe that they would acquit criminal boers accused by natives. And this they would do, not because they are deliberately bad men, but because their position has tended to rouse and keep alive some of the strongest prejudices and some of the strongest sympathies by which the human understanding can be blinded". Re Sn. 17 vide Br.Rdt. 3,1/11/1850 to Moroko to attend trial of subjects. See pp. 205-6
4. Warden's Letter Book 14/4/1849 acknowledges this instruction. The Native chiefs contributed no payment in money but had to turn out with a number of their troops when called upon by the Resident. O.R.S. 44, 12/9/1853, Clerk to Green.
5. See footnote 3 p. 84 and [...] above.

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Critics of the new administrative arrangements should not lose sight of the enormous task that in those days faced any would-be government of this extensive territory without the necessary resources at its immediate command. In main outline the Constitution was moulded by the Attorney General William Porter on that of the Cape Colony and represented in some respects an advance upon current practice with relation to new settlements. It possessed the apparent advantage of being economical, but therein lay an obvious source of weakness: for instance, the Civil Commissioners, who with their clerks comprised eight of the official establishment of twelve persons, were each entrusted with the control of a vast district averaging about 8,000 square miles over which they exercised the threefold function of framing, executing and expounding the law.[1] The diversity of these offices not only entailed their attendance once a year at Bloemfontein for the Council meeting, the performance of the fiscal and magisterial duties within their districts, the rendering of political assistance as liaison officers to the Resident in his communications and dealings with the native tribes bordering on their districts, but also included their visiting the other districts half yearly as a Court of combined Magistrates for the adjudication of cases beyond their individual jurisdiction. Moreover in this last respect they were obliged as Magistrates to conduct preliminary investigations in criminal cases which they subsequently tried as judges, with the same anomaly in case of an appeal from the decision of a magistrate in his own court. But despite their limited knowledge of law and their lack of legal training their proceedings were conducted with great decorum and considerable ability.[2]

One of the motives the High Commissioner advanced for his intervention beyond the Orange had been the need of properly organized religious and educational services. The deputation of Dr.W.Robertson and Rev.P.Faure, whose expenses the Governor incidentally offered to pay, had already led to the foundation of parishes and the election of church officers in the different magistracies, all of which Sir Harry Smith now proclaimed to be under the supervision of the Synod of the Dutch Reformed Church in the Cape Colony.[3] On the 6th February Major Warden assisted by the Synodical -deputation-

1. Some Boers of Winburg district considered the appointments too numerous and extravagant, G.H.18/1, Green's defence to Clerk 1/11/1856. G.H.31/1, Green's notes on the O.R.S. 18/6/1852, Enc. D.20/7/1852; B.B.XV.2.46. "Warden either lacked the will or the discernment to point out the defects". S.O.R.S.32/166, 27/12/1853, Warden quotes from Porter 31/12/1850 "It is my duty to report to His Excellency that the manner in which these several cases were tried and recorded is in the highest degree creditable to the Court itself and all persons concerned", and again from Porter 8/7/1852 "Indeed it is but justice to the Combined Court to say that since its establishment I have seen much to admire & nothing to censure in reference to its modes of administering criminal justice". S.O.R.S.42/71,72, 1,5/12/1848 ministers at Winburg. O.R.S.37/72 & 75, 9/1/1849 & 9/2/1849, Sir H.Smith thanks the Chairman (Rev.J. Spyker) of the Committee of Education & Instruction appointed by the D.R.Synod for proffered aid in procuring teachers for the Emigrant Boers beyond the Orange through a competent Board in Holland to avoid incompetent persons. Suggests Committee can proceed to secure four qualified persons on terms offered to those secured by Rev. P. Faure, who wrote to Holland offering £60passage money & £260 p.a.C.O.1094, 15/4/1848. Two ministers were daily expected from Holland. The legal registering of marriages was provided for by the Proclamation of 17th May,1848 - vide Gazette 18/5/1848. ~~C.O.1095, 6/7/1849 Elders & Deacons at Winburg for appointing Archbell as minister interim & Revdel 10/2.~~

Synodical deputation had laid the foundation stone of the Church at Bloemfontein, towards the erection of which the Governor granted half the proceeds of the sale of the town erven, and three months later the Rev. Andrew Murray was duly installed by his father, with authority also to act as minister consulent of the other parishes of the Sovereignty.[1] Little progress however was made with the building owing to the difficulty of securing good masons and so the large schoolroom - and Council Chamber - had to be used for religious services for many months.[2] Meantime further south in Griqualand the Riet River Boers had commenced a temporary church on W. Jacobs' farm then held on a lease of 37 years. The inhabitants of Bloemfontein though possessing the necessary accommodation experienced nevertheless some initial setbacks in the matter of a suitable instructor for their children, since teacher Drury suddenly absconded in September, 1849 and Sgt. Douthwaite, 'late 91st Regt. but not an efficient schoolmaster', was placed in temporary charge of the 60 pupils.[3] Then from Winburg Riddulph notified the Governor at the beginning of the year that he had received 2,500 Rds. towards the Church and requested an equivalent sum as promised, so that they might begin to build.[4] Soon the foundations were being dug while the schoolteacher Korsten continued to hold Divine Service every Sunday as formerly until the appointment of the Rev. D.van Velden as minister for Winburg and Harrismith materialised. The school itself made favourable progress and the enrolment increased even though the population of Winburg village had for the time being dwindled somewhat.[5]

Caledon River and Vaal River were at first much less fortunate, partly owing to the fact that not till late in 1849 was the seat of the magistracy in each of these districts finally determined. Shortly after taking up office Vowe appealed in vain to Major Warden for financial assistance to erect a school building, with the result that for a whole year there was a schoolmaster at Smithfield but he had no school and hence no scholars.[6] The schoolmaster, E.B.Auret, wrote more than once that parents were daily begging him to instruct their children, that he would have had a considerable number of pupils and boarders to assist his salary but that there was no suitable building and so in the end he resigned failing an agreement upon an allowance to acquire a house or a piece of ground.[7] Though the members of the Church Building Committee for -Smithfield-

1.C.O.1120, 7/2/1849, 443-5, also Memorial Bloemfontein consistory: onderlinge - W.S.Pretorius, J.van Zyl. Diakenen - Griessel, Coetzer, Erwee, Marais. C.O.1119, 6/5/1849. O.R.S. 37/71 Warden to Smith 7/1/1849. 2.C.O.1119, 24/6/1849 & 22/7/1849. 3.C.O.1119, 24/6/1849 & Letter Book, 21/10/1849: Drury left all his property behind. C.O.1120, 22/10/1849 Stuart remarked also "Creditors become alarmed"... "I implore you not to send a half-educated tippling trifling teacher". 4.C.O.1120 and Southey papers, 20/1/1849. 5.C.O.1120, 16/3/1849, Moffat: Southey papers 31/3/1849, 8/6/1849 Dyason. C.O.1237, 24/1/1850. 6.C.O.1120, 7/5/1849. Southey papers 21/4/1849, Halse. 7.C.O.1120, 5 & 11/1/1849, 8/3/1849. C.O.1132, 21/9/1849. Auret was living in a hartebeest hut: C.O.1119, 16/12/1849 - ceased duty 1/11/1849. He wrote that he was given to understand that he would also be supplied with books - of course Dr. Innes had no authority in the O.R.S. C.O.1122, 26/11/1849 Vowe threatened to suspend him. Auret complained that a constable was sent to his house to seise property to satisfy a debt. C.O.1120, 14/8/1848, Rev.Mr. Faure senior minister of the D.R.Church, Cape Town offered Egidius Benedictus Auret position of Government teacher.

1. C.O.1085, 6/7/1849 Elders and Deacons of D.R.Church at Pietermaritzburg thanked Smith for appointing J.Bohme as minister in terms of their memorial 19/2/1849.
5. O.R.S.29, 18/11/1850 Memorial of 76 people of Winburg thanking Gov.for sending D. van Velden.

Smithfield had been gazetted immediately upon the Governor's return to Cape Town, it soon became apparent that a strong divergence of opinion existed upon the suitability of Waterfall as a permanent site for a town and the people opposed the erection of a church there, preferring Rietpoort some ten miles away where the water supply was considered to be stronger.[1] Nevertheless, in the absence of a Resident Minister, the teacher conducted the religious services at the different farmhouses on the first Sunday every month. The Halse brothers, who had built a large dwelling house and store at Waterfall, even offered to waive their monopoly of selling the erven but the prejudice against the place remained deeprooted.[2] Eventually on the 19th May at a meeting attended by the Resident, the Rev. A.Murray, father and son, and the Kerkraad, it was decided to remove to Rietpoort and also that those few who had purchased erven at old Smithfield should be given the offer of building allotments at the new village.[3] In due course the Governor sanctioned the proposed change and Surveyor Rex was despatched to lay out the erven, the first sale of which took place on 1st Nov.[4] Something similar had in the meantime occurred at the proposed new dorp on Klands River in the north-eastern Sovereignty where Bester reported in June that the subscriptions towards the Church totalled £80 and that the sale of 29 erven realized £186: indeed he surmised that more erven might have been sold had arrangements for leading out the water been taken in hand.[5] However when Surveyor Moffat subsequently communicated that serious difficulty and great expense would be incurred in doing so, it was agreed to move to a splendid position on the Wilge River about 3 hours to the Northwest and there Harrismith came into being at the end of 1849.[6]

During the first broken year of the Sovereignty's existence the expenses of the administration had been defrayed in part by way of loans advanced by the Cape Colony, therefore the first and most urgent duty demanded of the council was to raise a revenue. Indeed barely three weeks before the new Constitution had been gazetted Major Warden had again requested some temporary aid from the Colonial Treasury reminding Southey that he had eleven months' pay due and that no funds were available to meet the salaries of the Commissioners and their clerks or would be till the Quit-rents came in.[7] This principal source of revenue was supplemented by the charges for trading licences which after the expiration of the existing licences were to be

1. Wide Dreyer p.142. Gazette 7/11/1848 - Cdt.J.Snyman; Fd.Cts.H.Wessels & -reduced- H. Smit; L.Erasmus, H.Kruger, H.Weber, P.Plessis, B.van Aswegen, A.J.Smit, J.Vermaak, G.v.d.Walt, W.Vogel. 2.C.O.1119, 1/1/1849; C.O.1119 & Letter Book 27/5/1849. See also C.R.S.37/80, 14/3/1849, Robertson to Smith re "money making spirit of proprietors" 3. Southey papers 24/5/1849, Halse & 14/6/1849, A.Murray - 70 odd in favour of the change. 4.C.O.1119, 18/6/1849. Sale originally intended for 15/8/1849. C.O. 25/11/1849 Sale of erven realised 6,000 Rds.-2,000 Rds. above price of farm Rietpoort. 5.Letter Book, 14/4/1849, Bester asked Warden to lay the foundation stone of a church there. C.O.1119, 3/6/1849; C.O.1122, 13/6/1849. For Notice of Public Auction of Erven see Gazette 5,19/4/1849. C.O.1120, 21/3/1849, first sale 16/5/1849. 6. Southey papers 10/7/1849; 15/7/1849; 10/8/1849 Rex: C.O.1119,21/10/1849. Southey papers 23/7/1849, Moffat says Warden seems inclined to the removal of site to Wilge River". 7.C.O.1119, 25/2/1849, also Warden's Letter Book.Almost as much was due to his clerk (Allison C.O.1119, 8/4/1848; 17/6/1848).

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reduced from 500 rixdollars to 100 Rds. for the right to keep a store or shop and to be 50 Rds. for the right to trade from a wagon or cart. The Governor had no doubt that revenue from these two sources would fully meet expenditure created by the salaries of the officials, ministers and schoolmasters, but even here his confidence was misplaced.[1] Some form of government all people must have and the inhabitants of the Sovereignty had no cause to complain of oppressive taxation, for the quitrents required in respect of perpetual leases of landed properties obtained by them from the government amounted to certainly not more than one penny in the pound of the value of the land! On the other hand as the country had not passed from a system of subsistence economy to one of money economy, or as, at most, the latter was not entirely developed, it is surprising that the Government did not accept payment in kind since the burghers of the northern half of the territory were to prove incorrigible defaulters for many a year.[2]

By the beginning of 1849 the British Resident felt that the several Land Commissions had got sufficiently into their stride to warrant his calling upon the farmers to pay their quitrent as from 3rd February, 1848, more particularly in view of the High Commissioner's insistence upon it.[3] Sir Harry Smith's Proclamation of the 8/3/1848 provided for the appointment of two qualified Land Surveyors at the salary of £300 p.a. each with the view to having the boundaries of farms demarcated on the spot in conformity with the decisions of the Land Commissions and to acquiring the requisite information for describing such boundaries on the Land Certificates with sufficient distinction to prevent doubt or misapprehension.[4] It was further contemplated that after the duties of the respective Land Commissions were concluded the Surveyors should make an accurate survey of all the farms appropriated, in order that the holders of Certificates or "rights of occupation" might be furnished with diagrams and formal title deeds of the farms awarded to them.[5] The surveyors Rex and Moffat, finding however that their expenses in the field were very considerable and that the salaries allowed them scarcely covered their actual outlay, were obliged to relinquish their appointments not only before attempting a survey of the country for the purpose of framing diagrams and plans but before completing the preparatory duty of laying out the boundaries on the spot and furnishing the Land Commission with data for describing the limits with any degree of precision. The impracticable had been expected of them. Rex correctly anticipated that he would offend the Governor by persisting in his -resignation-

1.C.O.1119,25/2/1849, Quitrents not likely to come in until Land Certificates issued which he anticipated would take another two months. D.O.1454,D.62, 26/3/1849, In any case the Governor argued the Colonial revenue would be protected what with supplies consumed by the Emigrants & trade with the natives some of which would pass through the ports of the Colony & increase the customs. O.R.S.42/35, 30/9/1848 "I find general dissatisfaction exists against the £50 licence & that traders &dealers should have same licences as in Cape Colony. It is the people more than the dealers who complain because of enhanced price of goods. 2.Even during the bad year, 1922, payment in kind was offered in settlement of school fees! 3.Warden's Letter Book, 23/12/1848. 4.See pp. 64 & 95 above. 4.Ford's Letter Book, Statement to H.M. Special Commissioner 23/8/1853; O.R.St 32/19 - 25.

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resignation first tendered towards the close of 1848, but he was only postponing the inevitable.[1] The allowance of 16/8d. per diem proved absolutely inadequate to cover the expenses of a wagon and span of oxen, 3 saddle horses and the maintenance of himself, his large family, leader, driver and so forth, particularly when wagon hire alone frequently amounted to more than double that amount. ~~"Echo answers, 'What are you living on?'"~~. He soon became tired of Land Commission work at his own expense, wondered justly why economy should commence with himself and hankered after the recently proposed joint post of Crown Prosecutor, Clerk of the Council and Interpreter to the Court of combined magistrates.[2] Meantime Moffat suggested that the Council should retain only one Surveyor as the Sovereignty finances in his opinion could not support more. He stressed the impossibility of moving about as he did for £300 p.a. declaring to Southey that Rex had higher claims on the Government and a large family whereas he could earn his bread even by manual labour if necessary.[3]

The Land Commission followed the old Cape practice of dividing lands by marking off farms roughly rectangular in outline, fixing each angular point by riding for half-an-hour at walking pace from a central beacon or homestead - the Ordonnantie, for this resulted in a farm of approximately 3,000 morgen, the extent originally proposed.[4] Where there was not sufficient room between two neighbouring ordonnanties to allow thirty minutes' ride from each, the half-way line was taken as the boundary between them and an irregular shape given to the farms to bring them up to normal size by including what would have been granted could the farms have been made square. Unfortunately the Land Commission did not in every instance visit the farms they were disposing of; in fact most of Major Warden's Land Certificates were issued by him without any inspection whatever and as the information of claimants was frequently neither accurate nor honest, grants were made of a conflicting character.[5] Even where the Land Commission did visit the spot unaccompanied by a Land Surveyor, the extents granted were by no means uniform and bore no proportion to the nature of the claims. There occurred instances of extents varying from 1,500 to 20,000 morgen without it appearing that the possessor of the larger established any better or more valid claim than the possessor of the smaller extent. Furthermore there existed no law to compel the erection of conspicuous landmarks and no means of discovering the position of those that had been lost, forgotten or destroyed. In all these circumstances

1. Southey papers, 24/10/1848, Smith, "Rex shall not resign his present -boundary- berth, nor Moffat either". 2. Southey papers, 24/6/1849. C.O.1120, 14/5/1849. For Rex's resignation se C.O.1119, 16/12/1849 and Warden's Letter Book, 24/11/1849 and 22/12/1849. Wilmot, 23/11/1848, Smith, "Rex sometimes sees clearly but more often magnifies his subject". 3. Southey papers, 23/7/1849. C.O.1119, 27/5/1849, Warden wrote "Rex is no doubt fully competent to fill such offices were his habits somewhat less indolent". 4. F.H. Orpen's Evidence before Griqualand West Land Court p.126. Cape of Good Hope Col. Secretary Appendix 1. Vol. I, 1876, p.772, Report of Surveyor General: "The centre of the loan place or quitrent property came to be called the "Ordonnantie" which generally were the homesteads, springs or other permanent and recognizable natural object". Cathcart's Correspondence, p.161. 5. Both Ford and Orpen mention this in no uncertain terms. C.R.S.31/107, Ford 3/5/1852. C.R.S.20, 27/10/1848, Warden to Major Garvock, "I trust His Excellency will approve of my having granted Land Certificates without the presence of a Land Surveyor "on the Commission".

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boundary questions threatened soon to become very complicated and a fruitful subject of litigation, so much so that a notarial contract for a proper survey was later entered into between the British Resident and John Ford who was also appointed by Government notice 7/3/1851 to superintend all surveyors in the Sovereignty.[1]

Each of the four district Land Commissions had its own peculiar problems to solve. When Vowe returned from the Field cornetcy of Lower Caledon River after completing his first batch of farms he had already taken the bull by the horns by issuing Land Certificates only upon payment of rent due from the date of the first proclamation of Sovereignty on 3rd Feb. 1848, and by adopting the Colonial plan of charging 30 rix-dollars inspection money to meet the expense of wagon hire and the payment of the non-official members of the Land Commission without drawing upon the funds of the Quitrents.[2] This arrangement apparently met with the farmers' approbation their complaints at the time being confined to the high quitrents which averaged merely £3, but when they heard later that the charge imposed in the Bloemfontein district amounted to only one shilling for the Certificate though no beacons had been planted, they protested to Major Warden who thereupon required the magistrate to refund a portion of the money.[3] Then too the Caledon River District was unhappily wedged between the Griqua claims to the West and Basuto encroachment on the East so that, until decisions had been reached upon the final site of Smithfield and the proper boundary lines of the district, the growth of population was somewhat retarded and the unofficial members of the Land Commission, Commandant Snyman and Field-Cornet Wessels declined to inspect farms in the border lands. Early in May 1849 Vowe had finished the work of investigating claims and placing beacons in the Field cornetcies of Lower Caledon River and Slik Spruit and then proceeded to the Ward of Wilgeboom Spruit, where there were comparatively few natives, thus leaving the thorny Koesbergen ward till a later date.[4] Hitherto the Land Commission of Caledon River district had worked without the assistance of a surveyor, but before the year was out Vowe decided to avert possible confusion and obtained authority to enter into an agreement with Mr. Hopley, who undertook to survey all farms in that district at the rate of £10 each against the release of the title deed and diagram.[5]

The British Resident and his colleagues of the Bloemfontein Land Commission

1. Ford's Letter Book, Statement to H.M. Special Commissioner 23/8/1853; C.O.R.S. 32/19-25. 2. C.O.R.S. 42/81, Southey papers and C.O.1120, 29/12/1848. C.O.1119, 10/12/1849. 30 Rds. equals £2/5/-. C.O.1122, 15/1/1849, Cdt. Snyman disgruntled at allowance of only 5/- per diem. 3. Southey papers, 5/7/1849 Halse, 3/7/1849 Vowe. There was also an additional charge for survey in the Colony. 4. C.O.1119, 18/7/1849. C.O.1120, 7/5/1849; 22/1/1849; 16/1/1849; 3/7/1849. C.O.1119, 12/2/1849 for incidents see next chapter. Govt. Gazette 7/11/1848; C.O.R.S. 37/61, Field officials of Caledon River Dist:

H. Wessels	to be Fd. Ct. with	L. Erasmus	Asst. Fd. Ct.	in	Ward	Wilgeboom Spruit,
H. Weber	" " " "	W. Swanepoel	" " " "	"	Koesbergen,
H. Mathysen	" " " "	P.J. Viljoen	" " " "	"	Slik Spruit,
H. Smit	" " " "	H. van Aardt	" " " "	"	Lower Caledon.

C.O.1120, 29/11/1849, H. Wessels resigned and Erasmus succeeded him with G. Landman deputy.
C.O.1120, 16/4/1849, H. Mathysen " G.v.d. Walt " ".
115 farms done in Lower Caledon and Slik Spruit. 5. Ford's Letter Book and C.O.1119, 15/12/1849; Warden's Letter Book.

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covered their district at a rapid rate. By the beginning of February 1849 Warden reported the issue of 153 Certificates remarking that the duty was tedious and that the burgher members, particularly Cdt. Erasmus, were heartily sick of the work and the long absence from home, yet within less than a month he notified Southey of the completion of 218 farms in the Middle Veld of Riet River.[1] No wonder the work was done in slipshod fashion, especially in the absence of a surveyor! On the other hand the Bloemfontein District had the most settled and secure position and Warden, somewhat of a square peg in a round hole, being at everybody's beck and call, may have felt the urgent need for getting something done somehow, pending the solution of such pressing problems as the land question with the natives in the East and the Griquas in the South.

By inspecting over a hundredfarms and issuing as many Certificates before the close of 1848 the Vaal River Land Commission had done what it could for the time being.[2] This vast district which then contained only about 150 families, since a like number had relinquished their farms during the late rebellion and others were continually trekking away owing to the prevalence of the wildest rumours, was capable of supporting quite a thousand farms.[3] To win back those Boers who had fled across the Vaal the Governor, as has already been noted, had not only granted a period of six months' grace within which claims could be established before the Land Commission but had also waived the need of the oath of allegiance, while Moffat's idea of a dorp and market to encourage more population materialized late in 1849 in the founding of Harrismith on the high road leading across the Drakensberg to Natal.[4] These measures gradually achieved their object and an accumulation of work from the increased applications for land in various parts of the district began to face the Land Commission whose burgher members were not prepared to stay away from their homes for lengthy or indefinite periods. Moreover the lot of these solitary government representatives at the back of beyond became increasingly irksome since some of their difficulties did not admit of speedy solution. They had to put up with frequent complaints of Kaffirs trespassing on farms occupied by Boers - for there was little prospect of removing the small scattered kraals until lands could be found elsewhere to locate them - or of stock and horse lifting perpetrated without discrimination against both Europeans and Natives by irresponsibles with a ready refuge across the Vaal.[5] Indeed the threats of armed Boers and the possible dangers in those parts were such that the members of the Land Commission took Field-Cornet Carl Geere's advice and postponed their inspection of farms along

1. C.O.R.S.37/76 and Warden's Letter Book 11/2/1849. Southey papers 8/3/1849. -the- C.O.R.S.37/81, 15/3/1849. 2. Wilmot's Life of Southey Jan.1849. Southey papers 31/12/1848. 3. Southey papers, Jan.1849, Moffat: "Sir Harry has cut his throat"; "The Governor is dead". "Sir Harry is coming up with 3,000 troops"; "all Boers to serve on land and sea as soldiers". 4. Govt. Gazette 16/11/1848. pp.122 above. Southey papers 10/7/1849. 5. C.O.1122,13/6/1849: Natives were also coming to help Sikonyela against Moshesh. Southey papers, Moffat's letters, 7/11/1848,10/7/1849. also in Wilmot, Jan. 1849.

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the Vaal River - "troops are necessary in front", said Landdrost Paul Bester, "and not at Bloemfontein".[1] Enthusiasm finally departed with their surveyor Moffat, and the Orpen brothers on assuming duty as surveyors in 1852 commented upon the chaos they found there as well as on the reluctance of Field-Cornets and others to impart information without an assurance of satisfactory payment for their services![2]

The man who had to bear the brunt of the criticism in the Vaal River district was the Landdrost the more so as some of his countrymen were not reconciled to what was, in their opinion, the anomalous procedure of the British Government in placing a Magistrate over them and in allowing the people beyond the Vaal to be without one. At times the 'host of abominable lies in circulation and personal scandalising' also plagued him terribly for he found great difficulty in refuting rumours in the absence of regular posts, newspapers and gazettes.[3] Ever and anon Bester would grumble about his salary and in moments of despair would regard his appointment merely as a political shift on the part of the Governor who "pressed me to take office and see how he serves me!" - and then he would threaten to trek to his farm up Sand River.[4] During his stay Moffat lent him what aid he could and admired the way both Bester and Botha endeavoured to convince the Boers of the folly of resistance and encouraged them to submit willingly to government: "You cannot imagine how anxious they are to see Government extend British authority but remark that if it is done all the Boers must at once be included and detained from trekking by severe laws". He had the fullest confidence in Bester provided he had a good clerk acquainted with 'kantoor' work but insisted to Southey that an experienced Magistrate well versed in the law should be sent there, a man moreover knowing the Dutch well and an Afrikander in spirit capable of humouring the Boers now and then and giving them a 'vrolykheid'. Such a man, he was convinced, would effect a lasting submission to the Colonial Government.[5]

Before the Winburg Land Commission had even commenced its work Biddulph took a pessimistic view of the financial resources of his district. He pointed out to Southey that the estimated annual expenditure of over £1,000 on salaries alone equalled the amount of quitrent derived from any of the larger and more settled districts of Colesberg, Graaff-Reinet, Cradock and Somerset in the Cape Colony, where many farms moreover considerably exceeded the usual size of 3,000 morgen to be found in Winburg district.[6] He estimated that very little revenue would be derived from licences,

1. Southey papers, 7/11/1848, Biddulph's report, 20/1/1849. "Bester is unpopular but anyone would be there". Burnet to Clerk p.90 confirms Biddulph's view - "the desire of the bulk of the inhabitants is that Winburg shall be the Capital.
2. Ford's Letter Book, 4/8/1852. 3. C.O.1122, 13/6/1849. 4. Southey papers July 1849 also Wilmot Jan.1849. Bester's quarters were a rondavel of reeds and mud. 5. C.O.1120, 16/3/1849. He was asked by Southey to keep with Bester as much as possible. Southey papers, July.1849, Moffat writes "though you may have no canteen, there will always be a whiskey bottle under the desk for breeders, neefs and coms". 6. Southey papers, 23/10/1848, quotes Govt.Bluebook 1847 - Average annual quitrent (1844-6) for Somerset £832, Cradock £904, Graaff-Reinet £1,095, COLESBerg £1,345. Size of some farms in Graaff-Reinet - H.Botha, 32,256 acres, quitrent £5 5s.0d.
L.van Rickert, 30,170 acres, quitrent £4 12s.0d.
A.v.d.Merwe 11,614 " " £2 1s.0d.
5. Southey papers, 12/7/1849, Bester asks Southey for a clerk - Smith and Coqui intelligent but igneorant of office work. Moffat has always helped me.

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auction and transfer duties to supplement the quitrents and hinted that his district might become like the Irish of Jamaica estates![1] Incidentally, when he confided that the Governor was so liberal that he made official appointments without at the moment considering the cost, he was simply voicing the as yet unspoken sentiments of many of the Boers. Accordingly Biddulph repeatedly decried the creation of the Vaal River district with its separate administration and its proposed new dorp and decided to conduct the Land Commission upon the most economical scale possible.[2] On the other hand he suggested that only one half the rent should be collected for the broken year 1848 and was in due course hoist with his own petard for whether the Boers were indiscreetly made conversant with his benevolent views or not, they started an agitation to be entirely relieved of quitrent for 1848 owing to the then unsettled state of the country and the alleged shortage of ready cash after the fines had been paid.[3]

The members of the Winburg District Land Commission soon discovered that their business was not to be all beer and skittles. Biddulph had anticipated 'a great quarrel' about land owing to the farms having been inspected two or three times by persons appointed by former Emigrant Boer authorities who, he said, had been influenced by bribery and favouritism and had failed to give satisfaction to the owners. This proved to be the case particularly in Field-Cornet Jurie Wessels' ward of Winburg and by the end of 1848 the Commission had issued Certificates in respect of only 20 farms inspected along Sand River, after settling disputes and fixing the boundaries in the presence of the parties.[4] Within a short while Biddulph reported that Rex, his wife and children were 'a great nuisance' and when Rex himself suffered an injury and was indisposed for a few weeks, he volunteered that if it came to the push he could manage entirely without a surveyor and expense might be saved.[5] Dyason also knew that Rex was dissatisfied and anxious to be free but considered the presence of a surveyor essentially necessary for then the people had a notion they were more certain of their rights - 'taking bearings and pulling out the compass works wonders'.[6] In any case heavy rains delayed inspections during the middle of January and February 1849 and brought welcome, if temporary, relief to the members of the Commission from working on horseback in the hot sun for 13 hours each day, inquiring into and settling disputes on the spot and pointing out to the Boer every beacon on his farm.[2] There was little leisure otherwise, for the Boers evinced a considerable eagerness for land and the

-Commission-

1. "We have to keep them instead of their keeping us". 2. Colesberg Records, Letters received Vol.53, 13/1/1849, "The Vaal river district has been a standing joke, the magistracy some suppose will be given to fat Rex with a view I suppose to bring down his weight". C.O.1120, 16/3/1849, Moffat in Southey papers, 20/1/1849, Biddulph "should make it a sub-districttill population increases for in this manner Cradock and Beaufort grew up". Southey papers 31/10/1848, Biddulph felt he could manage the whole northern half of the O.R.S., holding court quarterly at Vaal River and Vals River alternately! 3. Southey papers 31/12/1848, 15/9/1849. C.O.1122, 7/7/1849 and 23/10/1849. 4. Southey papers 30/10/1848, 30/12/1848 (to Garvock); 31/12/1848. J. Wessels' ward p.120. 5. C.O.1122, 13/1/1849. Southey papers 19/2/1849, 7/6/1849, "I get on quite as well without a Surveyor as with one and only wonder what the devil Moffat finds to do. There should be no sinecures in a young country". 6. Southey papers, 23/12/1848.

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Commission was frequently accompanied by twenty or more such people.[1] Before March was out the Land Commission had finished with the Field-Cornetcies of Winburg and Thaibosch Spruit and in order to avoid the horse sickness then beginning in the low land had entered Jan Schutte's ward of the Wittebergen.[2] Soon they were to complain of the shortness of the days and the bitter cold with ice an inch thick in the tent of a morning!

In common with the other district Land Commissions of the Sovereignty the Winburg Commission found that the land question on its eastern border, the Wittebergen, was almost inextricably bound up with the claims and pretensions of the native chiefs. Here the dissatisfaction was confined to the right hand (south) side of the great Natal road where Sikonyela objected to the marking of a line, as did Moshesh elsewhere, but was not averse to the Boers remaining on their places.[3] The majority of the Boers however pressed for a proper boundary since the Natives were pouring in upon their places either to get out of the way of the fighting between Moshesh and Sikonyela or from a desire to re-occupy their old lands.[4] Biddulph was convinced that Sikonyela's reasons and objections shewed that he had been well schooled, and felt with Field-Cornet Schutte that some discontented Boers, naturally preferring to hold their lands under Sikonyela because they would have nothing to pay, had been tampering with the chief who had been left exposed to their artifices since the death of his missionary the Rev. Mr. Hartley.[5] The Commission accordingly proceeded to make the line without the chief and by the beginning of June had inspected and granted nearly a hundred farms in the Wittebergen before proceeding to W. Venter's ward beyond the Sand River.[6]

Between whiles the President of the Land Commission paid intermittent visits to Winburg village on the business of his magistracy and about this time seems to have fallen out with some of the Wessels' coterie of leading loyalists who threatened to complain about him, but both Rex and Moffat very properly declined to draw up memorials for his removal.[7] Biddulph was too stereotyped in his English habits and insufficiently acquainted with the peculiar feelings and manners of the Dutch Boer to be other than somewhat of a misfit in that society, yet his correspondence shows that the blame was not entirely on one side.[9] As one of his first undertakings he attempted to get the Winburg water furrow cleaned and repaired and the water brought about thirty feet[8] -higher-

1. Southey papers, 7/6/1849, Biddulph. 2. Southey papers, 13/4/1849, Biddulph; 26/3/1849, Dyason. C.O.1120, 11/3/1849, 14/5/1849. 3. Southey papers 24/3/1849, Biddulph. Sikonyela lately conquered Ramaani or April. Southey papers, 26/3/1849, Dyason. 4. Southey papers 8/6/1849, Dyason, 24/3/1849. C.O.1120, 14/5/1849. 5. Southey papers, 12/4/1849, 17/3/1849; 10/3/1849, Dyason. Bas.Rec. Vol. J. 206. The Boers in question were alleged to be Moolman, de Necker, Willemse and van Deventer. 6. Southey papers, 12/4/1849 and 7/6/1849, Biddulph. 7. Southey papers, 26/3/1849, Dyason: C.O.1120, 16/3/1849, Moffat. 8. Southey papers 31/10/1848, Biddulph: C.O.1120, 16/3/1849, Moffat - some expressed willingness to pay a subscription but Biddulph was not sanguine. 9. C.O.1137, 10/1/1849, Rev. J. Robertson "He seemed to be a man of respectable talents ... but while separated from his own wife he has in his house the separated wife of a Mr. Divine ... farmers speak in strongest terms of disapprobation. will never thwir allow their children to be married by him ... even the heathen natives when reproved by their missionaries plead the example of the Groot Kaptein of Winburg. Southey papers 16/7/1848 O'Reilly - "Dissatisfaction that he has a woman with him not his wife". Wilmot's Life of Southey, Jan. 1849, Moffat says - "Biddulph is not popular - never will be while he keeps a concubine". Southey papers, 26/3/1849, Dyason says Mr.B.'s housekeeper Mrs. Divine has gone to visit her mother whom I am told is sick!!!

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higher but the Boers quoted a figure much beyond his meagre funds - "Really the people are very indolent and call out for Government to do this and that without the slightest justice. I always say 'help yourselves' but the devil a bit do they understand that necessary principle". So long too as he did not ask for the rent and was taking infinite pains with their boundaries, said Biddulph, he was the best magistrate in the world: "I don't dislike them on the whole ... but they are terrible rebels or radicals". / It should be borne in mind however that the loyalist community including some of the larger land owners never got over their disappointment at the Governor not placing troops at Winburg and much of their apathy may be attributed to this fact. Furthermore Biddulph was exasperated by the attempted abuse of his extension, first to July and then to the 20th Sept., of the period of grace within which Boers could return to claim their farms. He had been pestered by claimants for these unoccupied farms, one of whom Field-Cornet Louw Badenhorst, more importunate than the rest, had cast his eye upon the best farm on the Vet River calling the owner, old Carl Lubbe, a rebel because he was away visiting some members of his family across the Vaal. "I see every day of my life the base character of some of the Boers and my eyes are opened of late to much infamy which I did not think existed among them". It is not surprising therefore that in this state of mind, induced also by the departure of his family to the Colony and the increasing consciousness of his poor command of the Dutch language, Biddulph took the opportunity when he had broken the back of the Land Commission work of appealing again to Southey for a change of post, but unfortunately the authorities appeared either unwilling or unable to give effect to his request.[2] Indeed it may be questioned whether in those days the necessary qualifications, as Moffat outlined them, were available in any one individual: Meurant, for instance, might have been a suitable recruit to the Sovereignty service, in spite of having no legal training, yet on being approached pleaded that he was a ruined man and would not in any case be able to leave Grahamstown for some months.[3] This difficulty then serves to explain not only why Biddulph remained in office to the bitter end but also why Stuart, another unilingual person, had been appointed recently to relieve Warden of his duties as Resident Magistrate and Civil Commissioner of Bloemfontein.

No sooner had the new regulations for the future government been promulgated than each of the four Resident Magistrates and Civil Commissioners of the Sovereignty was required to submit the names of six landed proprietors with a recommendation as to the two he considered most eligible to become members of the Council for his district during the ensuing three years.[4] Thomas Vowe's list comprised Cdt. Snyman, Hermanus -Wessels-

1. Southey papers, 12/4/1849 and 7/6/1849, Biddulph.
2. " " , 7/6/1849, Biddulph hopes Governor will keep his word. G.G.1120, 11/3/1849 re family. Southey papers, 15/9/1849 and 31/9/1849. G.G.1119,26/10/1849. Total 261 farms. Southey papers, 23/12/1848. Dyason says "Biddulph's manners are so peculiar - always been told that a man nice about little things has but a little mind."
3. Southey papers 5/3/1849, 24/3/1849, 24/2/1849 - drop in wool, state of Europe, bad debts, loss on military contract. Meurant stated his loss at £10,000 after 19 years' trading - desired any situation in O.R.S. not subordinate. 4. Details from Southey papers. O.R.S. 37/89; Govt. Notice 27/6/1849 gives eight names chosen.

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Wessels, Henry Halse, Hendrik Weber, Piet Human and Hendrik Smit in that order, the first three men having been chosen by the majority of three Field-cornetcies and having received the greatest number of votes in the whole Caledon River district. Major Warden concurred in Vowe's opinion that the first two named were most eligible and they duly attended the first Council meeting in July 1849. The British Resident's own nominations for Bloemfontein district were Andries Erwee, Casper Maree, Johannes J. Pretorius, all of Modder River, Willem D.Jacobs and Jacob van Niekerk of Riet River, and Jacobus van Zyl of Middle Veld, of whom he recommended Erwee and Jacobs.[1] For Winburg district Biddulph submitted with a frank commentary the names of Gert H.Meyer of Bloemhof, Jan H.Schutte of Tafelberg, Johannes J.van Rensburg of Weltevrede, Abraham Greyling of Lower Vet River, Thys J.Wessels of Little Saxony, and Abraham Smit of Wittebergen, alternately "well-disposed" Boers and members of the "adverse party". Schutte had resigned his field-cornetcy but was carrying on at Biddulph's earnest request pending the appointment of a suitable substitute and the Magistrate commended his sound sense, independent character and general experience. Van Rensburg he regarded as being without exception the most staunch and unflinching advocate of British rule who stood high with the opposite party for having openly avowed his sentiments before Pretorius and his people during the rebellion; similarly Greyling though a 'conservative' of the feeling of Potgieter - peace independent of Government - enjoyed the confidence of both parties. Thys Wessels possessed the recommendations of being the largest landed proprietor in the district, progressive and not disliked as the other Wessels', while Abram Smit was eminently suitable but a doubtful starter, pleading age and infirmity. Major Warden supported Biddulph's nomination of Meyer and Schutte yet apparently the Governor decided upon the former and Smit to represent Winburg.[2] Finally in respect of the remotest district of Vaal River Paul Bester sent in the names of Piet Slabbert, L. R.Botha, Piet Pretorius, J.de Wet, J.Dreyer and Cornelius Engelbrecht, stating that the first two named were the best qualified, but actually the first and last mentioned gained official approval.[3]

The first meeting of the Legislative Council was held in the School room at Bloemfontein from the 18th to the 21st July, 1849, unfortunately in the depth of a particularly cold, inclement winter and this partly accounted for the absence of several members. The Magistrates of Winburg, Caledon River and Bloemfontein districts,

1. Warden: W.D.Jacobs loyal and intelligent and possessing considerable -Biddulph- property both in the Colony and this Sovereignty - of Pretorius and van Zyl the former is the more intelligent and wealthy but the latter the more loyal character. In Bloemfontein district P.Erasmus was the Commandant and Jan Cloete, M.Oberholzer, D.S. Fourie and H.Wessels the Field Cornets. 2. Southey papers, Biddulph: Thys Wessels is in favour of agricultural improvements of all kinds, has introduced Saxon sheep, Cashmere goats and a superior breed of cattle: in fact he is the "Reitz and Breda" of these parts. Abram Smit then 63 years old, would have brought all the education talent and understanding this side of the river to the Council. C.O.1120, 25/9/1849, Biddulph advised that Greyling was elected Field-cornet in place of Louw Badenhorst in Vet River Ward. Southey papers, 15/9/1849, Biddulph: Jan Schutte resigned office for Wittebergen because of a broken leg. Jan D.Celliers consented to act - Schutte held Wittebergen together and even induced a batch of farmers to return from across the Vaal.
3. L.R.Botha remained as Commandant.

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Biddulph, Vowe and Stuart respectively, attended but Bester of Vaal River arrived late through no fault of his own. Biddulph and Meyer's journey, from Winburg only, took three and a half days. Both the unofficial members from Caledon River namely Snyman and Wessels were present but only one burgher representative each came from Winburg, Vaal River and Bloemfontein - Meyer, Engelbrecht and Erwee. Despite Biddulph's intimation in April that old Abram Smit was not desirous of attending and his suggestion that two or more should be selected to fill vacancies in cases of emergency, it was not till ten days before the meeting that Major Warden belatedly recommended Van Rensburg to the High Commissioner's Secretary.[1] Van Rensburg had figured on Biddulph's short list but had not been advanced as one of the final two Councillors because he was the son-in-law of Meyer, residing only half-an-hour from him, and his selection would have left much of the district unrepresented. There was therefore no excuse for an incomplete Council assembling, especially as Jan Schutte for one happened to be in Bloemfontein and spent most of the time as a spectator in the Council room. The British Resident himself managed to put in an appearance on the last day having been detained at Merumetsu in the hope of bringing about an amicable arrangement between the chiefs Sikonyela, Moshesh and Moletsane regarding the restitution of cattle seized from one another on recent occasions.[2] Nevertheless he wrote pointing out that additional taxes could ill be borne by the Sovereignty inhabitants and insisting upon the exercise of the strictest economy otherwise the debt to the Colonial Treasury though small would go on increasing.[3]

T.J.Biddulph being the senior Magistrate presided over the Council during the absence of Major Warden and after the Rev.A.Murray, chaplain of Bloemfontein, had offered up prayers the Magistrates took the oath of allegiance and the unofficial members made a similar affirmation. The first business on the agenda of the 18th was concerned with the discussion and adoption of standing rules and orders, which done the Estimates of Revenue and Expenditure for 1850 and the statements for 1848 -'49 were laid on the table and the Council went into Committee. The British Resident had wielded his axe as Treasurer-General to the extent of omitting all provision in the estimated expenditure of 1850 for the clerk to the Resident Magistrate and Civil Commissioner of Bloemfontein, (£150), for the members of the Land Commissions, (£325); and for the posts of the former two Surveyors, (£600).[4] He proposed to effect also a -saving-

1.C.O.1119, 8/7/1849. Van Rensburg had been the stoutest opposer of the old Winburg Raad. Warden's Letter Book and C.O.1119, 27/7/1849, p.521. W.Jacobs was absent owing to severe illness. Stabbert arrived the day after Council closed - absent from home at the time. Southey papers, 15/9/1849, Biddulph re van Rensburg, "You know the Emigrant government would never stand because of family connexion and family interest - my reason for excluding the Wessels' - hence I did not think Rensburg a good choice". 2.Vide Ras.Rec. I/250-'4. See p.183 below. 3.C.O.1119, p.289. C.R.S. 37/91, 16/7/1849 - Warden to Council. 4.Warden kept Allison who had been his clerk when the former held the post of R.M. and C.C.of Bloemfontein. C.O.1119,17/6/1848, Allison the brother-in-law of missionary Cameron at Thabe Nchu had been Secretary since 12/6/1848. There was strong criticism of his influence: Southey papers, Fraser, 31/12/1848. C.O.1122, Bingham, 10/1/1849.

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saving of £150 in the Police establishment of the Sovereignty and £100 on the conveyance of the mails - to the detriment no doubt of the Vaal River district, though, on the other hand, provision was made for the appointment of a teacher to that district.[1] These comprised the principal 'cuts' and the only other large item accounting for the considerable difference between the probable amount of expenditure of £7,025 for 1849 and £5,378 15/- for 1850 was the sum of £500 deducted in 1849 from the sale of erven for the purpose of building the Dutch Reformed Church in Bloemfontein. For the rest the general features of expenditure remained very much the same and there were no other changes in the civil and judicial establishment: the amount of £300 allocated towards the building of a Schoolroom and gaol in Bloemfontein in 1849 was earmarked in the following year for the erection of similar premises in Smithfield.[2] Altogether it is difficult to see what additional curtailment or economy could have been effected consonant with any form of administration worthy the name, and it may well be wondered from what other sources sufficient additional revenue would be forthcoming to meet the expenditure actually considered necessary to that end.

On the eve of the Council meeting the British Resident had sent the District accounts already received for the quarters ending March and June 1849 to Cape Town with the remark that he had intended making out a general statement but found the former 'so confused' by receipts and payments of 1848 appearing therein.[3] An analysis of these district accounts and close attention to Major Warden's own significant comments must have left no doubt in the minds of all concerned, particularly of Southey and his Chief, as to the precarious state of the Sovereignty's finances. According to his own figures the Resident had to face an estimated deficit of over £1,000 and was certainly viewing the immediate future through rose-coloured spectacles in budgeting for an income of nearly £3,000 from quitrents, for by the end of June 1849 merely a third of this amount had come to hand - and only in respect of the previous year's rent at that. Bloemfontein had paid approximately £600, including £100 from the reserved Griqua territory, and Caledon River £500, including nearly £200 for inspection money, but the other two districts had as yet contributed practically nothing to the exchequer.[4] Warden reported that both Biddulph and Bester appeared afraid to call upon the Boers for the past year's rent lest such a call would be the signal for a trek since the Boers generally, they intimated, were opposed to paying anything for the year 1848 as no certificates -had-

1. Gordon Young & Co. had the post contract between Bloemfontein and Colesberg at £150 p.a., Edward Drury that between Bloemfontein and Smithfield at £120 p.a. Jacob Raaff was acting postmaster at Bloemfontein at £1 per month. J. Raaff was one constable in Bloemfontein, the other was H. Risewell, succeeded by C. Williams. E. Lee and J. Rogers were constables at Smithfield. 2. I. Hutcheons built the stone gaol in Bloemfontein. 3. C.O.1119, 1/7/1849. 4. It was agreed that Vowe had no legal right to charge inspection money. C.O.1119, 30/9/1849, Biddulph completed his Land Commission work: inspected 261 farms with a total quitrent value of £755 but not more than twelve proprietors paid for 1848. C.O.1119, 14/4/1849 and Warden's Letter Book "Sometime ago I urged upon the Civil Commissioners the necessity of getting in the Quitrents for the past year, very little however has been collected".

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had then been issued to them. J.D.Cilliers, Schutte and 26 other Boers of the Wittebergen had even signed a Memorial recently desiring to be relieved of Quitrents for 1848 owing to a shortage of money due to the payment of the War Tribute fines, though they promised to pay rent for 1849.[1] Indeed the only item of revenue that had approached expectations so far was derived from the issue of Licences, the next principal source after the quitrents, and this totalled £600.

In the course of its consideration of the Estimates the Council regretted that no prospect was afforded of a sufficient sum being available for the purpose of promoting education and religion, and "under the conviction that the peace and prosperity of the country must be based on the intelligence of the people" resolved at the second day's meeting that the High Commissioner be requested to recommend an annual grant from the Colonial Treasury of £1,000 to be applied exclusively towards the salaries of ministers and schoolmasters.[2] In these circumstances an attempt to create two new offices of Clerk of the Council and Registrar of Deeds met with little success, the latter proposal being disallowed and the former postponed for future discussion.[3] In order to secure further funds the British Resident gave notice immediately on his arrival that he would move at the next meeting of the Council that all unclaimed and waste land in Bloemfontein and Caledon River districts should in future be sold and not granted. The burgher members of the Council recommended on the other hand that these lands should be given to poor people and not sold, but Warden felt there was already too large a proportion of such people who could not pay low quitrents even.[4] The sale of Bloemfontein erven had indeed produced a convenient supply of ready cash during past months, yet Major Warden's new proposal introduced not only the risk of extensive speculation in land throughout the country districts but also the added evil of disposing of crown lands especially along the frontier without personal occupation being expressly stipulated and insisted upon.[5] Warden should have perceived also that the subject of land settlement was in this respect intimately bound up with the ever present problem of the native tribes of the Sovereignty who were incidentally becoming daily more formidable owing to the illicit trade in fire-arms and gunpowder which he hoped to check by the immediate enactment of severe penalties with the unanimous approval of the Council.[6]

1. C.O.1122, 11/7/1849 and repeated 23/10/1849, 132. Southey papers, 9/6/1849, Jurie Wessels who worked on the War Tribute and Land Commission, was a man of means and had purchased an erf at Pietermaritzburg and 2 farms on Umcomaas River yet this did not deter him from objecting to paying quitrent for 1848. 2. C.O.1119, p.289. 3. Rules and orders were specially suspended. Fine of £250 and confiscation for illicit sales. 4. C.O.1119, 27/7/1849, p.521, and Warden's Letter Book: After he had been sworn in Warden persuaded the unofficial members to take the oath because he objected to the declaration that Biddulph had permitted in the fear that they would otherwise leave the Council Chamber. Fealty to the Queen is a sine qua non. Warden desired Allison to have the offices of Clerk to the Council and Public Prosecutor - 'has experience and knowledge of Dutch language' - but Biddulph temporarily spiked his guns, Southey papers, 4/8/1849. 4. C.O.1119, 14/10/1849, p.607 and Warden's Letter Bk. 5. Report of Select Committee on Frontier Defence presented to the House of Assembly June 1855, Biddulph's evidence on this defective policy. Sale of erven enabled him to pay back £500 on account of advances from Colonial Treasury, C.O.1119, 6/5/1849 after settling all current expenses in Bloemfontein district (paid Kok £300) Rester and clerk £300, Post £175, Gaol and schoolroom £200, Constables £100, Schoolmaster £37/10/-, unofficial members of Land Commission £60) till 31/3/1849.

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Among the several subjects submitted to the Council was the request for a municipality signed by over twenty landed proprietors of Bloemfontein owing to the "rising importance of the place". This met with the approval of the Council and it was agreed to lay a draft of the proposed regulations before the High Commissioner at the earliest opportunity.[1] Then followed notices of proposed ordinances for the next session moved by one or other of the official members. Biddulph desired to vest in the Resident Magistrates the same powers as were exercised by the Master of the Supreme Court of the Cape Colony in cases of intestate estates and of orphans and minors, as well as enlarged powers of attachment in certain actions of debt, trespass and ejectment. Vowe sponsored regulations governing the sale of wine and spirituous liquors in the Sovereignty, while Stuart shepherded certain Pound regulations and Instructions to Field-Cornets and a scale of fees for their remuneration.[2] Finally Bester on his arrival presented his report on the condition of the Vaal River district. He intimated that the quitrents due from the 99 farms inspected and occupied amounted to £250 and that fifty farms had yet to be inspected bringing the estimated total to £400, but he was not sure how much would be paid in view of the circumstances of the country and the unsettled state of affairs beyond the Vaal.[3] Bester pointed out also that there were about a hundred relinquished farms in his district with abundant room for the demarcation of five or six hundred more farms on the Rhenoster, Wilge and Vaal Rivers and on Liebenberg's Vlei in the neighbourhood of the new dorp and accordingly suggested that a Land Commission should meet each half year for the purpose. Its business done the Council of the Orange River Sovereignty terminated its first meeting on the 21st July, 1849: the official members returned with their burgher colleagues to their separate districts whilst the record of their deliberations found its way in due course into the hands of the High Commissioner's Secretary at Cape Town and it remained to be seen what helpful suggestions or measures would emanate from that quarter.

The British Resident seemed confident about the future solvency of the Sovereignty as a whole though he appreciated that there would be pecuniary difficulties and allowed for the lapse of two years before the quitrent would bring in the amount of £4,000 he anticipated, by which time also he estimated the revenue at £5,500 and ample to cover expenditure. "No one acquainted with this large extent of territory and its capabilities could entertain doubts as to its ultimate success", said Warden to Southey whose brother had recently completed a tour of Transorangia and had written

1. C.O.1119, 19/7/1849, Warden refers to Public meeting of 27 Householders with -to- Mr. Stuart R.M. in the chair asking for a municipality. See also Letter Book 28/10/1849 and C.O.1119, 26/10/1849, pp.635-641 for resolutions of the meeting at Bloemfontein: Present Messrs. Raaff, Stuart, Krause, Monach, Cox, Whitmore, Barber, Page, Pearson, Hassett, Bain, Prinsloo, Stone, Cowell, Fraser, Reader, Collins, Brown, Kirk, Harris, Wicks, Poulton and others. Provisional municipal committee comprised Messrs. Harris, Bain, Monach, Page, Baumann to make a census, list of householders, property and value thereof etc. Theal VII p.289 makes merely a passing reference to the Council meeting.
2. Proposed scale of Licences - To retail wine and beer £40 - wholesale £20 - plus hotel £50.
3. 111 farms inspected but 12 were unoccupied.
4. C.O. 1119, 14/10/1849, 607 and Letter Book.

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to Cape Town in similar strain: "I think the country of Winburg and in fact the whole Sovereignty will some day become valuable. It is generally pretty good for stock and might be made to yield grain in endless quantities. It would and will hereafter maintain a vast population".[1] For the moment however Warden began to find the existing revenue inadequate to meet even the fixed salaries of the public servants, for the chest of the Sovereignty had become empty and in order to keep up the state's credit a little he had drawn £400 out of his private funds to pay the schoolmasters, post contractors and constables.[2] The Magistrate of Winburg had also paid the salaries of the officials and all the petty expenses of his district very punctually having already advanced nearly £300 out of his own pocket by the end of the third quarter. On the other hand Bester threatened to resign unless his salary was raised to £300, the sum originally promised to Venter and himself, but he claimed to have done all the work! Accordingly the British Resident requested immediate aid from Southey and suggested a loan of £4,000 to enable the Orange River Sovereignty to carry on and to liquidate its debt to the Colonial Treasury, which loan, if advanced, he was sure would be repaid out of the sale of waste land - "This Sovereignty like all new countries cannot be expected to pay its way for the first two or three years without some aid in coin.. If the waste lands be left to the Council nothing will be realized whereas a good round sum might be realized by their sale ..."[3]

The High Commissioner had been regularly kept well informed of all happenings beyond the Orange since the restoration of the Sovereignty but he had naturally to give the new order a fair trial and to await whatever definite developments the future had in store before attempting to interpose his will again. Besides as Governor of the Cape Colony he had to face one or two crises which had a direct bearing upon the attitude already mentioned of certain Boers towards the administration in the Orange River Sovereignty. From the first Sir Harry Smith endeavoured to carry out to the letter Earl Grey's insistence upon the exercise of the strictest economy by effecting heavy withdrawals of troops from British Kaffraria - far too many in the sequel though fortunately the Kaffirs did not take it into their heads at the time to take advantage of the rupture with the Boers under Pretorius.[4] These reductions were not made originally in any spirit of over-confidence, for the Governor's intention had been to raise an effective Colonial militia and to that end he published shortly after his return to Cape Town a draft Ordinance for amending the existing law relating to the Burgher force of the Colony.[5] But the "Militia Bill" was misrepresented as a measure for the indiscriminate calling up of the inhabitants for permanent service, while beyond the Orange the evil rumour that had twisted the Governor's Proclamations of the preceding February and March into an intention to make soldiers of the Boers and had become

1. Southey papers - W. Southey 10/9/1849. 2. C.O.1119, 14/10/1849, 607 & -thereby- and Letter Book. C.O.1119, 5/8/1849, p.525, fortnightly post between Winburg and Harrismith at £150 p.a. - will convey Natal post from Harrismith to Colesberg if they will guarantee £120 p.a. Warden's Letter Book 18/8/1849 to Moodie in Natal.
3. C.O.1119, 30/9/1849 and Letter Book. C.O.1119, 6/5/1849 - "Something must be done for our Treasury - recommend sale of vacant lands. A public sale would prevent favour among many applicants". 4. Southey papers, 14/11/1848, Godlonton "Business is dull- laid at the door of Sir Harry who didn't keep up expenditure of half a million per annum". 5. Vide Government Gazette 2/11/1848. Southey papers, 8/7/1848, Fleming "In this Colony where every man rides and almost without exception shoots besides smoking like a German Hussar it is too bad we have not .... a constitutional force as in Canada".

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thereby the forerunner of Boomplaats again produced an unsettling effect. Vowe referred to the very startling sensation created among the Boers who would not be persuaded that the Government did not mean to conscript them eventually and remarked: "If it passes the Council I foresee another 'Trek'".[1] And Southey confirmed this impression in a letter to his Chief written as his stay in the Sovereignty was drawing to a close: "In coming through the country I could not help being sometimes amused, though much vexed, to see how the Boers had been imposed on with regard to the provisions of the Burgher Force Bill. It had been instilled into them that they were to be soldiers for 4 years, all that time to be on duty at the outposts, drilled daily and dressed as soldiers, and that, of course, when they were there, if their services were required in Europe, they would be at once shipped off etc."[2] In view of the feeling evinced in the Colony Sir Harry Smith decided to retire from what had become an untenable position and replied resignedly to Southey that "The people are wrong in not applauding my Burgher Bill: however, if the old Commando System is preferred, what objection can I possibly have?"[3] In this manner then the future well-being of the frontier districts not only of the Colony but also of the Sovereignty was made to hang by the flimsiest of threads and within less than two years the Governor was to become a very sadly disillusioned man what with the widespread disturbances along the Caledon lands and the outbreak of the Eighth Kaffir War together with the failure of the Burghers to respond to his call.

The other serious distraction beyond the Orange was due to the widespread Anti-Convict Agitation in the Colony throughout the year 1849.[4] Some idea of its repercussions in the Orange River Sovereignty may be gained from the Minutes of the Legislative Council meeting at Bloemfontein during July 1849. On the motion of Mr. Erwee seconded by Mr. Vowe the Council unanimously desired the High Commissioner "to recommend the abrogation of the Order of Her Majesty in Council rendering the Cape of Good Hope a penal settlement".[5] The members asserted that the proposed carrying into effect of such a measure met with universal condemnation by the communities they represented and would be productive of "incalculable moral evil" to the Sovereignty for they felt that serious crime would increase on account of the difficulty of controlling people thinly scattered over a vast territory. Furthermore the British Resident disclosed his own predicament at this time in an admission to

1. Southey papers 29/12/1848 Vowe and 5/1/1849 O'Reilly Jr.: "To be tried by Court Martial and flogged like common soldiers". C.O.1454, D.215, 21/12/1848, Enclosures C.O.1398 for draft Ordinance and Petitions in Colony against it. -Southey-
2. Southey papers 21/12/1848 and Wilmot; C.R.S. 42/77. 3. Southey papers 14/12/1848, C.O.1454, D.40, 9/2/1849, in the confident expectation of a lengthy period of peace. Smith preferred not to compel the adoption of "a measure, of whose propriety I am satisfied, upon a reluctant community smarting under the miseries of the late two years' war". C.O.1341, D.291, 20/3/1849, Grey agreed that Smith had 'acted judiciously', especially as he himself also hoped that a Representative legislature would be assembled at no distant date when the whole subject of Colonial defence could be properly considered. 4. For accounts of Anti-Convict Agitation vide Theal VII pp.68-78 and Walker pp. 249 and 250, and Smith's Autobiography pp. 611-613. Govt. Gazette, 16/11/1848 gives Grey's despatch re sending Irish rebels to meet shortage of labour and Gazette 14/12/1848 gives Smith's repeal of Governor Somerset's restriction so that henceforward public meetings for discussion of Public measures and political subjects without the previous sanction of the Governor, Magistrate etc. were no longer illegal. C.O.1454, D.211, 19/12/1848, Encs. C.O.1398, Smith forwards petitions against Grey's project. D.281, 21/2/1849, E.B.XVI; and D.282, 21/2/1849. Smith was very ill during events 1849: C.O.1119, 6/5/1849, Warden: His temperate habits no doubt helped him through. Southey papers 15/7/1849 Fraser: 2/10/1849 Shepstone, also quoted in Wilmot. C.O. 1454, D.92, 24/5/1849, Smith's reasons for opposing Cape being made a penal settlement. 5. C.O.1119, 19/7/1849, Under Act of Parliament 5 George IV.

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Southey that he was "quite sick of this convict affair and so are all of us here",[1] whilst the Magistrate of Winburg and his clerk both attributed "the present overbearing manners to the spirit of the times and the unfortunate struggle respecting the convicts".[2] There can be little doubt therefore that the situation in the Cape Colony throughout the period of the agitation aroused by the Convict question and by the "Militia Bill" before it encouraged some of the Boers particularly of the northern half of the Sovereignty in their stand for a remission of quitrent, with the obvious danger of financial embarrassment to the administration.[3] Upon the first intimation however of this partly recalcitrant attitude the Governor had promptly thrown the onus upon the Sovereignty authorities, to whom it properly belonged, of collecting the rent due without further delay. For his part Sir Harry Smith saw no justification for further personal intervention in the affairs of the Sovereignty during 1849 and conveyed his impressions to Earl Grey of the progress already made there - that the Dutch farmers were settling down amicably, that churches and schools had been established and that a system of law and order had been introduced where formerly there had been "no provisions for the solemnisation of marriages, no laws to repress crime or to enforce the observance of any civil contract". The High Commissioner once more outlined his motives for the original establishment of British authority between the Orange and the Vaal Rivers and reiterated also that the expenditure from the Military Chest to suppress the rebellion had been refunded from the fines subsequently levied there without any drain upon the Imperial Treasury. For the rest he proceeded to explain to the Secretary of State that the Council's most important duty would be to raise an adequate revenue but that in the meantime the Sovereignty's expenses were being defrayed where necessary by loans advanced from the Colonial Treasury.[4]

1. C.O.1119, 5/8/1849, p.525: 12/8/1849, 26/8/1849 Warden very ill from inflammation of the lungs. 2. Southey papers 27/10/1849 Dyason, 10/11/1849 Biddulph. 3. C.O.1119, 26/8/1849, Warden reported that hundreds were in Bloemfontein for Magmaal, besides there were newspapers from the Colony about the country. Southey papers, 27/10/1849: Biddulph, "It is with the Winburg Boers the same as with the Cape Anti-Convict Association the more concessions the more demands and the longer the delay the stronger the hope". Southey papers 20/8/1849, 24/12/1849, Godlonton speaks of the tyranny of the mob and insults to the Governor: 7/7/1849, W. Southey "things in Cape Town were carried too far": 1/8/1849, Rex "You stand a good chance of being scragged or tomahawked": 4/10/1849, 21/12/1849, G. Southey from Graaff Reinet refers to Stockenstrom's machinations and talk of fetching down A. Pretorius; former urging chiefs to be dissatisfied with Sir Harry's measures: Montagu, 27/1/1851 "Matters must have come to a pretty pass at Graaff Reinet if the R.M. and C.C. and Clerk of the Peace are obliged to get out of the windows to escape from the mob": Godlonton, 25/12/1848, I am perfectly alive to Stockenstrom's machinations - Maastrom is a very hotbed of disaffection at a cost of £700 p.a. to the Colony: 12/12/1848, O'Reilly from Somerset East also mentions Stockenstrom's opposition. The episode apparently provided intrigue for Stockenstrom: the enclosures to D.183, 23/10/1848 take up half volume C.O.1397. C.O.1342, D.358, 25/8/1849, Grey wrote that the Continuance of the controversy (Stockenstrom) was injurious to the public interests. 4. C.O.1455, D.148, 21/8/1849 and D.195, 26/10/1849: "And in taking measures to improve the internal communications of the country". Warden's Letter Book, 18/8/1849 to Moodie that post was being established with Natal via Harrismith once a fortnight. Southey papers 23/8/1849 Montagu Secretary to Cape Government instructed the Postmaster General to direct Colesberg postmaster to send Natal mail to Bloemfontein for transmission to Natal and to keep separate accounts. Southey papers, 20/11/1849. Smith had evidently been making inquiries about starting a printing press for Godlonton says "my own opinion Bloemfontein would be a better place for a Press".

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Probable Amount of Revenue 1849 and 1850:	Bloemfontein.	Caledon Riv.	Winburg	Vaal River
Amount from sale of erven (1850 nil) ...net	1,453 7 5	-	-	500
" " Quitrents	1,100	700	741	580
" " " ..... 1850 ...	1,100	700	750	400
" " Licences	500	100	50	75
" " " 1850	536	227	50	25
" " Transfer Dues	50	50	15	50
" " " " ..... 1850 ...	150	100	50	50
" " Auction Dues	50	30	15	20
" " " " ..... 1850 ...	50	30	-	15
" " Fines and Fees of Office	100	30	7-10	15
" " " " " " 1850	100	10	5	-
" " Post Office	50	5	5	5
" " " " 1850	100	10	10	5
" " Market Dues	8	-	-	-
" " " " 1850	10	-	-	-
1849 Sovereignty Total £6,012 17 5d.	£3,311 7 5,	£915	£833-10s	£1043
1850 " " £4,478 - -	£2,046	£1,077	£865	£ 490

Probable Amount of Expenditure 1849 and 1850:	Bloemfontein.	Caledon Riv.	Winburg	Vaal River
Salary of British Resident + Forage 2 horses	654			
" " " " " " " 1850	654			
" " Clerk to "	150			
" " " " " 1850	150			
" " Resident Magistrate & C.C.	400	400	400	200
" " " " " " " .. 1850	400	400	400	200
" " Clerk to "	150	150	150	120
" " " " " 1850	-	150	150	120
" " One Field Commandant	30	30	30	30
" " " " " 1850	30	30	30	30
" " Field-Cornets (@ £15 each)	60	60	60	60
" " " " " " " .. 1850	60	60	75	60
" " 2 Constables @ £50 ea. + forage 2 hrses	140	140	140	100
" " " " " " " " " 1850	170	100	50	50
" " Members Land Commissions	100	75	75	75
" " " " " 1850	-	-	-	-
" " Minister D.R.Church	250			
" " " " " 1850	250			
" " Schoolmaster	75	75	75	-
" " " 1850	75	75	75	75
Deduction from sale erven for erection Church	500			
" " " " " " 1850	-	-	-	-
Amount for building Schoolroom	150			
" " " " 1850	50	180	-	-
" " " Gaol	150			
" " " " 1850	-	120	-	-
Conveyance of Post (between Bfn & Colesberg etc	150	120	75	75
" " " " " " " 1850	150	120	50	-
Messenger and incidental expenses	50	20	15	15
" " " " 1850	15	-	3-15	-
Printing, stationery, postage official letters	30	15	10	15
" " " " 1850	35	15	10	15
Making dam to increase water in village	30			
Rent of Public offices	-	-	36	-
" " " " 1850	30	30	36	-
1849 £5,925	£3,069	£1,085	£1,081	£690
1849 £5,925 .... 1850 £4,778-15/-	£3,069	£1,280	£879-15s	£550

1849 Two Surveyors (@£300), Adam Kok & people (£300), Presents Chiefs (£200) £1,100
1850 " " " " " & Contingencies (£300) £ 600

1849 Sovereignty Total Expenditure £5,925 plus £1,100 equals £7,025
1850 " " " £4,778-15/- plus £600 " £5,378-15/-

1850 Actual Revenue £6, 286 4 9½d; £2, 648 18 5d, £1,294 19 4d, £1,415 1 3d, £927 5 9½d
" " Expenditure £5,928 13 1½d; £3,714 0 10½d, £1,329 2 8½d, £1,210 5 4d, £675 4 2½d

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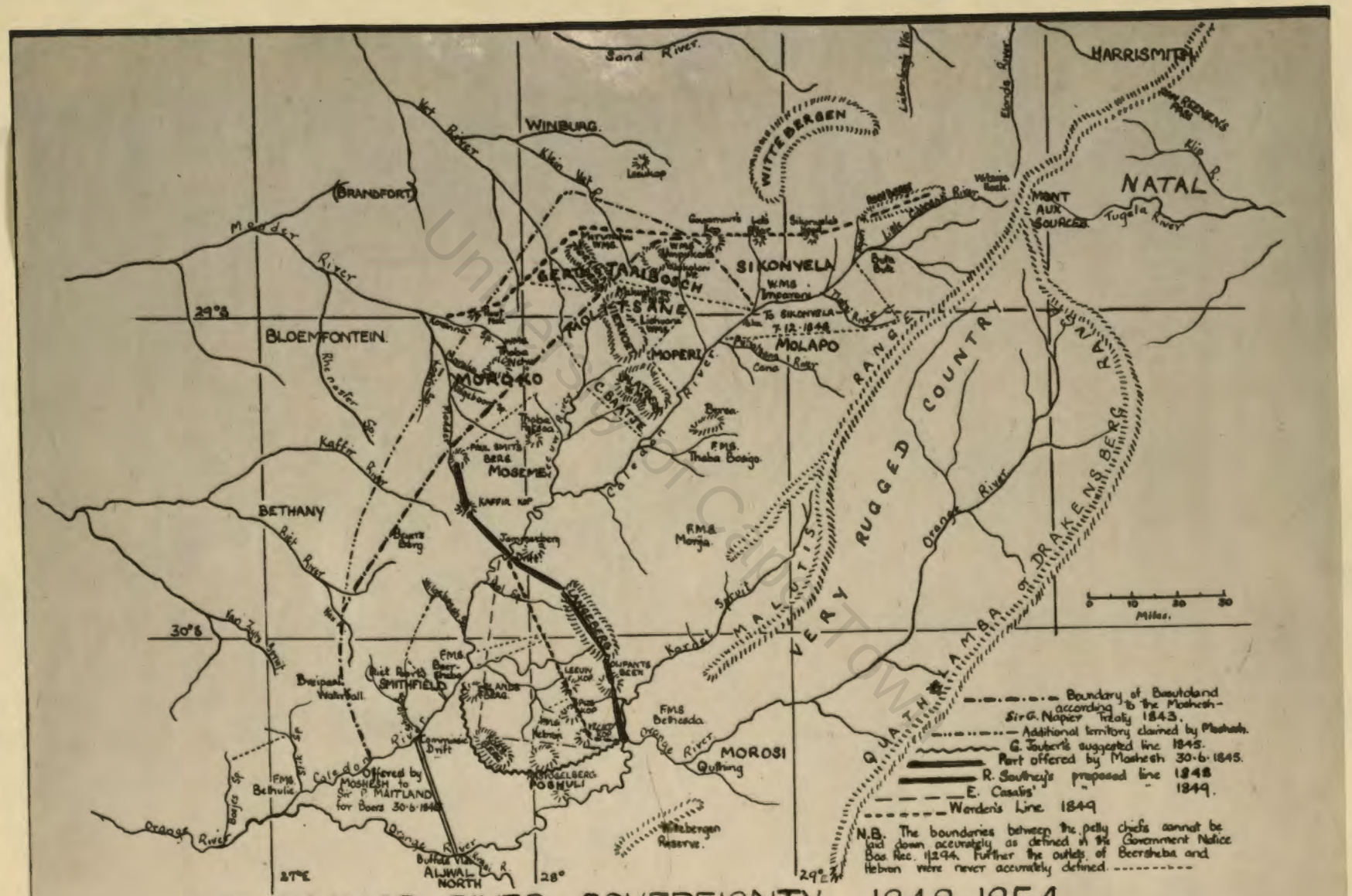

THE ORANGE RIVER SOVEREIGNTY 1848-1854.

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Native Affairs Chapter VI. 161 on the Eastern border.

The main interest in Sovereignty affairs must perforce shift for a space from the European communities to the Native tribes in the East where significant developments had also been taking place during the past two years, 1848 - '49. The relations between these two diverse elements of the population had at first undergone little change, owing principally to the expectations of Moshesh from his new found alliance with Sir Harry Smith. The Basuto chief must have welcomed with much pride and personal satisfaction the Conference with the new High Commissioner at Winburg in January, 1848, when Sir Harry Smith, the representative of Her Majesty of England, and himself, the "high contracting parties","cemented" a "strict alliance". Then followed Sir Harry's Proclamation at the beginning of the next month which declared the Sovereignty of Her Majesty over all the land between the Orange, the Vaal and the Drakensberg.[1] Yet this measure, while proceeding further than the agreement with Moshesh and creating the anomaly of several states within a state, by expressly disclaiming any desire to deprive the Chiefs and their people of their hereditary rights, laws and customs, did not abrogate the treaties or appear substantially to affect the position of Moshesh, who therefore lodged no objection.[2] The fact too that Her Majesty now became "the paramount and exclusive authority in all international disputes as to territory or in any cause whatever tending to interrupt the general peace and harmony of South Africa" did not presuppose that the Basuto Chief would not be granted any territory to which he could establish a just claim. Nevertheless Moshesh would have preferred to see the Queen's paramount authority limited to the protection of the Emigrant British subjects and the maintenance of a just and proper boundary line between them and the Native Chiefs, leaving the latter to settle their own "international" and other prolific disputes.[3] Such a policy, though diametrically opposed to the wishes of the Wesleyan missionaries labouring among the smaller tribes, would have been in effect the High Commissioner's soundest course at that time, especially as it was the only one likely to meet with the approval of the Boers, upon whom Sir Harry publicly and almost entirely relied to support his new state beyond the Orange. The High Commissioner fresh from his rich experiences in India must surely have realized that he required an ample backing of force before standing sponsor for the good behaviour of Native tribes in regard to one another.[4]

During the earlier part of 1848 the Natives fortunately confined themselves to

1. See pp. 50 and 57 above, also Bas. Rec. 1/171, 1/159-161 For agreement at Winburg and Proclamation. Bas. Rec. 1/502 Casalis' summary. Smith's object was not territorial aggrandisement. 2. Casalis Bas. Rec. 1/211, 28/12/1848, Moshesh considered it as a cloak stretched over the Black and the White to cover and protect them all equally and maintain them all in what they actually possessed. Bas.Rec. 1/537, 7/2/1852, Molapo "Moshesh declared his submission to the Queen as his superior, that he was only a child under her, and hoped she would take care of him". The chiefs and tribes were independent in the administration of their internal affairs, Orpen p. 88. 3. See "The Friend of the Sovereignty" 17/9/1853 on this. O.R.S. 94/259, In May 1848 Moshesh complained to Gov.Smith of encroachment of Boers whereas he understood arrangements Jan.1848 recognized occupation then and prohibited fresh encroachments, Moshesh to Smith 28/5/1848; O.R.S.42/124, Southey's summary. 4. See "The Friend of the Sovereignty", 8/9/1851.

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the rôle of spectators awaiting with some misgiving the outcome of all the alarums and excursions culminating in Boomplaats. In the meantime the Chief of the Basuto whose dominion now extended over by far the largest group of native peoples in the Sovereignty had by no means abandoned those vital territorial claims which he had consistently advanced in former years much to the concern of the surrounding tribes and of the Boers who had established themselves within the Caledon lands in the days of his weakness. Though no major disturbance took place until late in 1848, complaints did at intervals reach the British authorities of aggressive behaviour on the part of the Basuto. The first instance of this occurred during the absence from home of the Chiefs Sikonyela, Moshesh and his protégé Molitsane, who had no sooner repaired to the meeting with the Governor at Winburg than a party of Molitsane's Batsung saw fit to pay off an old score by seizing 500 head of cattle from Sikonyela's Batlokua.[1] Moshesh however had already begun to effect a restoration of the stolen stock with the concurrence of Molitsane even before he received Warden's request to that end and all would have been well had not the Basuto Chief challenged the Batlokua statement that Letsela's losses of the previous year had been made good and expressly sought an interview between Sikonyela, himself and the Resident. This inquiry Warden could not arrange owing to his presence being required for some weeks in Griqualand to make appraisements of Boer property and improvements there, but upon further reports coming to hand from Sikonyela of Basuto spoliation and encroachment the British Resident recommended to the High Commissioner that the Land Commission, which was expected to commence its work shortly, should be given special authority to decide upon a boundary between the Basuto and the Mantatis (Batlokua). He admitted this would prove a difficult matter to settle in view of Moshesh's extensive claims and the fact that the country about the sources of the Caledon was occupied indiscriminately by both these peoples.[2]

Accounts of Basuto encroachment had meanwhile been received from the Smithfield district, where Magistrate O'Reilly reported that owing to inadequate police he could not take cognisance of the many complaints of natives crowding in, causing damage and annoyance and taking possession of farms. He advised also that Field-Cornet Weber had assured him of the dissatisfaction of Moshesh's people and particularly of his son Letsie, at the recent arrangement made by Sir H.Smith with the Basuto Chief regarding the land - a state of feeling to which the Rev.W.Shaw had just previously referred in a letter from Thaba 'Nchu, adding that the Basuto Chiefs

-were-

1. Bas.Rec. 1/166-7, 1/502.
2. C.O.1119 and Warden's Letter Book 9/6/1848; Bas. Rec. 1/175. O.R.S. 94/260, 22/6/1848, authority given subject to Smith's approval, 42/124, Southey's summary includes this authority. Bas. Rec. 1/175 Warden told Sikonyela that the Land Commission would seem be there to do justice to all parties.

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were attempting to misrepresent that transaction among their people.[1] Then too the Platberg people who claimed to have been the means of protecting Moshesh since their arrival sixteen years before, when he was "vegelvry" and "rondgedryven" by Sikonyela and the Korannas, protested that the Basutos had lately been causing trouble with them.[2] That the Basuto had indeed been moving further afield was patently disclosed in a request from the Rev.E.Casalis that the Land Commission should meet the parties concerned with a view to setting aside de Winnaar's farm in the Koesbergen as a French Mission Station for the "fresh arrivals last year".[3]

Any prospect of an early attempted solution of the land problem in the Eastern Sovereignty was baulked however by the now familiar subversive movement against the new régime. As soon as he became aware of Pretorius' moves Sir Harry Smith intimated to Moshesh that he relied on his good faith and throughout this critical period the Basuto Chief stood loyal to his agreement with the High Commissioner, rejecting the Boer leader's overtures of February and April and pointing out the error of his ways.[4] On reporting this episode Moshesh took the opportunity to record his hope that the Land Commission, which Warden had suggested should settle the boundary questions, would respect his hereditary rights and the wants of his people: "Whatever may be the views of others, I have been long persuaded that the existence and welfare of the native tribes is dependent on the good will of the British Government. I know Smith, the brave and the generous, will not make me repent of having cast my lot into his hands. However anxious he may be to do good to the Boers, he will not nip in the bud the future prospects of my people by suffering fresh encroachments or aggrandisements of farms, that would, by depriving them of the land they need, reduce my subjects to despair and expose me to their resentment for having complied with the new measures".[5] Sir Harry in acknowledgment simply expressed his appreciation of the conduct of this "Friend and Ally of Her Majesty of England" and later on after Pretorius had compelled the British Resident's withdrawal across the Orange he again exhorted Moshesh to be "faithful as an Ally of Her Majesty of England" at the same time informing the Secretary of State that the Chief had been "staunch in his allegiance".[6]

Having routed the opposition at Boomplaats and re-occupied Bloemfontein the High Commissioner directed his "Faithful Ally" to meet him within the week at Winburg where, according to Moshesh's statement some four years afterwards, he "touched upon" the subject of (his) territorial limits but Sir Harry "appeared offended" and declared-

1. C.O.1120, 18,19 & 24/6/1848, pp.141-7 for cases of theft and trespass. 5/7/1848. Bas. Rec. 1/173; C.O.1094/159, Rev.W.Shaw 4/5/1848 - "The Dutch farmers all say that Moshesh's people are dissatisfied with the recent arrangements". 2. C.O.1095, 18/9/1848, 134, John Frederick, son-in-law of C.Baatje to Southey, Platberg wanted a boundary, British law, Magistrate as a Court of Appeal, Captain to have a salary. 3. Bas.Rec. I/171-3; O.R.S. 37/208-9, Warden - "It will be, I presume, the duty of the Land Commission to consult occasionally with the Chief Moshesh and as much as possible to meet his wishes". 4. See pp. 70 and 81 above. Bas.Rec. 1/167-171; O.R.S 34/146-148; B.R.1/502. 5. Bas.Rec. 1/171, 28/4/1848 - Moshesh to Smith - "I await the realisation of your plans without disquietude etc.", also C.O.1094. B.R.1/172, 4/5/1848 - Warden to Casalis; O.R.S. 37/209. B.R.1/175, 9/6/1848 - Warden to Smith. 6. Bas.Rec. 1/174, 28/5/1848 - Smith suggests Moshesh becomes a convert to the Christian faith; O.R.S. 34/218. Bas.Rec. 1/176, 177; 15 and 23/8/1848.

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declared that he would hear of none insisting upon all living together.[1] Naturally this was what the High Commissioner preferred but he had already decided to leave his Secretary behind to investigate this question among others and to determine an equitable adjustment in conjunction with the British Resident: should a delimitation be found necessary then he would favour one involving the least disturbance of the occupation of Boers and Natives at the time of his Proclamation of Sovereignty early in 1848. Of much significance therefore was the Basuto Chief's reminder in his parting message to Sir Harry Smith: "it is my constant wish ever to live in peace and fellowship with all under your Government. Tell Her Majesty I am sensible of the great debt I owe to the brave general of her troops, who has in a few days driven back and scattered the host of the wicked Rebels, who would have been a scourge to my nation and to all nations around if they had succeeded in their plot... Now I commend to Your Excellency my people's cause. Let your wise Commissioners for arranging the Farms of the Boers be told to remember that my people are very numerous, and that much of their country is possessed by Boers, who have never received permission from me to build on the land. Let Your Excellency's Commissioners require from these Boers to shew the title by which they say 'This farm is mine'."[2]

The High Commissioner had barely crossed the Orange on his return journey when the Basuto and the Batlokua became involved in the most serious affray thus far. In spite of the Platberg agreement early in 1846 Basuto had since established villages about the Thlotsi in the neighbourhood of Batlokua and when Sikonyela's son forcibly dislodged them from two villages after having given them notice to quit, Molape and Lesuani, respectively a son and a son-in-law of Moshesh, at once retaliated, burning more huts, seizing the cattle of several kraals and also killing two men. Other reprisals followed in rapid succession probably on account of the absence of all the French missionaries at Beersheba. Moshesh appealed to Southey and Warden but at the same time appeared to seek yet more trouble by sending his eldest son Letsie with a large force to the banks of the Caledon "to observe Sikonyela and to repel any fresh attack he might meditate".[3] The Rev.Jeremiah Hartley, the missionary at Imparani, immediately reported the disturbance to Richard Southey, who was then busy fining the rebel Boers in the Vaal River district, whereupon the latter despatched a stiff reprimand to Letsie and required an explanation from Moshesh.[4] The Basuto Chief denied-

1. Bas.Rec. 1/177, 2/9/1848. C.R.S.42/76. B.R.1/503, Casalis' summary; C.R.S.31/233. Extracts from Minutes of Meeting Winburg B.R. 1/178; 1/537, 7/2/1852; C.R.S.36/250, Molape "Sir Harry said to Moshesh 'You are chief of your people under the Queen, and the Queen is over you as this house is over us'. Moshesh understood the Governor literally - "no one shall be removed" - and never expected that lines would be made". B.R.1/354; C.O.1456, D.4, 20/1/1851; B.B.XV. - Smith to Grey "The great principle which guided me was not to disturb but clearly to define the existing occupation".
2. Bas.Rec. 1/179, 11/9/1848, Enclosure to D.155, 10/9/1848, B.B.XVI.
3. Bas.Rec. 1/180, 3/10/1848, Moshesh to Southey; C.O.1095, 164/5; C.R.S.17; 34/151. C.R.S. 1,18/9/1848 Casalis to Warden seeking his intervention. Bas.Rec. 1/503, Casalis' summary; C.R.S. 31/232, 42/65, 19/11/1848 Southey to Smith: Moshesh expressed deep regret at what had occurred and his determination to abide by the arrangement to await Your Excellency's decision. It is quite evident that all that has occurred has been against his wish but he has been urged into the affair by circumstances which he found impossible to control. His tribe is however entirely to blame in the affair for the man whom Sikonyela desired to remove and ultimately forced to quit by burning his huts was occupying ground the property of Sikonyela beyond any possibility of dispute, whose removal therefore Moshesh had not the slightest grounds to resent.
4. Bas.Rec. 1/179, 28/9/1848, Southey to Letsie; and letter to Moshesh C.R.S.42/31, 32, 42/45, Southey to Smith. C.R.S.17; Bas.Rec. 1/181, 4/10/1848, Hartley to Southey; C.R.S.32/101.

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denied that he had broken the peace and wrote of twenty years' forbearance towards towards Sikonyela, asserting that the inhabitants of the two villages in question were actually occupying "the spot where their fathers were born", that the previous year's affair with Letsela remained unsettled and finally expressing his belief that Sikonyela "lent his ears to advice of the Boers, who of late have endeavoured by all means in their power to cause a rise of the Mantatis against me".1 That the Basuto were in an ugly mood and bent on a trial of strength seems clear also from the Rev.J. Hartley's next report that Letsie had defiantly torn up and burnt Southey's reproof and from the statement of Nehemiah, another son of Moshesh, to the British Resident at Bloemfontein that when this letter was read to the Basuto commando "a great deal of murmuring took place, particularly among the leading men, at orders being sent to them by a man who, they imagined, had no right to interfere in their affairs".2 However the merits of the case seem clear since Major Warden, although very tactlessly prejudging Sikonyela and discrediting this "most restless character" in his reply to the Basuto Chief, at the same time admitted to the High Commissioner that Moshesh had broken faith in so far as he was the only chief to have extended his people, especially at the expense of his neighbours the Batlokua and the Barolong, and that the villages recently attacked were not in existence at the time of the Platberg agreement.3 The High Commissioner's Secretary on the other hand did not commit himself in acknowledging Moshesh's explanation and recommended the efficacy of peaceable methods pending his intended visit - "All great nations and people avoid war by every possible means. If quarrels and difficulties arise they seek the mediation of others".4 But all these injunctions profited nothing. The Basuto Chief himself went down to the scene of conflict and according to Casalis doubted whether he could restrain his exasperated people any longer and sought the Resident's "prompt interference", whilst the missionary for his own part took the view that, were fighting to begin, the farmers would join Sikonyela, that others might follow suit and thus involve the whole country in "irremediable confusion".5 Sure enough, within a few days Moshesh's sons attacked the Batlokua and slew eighteen of them including a wife of Sikonyela's brother Mota.6

Upon the receipt of a further express invitation from Moshesh the British Resident determined to intervene though he had always urged the advisability of an investigation by independent parties and knew that the initiative in this matter of a territorial settlement had really been entrusted to the High Commissioner's Secretary who intended to act as soon as he had completed his duties as President of the War

1. Bas.Rec.1/180, 3/10/1848. O.R.S.18; 97/199; Bas.Rec.1/194, Sikonyela said "Tribute- his son David was born there in 1826 and he had possession six years before. Lagden I, 99, "Sikonyela lent his ear to whispers that he should resist the aggressive encroachment of Basuto villages deliberately built on lands claimed by him".
2. Warden's Letter Book 1/11/1848 and Bas.Rec.1/190 B.R.1/188, 27/10/1848 Warden to Southey. B.Rdt.2/1. Hartley's next letters 22 & 23/10/1848 in Bas.Rec.1/183; O.R.S. 32/97-9 and C.O.1095, 166-7. 3. Bas.Rec.1/182, 7/10/1848 Warden to Moshesh; B.R.1/184, 13/10/1848 Warden to the Private Sec. High Com, also Warden's Letter Book. B.R.1/206, 18/11/1848 " " Sir H.Smith: O.R.S. 37/64. 4. Bas.Rec.1/182, 5/10/1848, Southey to Moshesh. 5. Bas.Rec. 1/184, 18/10/1848 Casalis to Warden; O.R.S.32/102, 26. 6. Bas.Rec. 1/503 in O.R.S.31/233. B.R.1/188, 23/10/1848 Rev.F. Daumas and 27/10/1848 Warden to Southey, also Letter Book, O.R.S.32/103. Sikonyela to Moshesh C.O.1095/168; Bas.Rec. 1/186; O.R.S.32/100.

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Tribute Commission.[1] Yet instead of waiting for Southey or arranging to meet him Warden proposed to Biddulph that they should form a Commission to fix the boundary line, giving as his reason that the High Commissioner might attribute the recent rupture to their not having done so long ago - not that this would have made any difference in his opinion![2] Seeing that Moshesh desired the meeting at Platberg and Sikonyela at Imparani, Warden decided upon Prynn's farm near the Caledon where he, his Secretary Allison and the official members of the Winburg Land Commission assembled on Monday, 6th November.[3] Before the proceedings commenced a letter arrived from the High Commissioner authorising his Secretary Southey, the British Resident and surveyor Rex to deal with the boundary but Warden did not send for Southey, although Biddulph declared he would be at Winburg, so that when Southey ultimately reached these parts the gathering had already dispersed.[4]

Prospects had seemed none too bright upon the arrival of Moshesh with an armed following some 1,600 strong thus causing considerable delay, whilst Sikonyela mustered 1,000 warriors before putting in an appearance, and it was with the utmost difficulty that the two chiefs were bound over to keep the peace for one month to enable the High Commissioner to adjudicate.[5] According to Sikonyela they had previously agreed in 1833 that their boundary to the east of the Caledon should be the Putiatsana and to the west a line from the confluence of these two rivers to Lishuane Mission station nor had Moshesh disputed this till after the Platberg meeting.[6] The Batlokua chief insisted upon the fixing of proper territorial limits remarking that "of late I have been like a fly in a bowl of milk, always struggling under oppression", but when the Commission expressed its intention of pointing out a line, failing agreement between the Chiefs, Moshesh significantly retorted that if Sikonyela and he were unable to make a boundary no third party could do so. In the ordinary course of events their overwhelming weight of numbers was bound to tell in favour of the Basuto and Moshesh, mature in years and experience, foresaw what should have been transparent to the Sovereignty officials on the spot - and what ultimately transpired - that if Sikonyela refused to accept a peaceful accommodation his people would inevitably be incorporated.[7]

1. Bas.Rec.1/189, 29/10/1848 Warden to Southey also C.O.1119: O.R.S.32/98. 2. Bas.Rec.1/189, 29/10/1848, Warden to Biddulph also C.O.1119. 3. Bas.Rec.1/205, 18/11/1848 Warden to Smith also Letter Book. B.R.1/190, 1/11/1848 Moshesh to Warden. Trader Prynn's place was situated 12 miles from Imparani and 3 hours from Mekuatling. 4. C.O.1120, 10/11/1848, 341 Biddulph and 9 & 10/11/1848, 349 Rex - addenda to letters in B.R.1/197 and 198; Biddulph and Rex respectively regarding Warden not making contact with Southey - "I regret any petty feeling of jealousy", "So there were 24 hours had the Major felt inclined to send for you." See also Bas.Rec.1/189, 27/10/1848, C.O.1120, 31/10/1848 Biddulph had suggested a meeting to Southey. O.R.S.37/64, 18/11/1848 Warden advised Smith that Southey had since seen Moshesh and Sikonyela. Was it a recurrence of pique? Warden may have feared the dangers of further delay, for he told Southey later that he thought he would be at Bloemfontein: C.O.1119, 203 undated, probably 13/11/1848, "Owing to a letter Moshesh received from His Excellency I found that the Commission could not give a decision. It was not my intention to have gone into the disputes between the chiefs but your absence to Mooi River and uncertainty of your return to Winburg led me ..." 5. Bas.Rec. 1/197, 9/11/1848, Rex and B.R. 1/198, 10/11/1848, Biddulph. 6. On the strength of the Napier treaty which was entered into without the knowledge of Sikonyela. 7. With a minimum of bloodshed too. Already increasing numbers of Batlokua had become voluntarily absorbed preferring the mild Basuto rule to Sikonyela's arbitrary despotism.

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incorporated. For the moment the Basuto Chief must have found himself in an unenviable predicament under the eyes of expectant followers in bellicose mood - "war is an abomination in my eyes" - and therefore he insisted that the Batlokua and the Basuto should live together without a boundary line. When Major Warden reiterated however that one would be made and also enforced, Moshesh after a long consultation with his sons and councillors at last conceded that a boundary line was necessary and in due course submitted his proposal.[1]

The time had unquestionably arrived for the British Resident and his associates to take stock anew of the real facts of the situation, for it was not too late to recommend a withdrawal from a mistaken line of policy. Indeed evidence of Basuto intentions assailed the authorities from every quarter challenging the very advisability, let alone practicability, of such a system of inter-tribal boundaries as that under contemplation. Judging from his correspondence one cannot doubt that the British Resident realised the fact of Basuto opposition. In counselling the Civil Commissioner of Smithfield to use the mildest measures in dealing with Basuto situated among the Boer farms until a boundary line should be made, Warden explained that some influential natives had in his presence openly upbraided their Chiefs for parting with so large a portion of their country.[2] Similarly, in forwarding his report of the meeting to the High Commissioner, Warden stated that Letsie had more than once fallen out with his father on account of the old Chief's love of peace and that the latter's reputation would have been endangered by any longer delay in taking the field.[3] The Resident seemed well aware also of the extent of missionary interference and partisanship when he noted that "the boundary question would appear a matter having more relation to Wesleyan and Paris Societies than to the chiefs themselves". Warden instanced the lamentable case of the Rev.J.Hartley, who became so worked up in the cause of Sikonyela that he succumbed to an attack of brain fever, and took umbrage moreover at the uninvited (though pertinent) remarks of Mr.Dyke of the French Mission to the effect that the Government would require at least 500 troops to enforce any such unpopular boundary as the Putiatsana.[4] Incidentally Biddulph was assured from the same source that the Chiefs had only recently understood their true position and the nature of the bond entered into with the Governor, whilst Moshesh's brother Paul, unless Biddulph was mistaken, told Major Warden that he would "throw his Christianity to the devil rather than give up his rights" and was ready to fight and die for the cause in which they were then engaged.[5]

Unfortunately official opinion in the Sovereignty unanimously advocated Government -interference-

1. Minutes of Meeting Bas.Rec. 1/191-197 provide details; O.R.S.97/199; Commissioners O.R.S. 18. Theal VII p.290; Cory V p.418. Commission's proposal Bas.Rec.1/206, 18/11/1848; O.R.S.37/64. 2. Bas.Rec.1/203, 15/11/1848 Warden to Vowe also Warden's Letter Book. See p. 182 above. 3. B.R.1/205, 18/11/1848 " " Smith " " " Book; O.R.S. 37/64. See O.R.S. 42/65. 4. B.R.1/203, 26/11/1848, Warden to Smith, also Warden's Letter Book, O.R.S.42/65, 9/11/1848 and 42/72, 5/12/1848 Southey to Smith re Hartley. 5. C.O. 1120, 10/11/1848, 341 Biddulph to Southey; add.B.R.1/198.

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interference and the determination of boundaries between the various tribes and there is no record that Warden, Biddulph or Southey ever took into adequate consideration the reasons for and against such a course or offered an alternative policy in the face of palpable objections. Let the British Resident be taken first as the originator of this idea.[1] Before leaving Bloemfontein for the Caledon Warden had freely admitted that a settlement of the boundary line "would not have prevented" the recent outbreak, for the Chiefs had "long entertained the most bitter feelings towards each other"; yet in the same breath and on his own responsibility he arranged a meeting of the Chiefs where he insisted that a boundary line would be made between them and enforced by the Government. Moreover after the meeting he wrote "I was much surprised to find Moshesh so opposed to any line of Boundary being made".[2] The trouble was that the British Resident still thought in terms of the Platberg agreement of March, 1846, when the Chiefs endorsed his proposal for a Commission to settle their land disputes, and had not taken sufficient account of the significance of subsequent Basuto encroachment, of the pretensions frequently aired by Moshesh and of the increasing strength of his people.[3] The British Resident stood by his literal interpretation of the terms of Sir Harry's Proclamation of Sovereignty "The Sovereignty was proclaimed by the High Commissioner in consequence of an arrangement previously made with the Native Chiefs which provided that by their acknowledging the supreme authority of the British Government they would be entitled to British protection. This pledge was given with a view to restrain the strong and support the weak, thus preserving a balance of power by which it was hoped the whole Sovereignty would be kept in peace. Undoubtedly such was the object contemplated by His Excellency and which induced him to give distinct pledges to the Native tribes of Government interference and arbitration in all cases of strife and disagreement. All I have done has been to carry out the instructions of the High Commissioner's Proclamation dated 3/2/1848".[4] Warden never entertained a doubt of the feasibility of inter-tribal boundaries even in the teeth of Basuto defiance and must therefore be held primarily responsible for the ultimate partitioning - "Balkanisation" - of the Caledon lands as laid down later in the Proclamation of 14th March 1849, with disastrous results to the Sovereignty.[5]

The Resident Magistrate and Civil Commissioner of Winburg whose district bordered on the scene of the late disturbances feared the worst in volunteering his impressions of the meeting for the benefit of the High Commissioner's Secretary. Biddulph referred to Basuto ambitions aiming at the paramountcy over all the tribes, to the eclipse of Sikonyela to whom Moshesh formerly paid tribute, to the latter's insistence that there should be no boundary between him and any Chief and to the unsettling effect of the Boer rebellion upon the minds of the Native Chiefs and councillors.

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1. Bas.Rec. 1/130, 9/1/1847, Warden to Secretary Gov. Sir P.Maitland.
   " " 1/175, 9/6/1848 " " Gov. Sir H. Smith.
2. " " 1/188, 27/10/1848 " " Secretary High Commissioner: 1/206,18/11/1848; O.R.S.37/64. B.R.1/189, 29/10/1848 Warden to Sec. " " and Biddulph.
3. Bas.Rec. 1/120, 11/3/1846, Warden to Sec. Gov. Sir P.Maitland.
   " " 1/197, 8/11/1848, "Land is everything", said Moshesh at the meeting.
4. Warden to Asst. Commissioners 7/12/1851, O.R.S. 38/85 - (after Viervoet).
5. B.R. 1/247, "800 Korannas are equal, I imagine to 2,000 Basutos".
   B.R. 1/299, "I believe the Korana people to be more than a match for all the other tribes together": O.R.S. 37/104, 31/12/1849.

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In the absence of Government intervention, he anticipated a catastrophic outbreak of the Natives against each other for, he emphasised, Sikonyela would be supported by all the inferior Chiefs who realised their slender tenure in these circumstances.[1] He certainly issued a timely warning to Southey that "Neither time nor trouble must weigh with you in this matter. Nothing is of so much importance as the present inquiry. You are actually passing by the scene of most stirring events and for aught I knew passing away without that knowledge which I consider you were left here to attain".[2] At the same time Biddulph advanced his solution of this problem and, briefly, nothing would satisfy him but that the Governor should "uphold the balance of power between all in the territories as he found them". He felt that the Government should maintain its sovereignty over all the Chiefs by the show of physical force since one could not rely too much upon the moral weight attached to official meetings and correspondence with the Chiefs.

How far these views coloured Southey's opinions is difficult to say but he does not appear to have disputed their soundness in principle when passing them on to the High Commissioner, who in his turn approved of his Secretary's communication to Moshesh and each weekly mail desired him to investigate and settle the boundary question for the preservation of peace.[3] Sir Harry Smith received news of most developments at second-hand and depended upon the impressions and recommendations of his subordinates on the spot hence a heavy responsibility rested during these few months upon Southey who nevertheless seems to have lent his countenance to the proposed system of inter-tribal boundaries even before he had personally visited the border districts: "It is very desirable this should be done at once for a good deal of agitation is kept alive in consequence of the conflicting claims of the various tribes".[4] The High Commissioner placed "great confidence" in his secretary and granted him "authority to act in all cases without further instructions", but at the same time he repeatedly recommended his co-operation with the British Resident in effecting such arrangements of the boundary as he would be able to confirm, and more than hinted that Southey should hasten slowly in bringing this important matter to a successful conclusion.[5] Southey "could have easily been with them" - the British Resident and the members of the Winburg Land Commission at Prynn's farm - "but knowing Warden's jealous feeling .... abstained from going there" without an invitation. He had "no doubt of being able to arrange matters satisfactorily" but was ultimately delayed by a heavy thunderstorm and so missed the Commission.[6] Nevertheless he saw the Chiefs and visited the disputed boundaries observing to Sir Harry

1. Mss.Rec. 1/198, 10/11/1848 and addenda in C.O.1120. O.R.S.42/35, 30/9/1848 - Southey to Smith "It appears that the country occupied by Sikonyela was some twenty years ago Moshesh's but taken from him by Matawana. The latter was driven out by Sikonyela and Moshesh until lately has acknowledged Sikonyela's claim or right to the country". 2. Biddulph "Jan Schutte knows a deal about it having been longest of anyone in that part. We shall never get the true story from the Kaffirs and missionaries". O.R.S. 42/58, 11/11/1848, Southey to Smith "Biddulph is very excitable but I daresay makes the worst of it". 3. Southey papers and Wilmot 24/10/1848. O.R.S. 42/35, 30/9/1848 Southey to Smith. "I shall write Warden on the subject and urge on him the desirableness of the Land Commission settling the Boundaries of the several chiefs as early as possible". The subject being the disputes between Sikonyela and Moshesh. 4. O.R.S.42/47, 9/10/1848. Southey papers and Wilmot 2/11/1848, "You are quite right as to the boundary question" wrote Smith. 5. Southey papers and Wilmot 9/11/1848, 7/12/1848, B.Mt. 4, 7/11/1848, Gov. to Warden to make utmost exertion in conjunction with Southey to put a stop to their hostilities. 6.O.R.S. 42/58, 11/11/1848.

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"If Moshesh had his own way this affair would never have happened and he would in a moment redress any wrong done by his people but there is a current which he finds it very difficult to stem. His eldest son Letsea is a regular savage and ready for any mischief. Nehemiah is also badly disposed and it is generally believed that if Moshesh had stood in the way of the late attack on Sikonyela he would have been deposed and Letsea have become the great Chief. This view Your Excellency will find borne out by a letter of the Rev. Arbousset herewith forwarded which the other French missionaries told me although not signed by them, contains their opinions". 1

Sir Harry feared that the missionaries tended to identify themselves too closely with their tribes, and was aware of the fact that Basuto aggrandisement under the more able Moshesh had engendered feelings of jealousy on the part of all the other chiefs, which their respective missionaries probably fomented rather than allayed. He therefore asked his secretary "quietly" to intimate to them "that their duty is mine, not to espouse any cause but that of right or wrong", to which Southey replied "I find all the missionaries espouse the cause of the particular chiefs with whom they happen to reside so much so as to render it very difficult to arrive at any correct view of a case from their information alone. I urged the necessity when I went round their stations of taking an extended view of the rights of all, but it does not appear to have availed much". 2

Whether or not the High Commissioner had really visualized a resort to a detailed definition and enforcement of limits between the tribes when he first proclaimed the Queen's Sovereignty over all the Natives as he found them, it is reasonable to suppose that had Southey raised serious doubts in Sir H.Smith's mind about the propriety of laying down such boundaries the latter might have called a halt and revised his attitude. 3 But Southey like Warden and Biddulph could not have realised the full extent or the strength of Basuto opposition, and thus in the absence of any single or joint remonstrance the Government became committed to a policy that ran directly counter to its best interests. No one seems to have thought at this stage of the sounder alternative courses of non-intervention or of limiting the Queen's Sovereignty to the west of a boundary line clearly separating the Europeans from the Native territories as a whole - indeed this would have left the new state quite enough hay on its fork. As long as inter-tribal jealousies existed there was no immediate likelihood of a general hostile combination or of widespread Basuto aggression against the Europeans and the Orange River Sovereignty would have had a chance of finding its feet pending either eventuality. 4

1. O.R.S. -At-
2. O.R.S. 42/72, 5/12/1849; 42/65, 19/11/1848. C.O.1120/341: Bas.Rec.1/198,10/11/1848. Biddulph believed that Moshesh was in the power of his sons and counsellors.
2. Southey papers and Wilmot 23/11/1848 and 16/11/1848. Dreyer p.144, 10/1/1849, also C.O.1137, Rev.W.Robertson says "While visiting some of the missionary stations as we passed along I saw several letters addressed by His Excellency to the respective Chiefs but universally found that the missionaries were anxious that such communications might in some way be made to the chiefs without their interference. It occurred to me that in many respects it would be better" and again O.R.S. 37/80 Rev.Robertson to Sir H.Smith 14/3/1849 - "When travelling among the missionary stations, it occurred to us both that it would in every respect be better if missionaries were not made the medium of communication between the Government and the native chiefs: if the necessary communications were made either through a diplomatic agent or the magistrate or some other duly qualified person it would relieve the missionary from the unpleasant position". Had the Government provided for agents with the tribes, these could have given a reasonably accurate account of what was going on and assisted the Government to shape a sounder policy. Casalis later referred to this matter of agents, Bas.Rec. II/20, 3/2/1853. Warden's Letter Book 1/11/1848 "I cannot avoid stating that disputes between the Chiefs could be more readily settled without the presence of Reverend Gentlemen". 3. What military aid was available, for instance, in the event of defiance? 4. Without being committed prematurely to a trial of strength.

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At the beginning of December, 1848, Sir Harry Smith confirmed the boundary line between Moshesh and Sikonyela as proposed by the Land Commission, namely, from the source of the Nqoti River to its junction with the Caledon, thence with a straight line through the source of the Thlotsi to the high land between the Caledon and Putiatsana Rivers and thence along the said high land to the junction of the two last mentioned rivers - an arrangement which, wrote Major Warden, the respective peoples could have no cause to complain about for they had more land than they required.[1] This disputed territory between the Caledon and Phutiatsana Rivers, according also to Southey's report upon his visit to the Chiefs in mid-November, though unoccupied some few years previously was considered by all and acknowledged by Moshesh himself as belonging to Sikonyela. Since then indeed it had been and was at the time of the Governor's journey through Transorangia to Natal during January occupied by the people of both Chiefs for which reason among others, Sir Harry's Secretary explained, the Commission considered it should be divided between them and that the high land between the two rivers should be the boundary. Notwithstanding that this arrangement was generally considered as favouring Moshesh at the expense of Sikonyela, Southey had even proposed that the Governor should go further and lay down the boundary as follows:-

"Take the line recommended by the Commission from the source of the N'qoti down to the hill called Pheka and thence instead of going down the high land to the junction of the Caledon and Phutiatsana draw a line from the Pheka to the mouth of the Pehgw".[2]

Confirmation of such a demarcation which would have given Moshesh nearly all the land now actually in the possession of his people, and the same to Sikonyela, was to be dependent however upon compliance with a stipulation regarding the return of cattle and horses captured on both sides as advocated by the Resident.[1] Southey believed that Moshesh, the first aggressor, had taken about 2,000 head of cattle in the late affair and Sikonyela only 60 horses and a few cattle but he felt that there was "no possibility of getting at exact numbers" and expressed his opinion, which was echoed by Warden a month later,[3] that there would be "much difficulty in inducing them to return what they have taken, although such a circumstance is very desirable". Nevertheless he set on foot an inquiry to ascertain the cattle captured by the followers of each Chief suggesting that the numbers to be restored should be determined and that no portion of the disputed territory allotted to the party required to return cattle should be acknowledged until indemnification had been made and, further, that in the event of either Chief's failure to do so within a given period such territory should be forfeited and given to the other in recompense. The High Commissioner approved the line of the

1. Bas.Rec.1/207-9. Decision of High Commissioner on B.R.1/208; O.R.S.36/76, Land-O.R.S.37/64; B.R.1/206, 18/11/1848.
2. O.R.S.42/65, 19/11/1848, Southey to Smith: "On my arrival here (Bloemfontein) yesterday I obtained and examined the evidence taken by the Commission, sketch of the ground and other documents which Warden is sending Your Excellency by this post and he also showed me his letter on the subject, all of which however I look on as incomplete being without any report of the Commission to show Your Excellency the view they take of the whole case, boundaries, seizure of cattle etc. and what they consider would be a fair adjustment. Biddulph urged this on Warden but he does not appear to consider it necessary". 3. Br. Rdt.2/1, Warden to Smith, B.R.1/211, 23/12/1848. Booty was divided among the tribe and the Chiefs could not easily enforce their people to disgorge the fruits of victory.

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Land Commission, as already stated and ruled that "all cattle, horses, and goats that have been seized are to be restored to their respective and rightful owners, upon which the Boundary is to be considered as completed and definite", at the same time re-affirming his insistence upon the terms of the Proclamation of the 3rd Feb. These decisions were accompanied by stiff notes to the Basuto and the Batlokua Chiefs and to the former's two sons, Letsie and Nehemiah, who had received their education at Cape Town; but they failed to produce the desired effect, for the boundary was neither accepted nor observed by the Basuto. Their Chief contended that the former Treaty with Governor Napier - concluded without the knowledge of Sikonyela - had not been annulled and made no attempt to withdraw his people from the territory of Sikonyela, and this was enough, said the Resident, "to provoke a half savage Chief to further acts of violence towards an old enemy". /

While the state of the northern border of the Lesuto continued unsettled, conditions were a somewhat unpromising aspect in the south, where the Civil Commissioner of the Caledon River district had to unravel a tangled skein of conflicting land claims made doubly confusing by the intrusion of natives, including some from the neighbouring mission station of the Rev.S.Rolland at Beersheba. Vowe wished to proceed with the work of the Land Commision so he required the Field-Cornets to take a census of the population as at 3rd Feb., 1848, together with particulars of the stock and the extent of the farms so as to determine the Quitrent, and also urged a meeting with Warden and Southey to arrange a boundary line. The Civil Commissioner dubbed as farcical the system of handing over Native offenders in his district for punishment by their Chiefs, and by way of showing a firm front to their acts of spoliation and encroachment actually arrested and despatched 14 Griquas to Colesberg for plundering farmers.[2] Then on hearing that Field-Cornet Lucas Erasmus had been molested in the course of preparing his returns and his wife insulted by some Natives who had taken forcible possession of the farm of a Boer, Harbin, Vowe despatched forthwith an armed party of burghers to investigate, at the same time reporting the matter to Moshesh and Warden and also requesting Rolland to see to the apprehension of the culprits.[3] The missionary's caustic reply, which clearly exposed his own predilection, challenged Vowe's proceedings and presaged a general war unless the relations between Moshesh and the British authorities speedily improved, but the Basuto Chief's letter proved conciliatory and welcomed the suggestion of a meeting.[4] The British Resident, as we have seen, counselled caution, and intimated

1. Bas.Rec.1/217, 17/1/1849 Moshesh to Warden. B.R.1/222, 26/1/1849 Warden to Smith-to-Smith. B.R. 1/231, 13/4/1849 Warden to Southey. Southey Papers and Wilmot 7/12/1848. O.R.S. 42/65, 19/11/1848 Southey wrote "But for Your Excellency's letter to Moshesh in which he is directed to await your word I should have considered it desirable to settle the matter at once as the sowing season is passing. However a letter from Your Excellency will have the best effect and it would be deemed desirable you should also address Sikonyela and perhaps a letter to Moshesh's sons jointly warning them to follow their father's example who has kept peace so many years and the consequences of a contrary course". 2. C.O.1120, 28/9/1848 and 8/11/1848, 353. Bas.Rec.1/201, 12/11/1848, Vowe to Warden. B.R.1/503-4 Casalis' summary, O.R.S. 31/232. Warden's Letter Book 23/12/1848 acknowledging Porter's letter. Southey papers 7/12/1848: Smith insisted that all officers were to act through the medium of the Chiefs and to avoid the course adopted by the "indiscreet Mr. Vowe". 3. Bas.Rec. 1/202, 12/11/1848. C.O. 1120, 8/11/1848.
4. B.R.1/199, 11/11/1848; O.R.S. 39. B.R. 1/204, 17/11/1848.

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to his subordinate that he would discuss the whole position with Southey - "Zeal for the Public service and a desire to put down all opposition towards Government and those immediately under its protection will sometimes lead us to act without due consideration" came the Major's sententious advice which was to be so sadly neglected by himself in the near future.[1]

Having returned again to Bloemfontein from the interview with Potgieter, via the territories of the Chiefs, Southey felt himself free at last to tackle the boundary question in the Caledon River district before leaving the Sovereignty, and accordingly, he wrote at once to the Rev.M.Casalis on Sunday, 3rd December, to arrange a meeting with Moshesh at Smithfield the following Friday.[2] On the Saturday the High Commissioner's Secretary received a request from the Rev.H.M.Dyke to wait till after the week-end. In due course Southey rode over to Beersheba, 30 miles east of Smithfield, accompanied by the Civil Commissioner and his clerk, Commandant Snyman and all the Field-Cornets of the Caledon River district, in the expectation of seeing Moshesh, but instead the latter's son Nehemiah and brother Joshua arrived with a letter to the Rev.S.Rolland to excuse his absence to the Government representative on the ground of sickness.[3] The Basuto Chief maintained that it would be very difficult to arrange a boundary between the Basuto and the Boers and that Sir Harry Smith had deprecated any reference to such a boundary: But these arguments, coupled with his expressed conviction that nothing could be done in his absence, make it appear that his alleged indisposition was a subterfuge, and tend to bear out Vowe's report later that Moshesh when actually on his way was advised at Morija to return to Thaba Bosigo.[4] Southey admitted to Sir Harry that a strong opposition to the making of a boundary existed among the Basuto and that their Chief found difficulty in controlling this spirit at work in his tribe, but He was convinced that Moshesh himself desired to fulfil "to the utmost every one of his engagements" and also that the missionaries, Rolland alone excepted, would be glad to see both the Natives and the Boers kept within their proper territorial limits. A most significant piece of information however, namely that the Natives were acknowledged by all the missionaries, without exception, to be much more difficult to manage than they used to be and were certainly not advancing in the scale of civilization at the moment, appears to have carried little weight either with himself or with the Governor-

1.Bas.Rec.1/203, 15/11/1848 and Warden's Letter Book. 2.B.R.1/208, 3/12/1848: Southey to Casalis. O.R.S.42/73, 6/12/1848 Southey to Smith "Had it not been that Warden is so excessively jealous of any interference by me in his peculiar duties I should have found cause for remaining here a week or two to assist him for he is so very slow that he will never complete the work he has to do". 3.B.R.1/209, 9/12/1848: Moshesh to Rolland; O.R.S.32/262. B.R.1/504 Casalis' summary O.R.S.31/232 Southey papers and Wilmot 21/12/1848. Southey to Smith, O.R.S. 42/77: "I do not believe he (Moshesh) was prevented attending by illness". He arrived at Smithfield on the Thursday. Rev.Dyke's note O.R.S.94/261. O.R.S. 42/74, 6/12/1848. 4. C.O.1120, 22/1/1849, 685, Vowe's letter. Moshesh had attended meetings regularly until he saw that the Government was intent on boundary lines:- Moshesh at Platberg 10/3/1846, see B.R.1/119; Moshesh at Winburg July 1846, see B.R.1/124; His brother Moperi at Bloemfontein 8/12/1846, see B.R.1/129: Moshesh at Bloemfontein 28/4/1847, see B.R. 1/136: Moshesh at Mekuatling July 1847, see B.R.1/142: Moshesh at Koesberg Sept. 1847, see B. R. 1/146: Moshesh at Winburg Jan. 1848, see B.R.1/158: Moshesh at Winburg 9/9/1848, see B.R.1/178: Moshesh at Winburg 8/11/1848, see B.R.1/205. Collins in Free Statia p.41 writes "a crafty and shifty policy of procrastination and shuffling". From now on Moshesh with one exception -15/6/1849- avoided meetings e.g.April, May, August and Sept. 1849; Jan. May and Oct. 1850; June 1851; Feb.1852 - but in May 1850 he was not specially asked to attend and in Oct. asked Warden to come to Thaba Bosigo.

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Governor and certainly evoked no further comment.[1]

The High Commissioner's Secretary was very unfavourably impressed by Mr.Rolland, the chief of the French Society, "the most cut-throat looking fellow for a missionary I ever came across", who wanted the Boers to hold their lands as subjects of Moshesh, and Southey emphatically placed him at the head of the opposition. Rolland contended in addition that the limits of Beersheba were too restricted for the 2,000 people of the Mission and not only pressed for the inclusion of the Smithfield town lands on the west and the extension of the station to the Koesbergen in the south but also wanted to drive out the Boers between himself and Moshesh in the east - altogether an extent of about 2,500 sq. miles and cutting out at least a hundred farmers, said Southey, in whose opinion one-tenth the area was quite adequate.[2] Though nothing definite could be done on account of the absence of Moshesh, Southey pointed out to Nehemiah and Joshua that the question at issue was not whether or not there should be a boundary, for one was "absolutely necessary" for the preservation of the general peace of South Africa, but what boundary was the most proper to make in order to secure to the Boers what they possessed previous to the Proclamation of Sovereignty and to prevent any encroachment on the Natives.[3] Accordingly he wrote to the Basuto Chief that "after every possible inquiry and good deal of personal examination" he would recommend the following to the High Commissioner as the best boundary with the proviso however that it should not be confirmed till Moshesh had had time to express his views, viz: From the junction of the Orange River and Cornet Spruit up the latter to Mel Spruit at the point of Lange Berg, thence along the Langeberg Range to the Jammerberg Drift on the Caledon River, and thence over Kaffir Kop to the head of the Modder River. And for the boundaries of this place (Beersheba), the Caledon River from its junction with the Vlak Plaats Spruit to Wilgeboom Spruit, and up the two Spruits to a line hereafter to be fixed by the Land Commission across from the source of the latter spruit to that of the former.[4]

Whatever the merits of the original Basuto claims this proposed boundary in the South between the Caledon and the Orange deprived the tribe of much of the territory -recognised-

1. Southey to Smith 21/12/1848, C.R.S. 42/77. 2. Bas.Rec. 1/215, 16/1/1849 Vowe to Southey also refers to Rolland's claims. Southey papers 16/1/1849 A.O'Reilly - Rolland went to Bloemfontein to complain to Warden yet Pellissier got (Bethulie) 144 sq. miles for 3,000. "You cannot fancy how impertinent the natives are" C.O.1122, Halse 23/1/1849 calls Rolland "a designing and intriguing man". Casalis however had the greatest influence over Moshesh and was a sort of Minister of Foreign affairs - Orpen's Reminiscences p.364 and Livre d'or p.245. 3. C.R.S.42/77. Southey papers and Wilmot 21/12/1848 Southey to Smith: "Nehemiah says when his father allowed the Boers to settle in this country, it was like giving a chair to a visitor to sit on who is neither allowed to dispose of it or carry it away. I, of course (says Southey) referred them to Your Excellency's arrangement with Moshesh on 27th Jan. at Winburg when Nehemiah was himself present and told them that the new state of things dated from the Proclamation". 4. B.R. 1/210, 11/12/1848 Southey to Moshesh; C.R.S. 94/263, 42/77, 21/12/1848 Southey to Smith: "The conclusion I have arrived at is that Moshesh does not relinquish any land to the Boers but by having the boundaries as set forth in my letter to him retains more than was ever occupied by him previous to the Boers settling in that country". He referred also to the security given by the settlement of the Boers between them and their warlike enemies and their subsequent prosperity. Matter referred to Moshesh owing to his absence as Southey explained later to Casalis - vide C.R.S.42/82, Southey to Smith 19/1/1849: "(Mr. Casalis is most desirous Your Excellency's measures should be carried out I therefore place much reliance on what he says)". Southey requested Vowe to examine the country and report. Southey papers 16/4/1849 - Vowe wrote that he was not to let Casalis bias him in favour of Moshesh "It is only recently the natives have adopted the plan of pushing out their outposts leaving the intermediate country unoccupied for the purpose of forcing the Emigrants out... If the line you propose be confirmed and farms inspected at once confidence will be given to the wavering ... Moshesh given Hoffman a farm in Koesberg called Klaasberg granted by him formerly to Jordaan who has been driven from it recently". Many of these documents are to be found in Bluebook returns on Kaffir tribes presented to the House of Commons 23/6/1851 pp.211-217. B.R.1/217, 17/1/1849, Moshesh's protest to Warden. Southey's was the best natural frontier and geographical boundary.

recognised as belonging to it by Sir George Napier and subsequently by Sir Peregrine Maitland, even after allowing for that portion offered by Moshesh at Touwfontein and running from the junction of the above mentioned rivers to a line drawn from Commissie Drift to Buffels Vlei Drift. There exists no doubt also that at the determinative time of the arrangement between Sir Harry Smith and the Basuto Chief, early in 1848, Basuto were already in occupation of land between the Koesberg and the Langeberg, including the Boer farms of which they had forcibly taken possession and from which Major Warden unwisely intended that the Natives should withdraw. To these circumstances the Rev.E.Casalis in the course of a visit to the Colony took it upon himself to draw the attention of the High Commissioner, and expressed his doubt whether even Potgieter in days gone by intended anything further than driving the Natives beyond identically the same limits.[1] He declared that the Basuto would not have enough agricultural and pastoral land for their support especially as their country on the north of the Caledon was disputed by Moroke's Barolong, the Bastards of Platberg and the Korannas. He felt besides that nothing less than force could induce the Natives to withdraw from the area in question where at least forty villages were situated - indeed reports were very soon received of their uncompromising truculence and determination to prevent the Land Commission from even crossing the Maitland line.[2] Casalis hinted further that the disaffected Boers might exploit the resultant feeling of hostility between the Basuto and the Colonial Government and feared for the future welfare of all the inhabitants beyond the Orange. Southey himself had a long conversation with the missionary at Graaff-Reinet in the middle of January, 1849, when he conceded that such a contingency as the removal of 40 kraals was not intended by Sir Harry Smith, and the upshot of the matter was that the High Commissioner did not confirm his Secretary's proposed boundaries but instead advised Major Warden that the subject was under consideration.[3] In view however of the excitement caused by the avowed intention of the Natives to resist any attempt by the Land Commission to inspect farms about the Koesbergen and beyond Schulp's Spruit, "comprising the greater part of the Caledon district long in the occupation of Emigrants", the British Resident naturally expressed his anxiety to know the Governor's decision, advancing his opinion that any other line for the Basutos than the one proposed by Southey would deprive too many Boers of their farms.[4] To this Southey simply suggested that the Land Commission should work for the time being in the lower part of the -district-

1. Bas.Rec. 1/211, 28/12/1848 Casalis to High Commissioner.
2. " " 1/214, 15/1/1849 Wd.Ct. H.Wessels to Vowe re Kaptyn's remarks "Moshesh said that when the Governor came to make the line Moshesh would assemble his forces and that where his skull lay there the first beacon should be planted etc.". B.R. 1/215, 16/1/1849 Vowe to Southey and also B.R. 1/221, 22/1/1849. O.R.S. 42/82.
3. B.R.1/224, 12/2/1849 Warden to Vowe. Southey papers and Wilmot 19/1/1849 Southey to High Commissioner. O.R.S. 37/81; B.Rdt. 2; B.R. 1/226, 232, 15/3/1849, 14/4/1849, 20/4/1849 Warden to respectively High Commissioner, his Secretary and Moshesh.
4. B.R. 1/224, 25/2/1849 and O.R.S. 94/264; Letter Book and C.O. 1119 British Resident to High Commissioner. Letter Book and C.O.1119; B.R.1/224, 12/2/1849 addendum- unofficial members Land Commission protest against further duties.

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district and intimated that Mr. Casalis would be able to do much towards the settlement of the boundary question.[1]

At this stage, March 1849, the new regulations for the future government of the Sovereignty were promulgated. The new Proclamation laid down expressly that "the lands within the Orange River Sovereignty belonging to any native chief and people are to be protected for the use of such chief and people ... and are to be carefully ascertained and defined ... to avoid occasions of contention, prevent unjust encroachments in any quarter and preserve the just rights of all".[2] By voluntarily assuming in this way a guardianship over all peoples in the extensive and virtually inaccessible regions of the Eastern Sovereignty the administration became committed with its limited resources to what was at best an unnecessarily risky and profitless line of policy. The only area of pressing conflict of interests between Boer and Basuto at that time lay in the highly prized lands of the Caledon River district, indeed they met face to face on no other front, and within a few weeks the Rev. E. Casalis duly submitted a boundary that he considered would be much better than Southey's proposed limits.[3] He asserted that the more than forty kraals to the west of the latter line, exclusive of Beersheba Station, were separate and distinct from the farms of the Boers, adding also that he was not aware of Natives having placed themselves on or near Boer farms since the Proclamation of Sovereignty. He contended that a line might be devised to exclude the Natives and include the Boers, even if very crooked, which would be worth the attempt to preserve good feeling and peace. Such a line Casalis recommended from the junction of Cornet's Spruit and the Orange river to the western point of the Koesberg and thence to Jammerberg drift, conceding that there might be a dozen Boers to the east, and At the same time he indicated that the land of the Natives in the Koesberg under Lebenya and belonging to Moshesh might be defined in the same way as Beersheba with an outlet or corridor into Basutoland. The worthy missionary was convinced that no line between this and Southey's could be made with justice to the Natives. As regards the proposed Beersheba boundaries he regarded these as insufficient also for they would deprive the station of 23 cattle posts and accordingly he suggested Kerander farm as the boundary to the west. Immediately therefore upon receipt of this communication Southey forwarded Casalis' opinions to Major Warden requiring him to meet Moshesh and agree to such a line as could be determined with justice to all concerned "no matter how crooked but a line must be made."[4] This instruction was followed a month later by another to the effect that once the line between Moshesh and the Caledon River district had been determined

-Warden's-

1. O.R.S.94/265, 8/3/1849 Southey. E. Eybers pp. 275-281; Bas.Rec.1/226.
3. O.R.S.94/266, 30/3/1849 . Letter Book and C.O.1119, 14/4/1849 Warden admitted
4. O.R.S.94/267, 3/4/1849. that principle of leaving parties as they were on 3/2/1848 was fair but he mentioned that the only inconvenience existed in the Caledon district. Southey was agreeable even to extension to Kerander farm. C.O.1119, 27/5/1849 Warden arranged to give a few miles there. O.R.S. 94/273-4, 7/6/1849 Southey approved.

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Warden's attention should be directed to a subdivision between the Native tribes.[1]

The British Resident decided therefore to devote a fortnight in the middle of May to determine the boundary in the Caledon River district whether or not Moshesh accepted yet another invitation to meet him, on this occasion, at the Koesberg.[2] He had in each of the three previous months supported and urged the confirmation of Southey's proposed boundary in those parts, being convinced that any other line for the Basutos would deprive too many Emigrants of their farms.[3] Warden desired well defined limits between the farmers and Moshesh's people and he presumed that, as he had found only Bushmen on a visit some twenty years before in the region claimed by Moshesh, both Boer and Basuto were immigrants there and the High Commissioner was free to parcel out the land among them. Thus before leaving for Smithfield he wrote to Civil Commissioner Vowe expressing his trust that should he find the Natives agreeable the Boers would also be prepared to make such exchanges of places as would facilitate the removal of Native kraals situated inconveniently between their homesteads.[4] The Resident's sympathies in this matter of the Caledon River boundary were inclined towards the farmers for he considered that contrary to the representations of the French missionaries the Basuto did not really require more land there. Moreover he had already been furnished with a return by Field-Cornet H.Wessels through Vowe whereby it appeared that Basutos had taken possession of some sixty farms before Feb. 3, 1848, and of a dozen others since the Land Commission commenced its work. The Field-Cornet vouched for the fact that when he came to reside there ten years previously there were no Natives on these farms, which were "given" either by Moshesh or with his consent conformably to Native custom of loan tenure, and Vowe likewise submitted that from the evidence of the Boers there were then no Basutos residing west of the Langeberg and north of Cornet Spruit - Southey's line.[5] Not unexpectedly Moshesh failed to put in an appearance, so Surveyor Rex was left by Major Warden with instructions to prepare two lines, one including all farms actually in the occupation of the Boers at the Proclamation of Sovereignty, on 3rd February, 1848, and the other including also those farms from which Boers had been forcibly ejected prior to that date. The latter line he hoped Sir Harry would sanction.[6] This was completed the

1. C.O.R.S. 94/270, 3/5/1849. All members of the Land Commission (said -following- Vowe to Warden C.O.1120, 17/4/1849) were opposed to Natives claiming lands beyond Southey's proposed line e.g. in the case of Lepui - for there would be no land to grant to those farmers who would have to remove from within the Kaffir line. Warden's reply, Letter Book and C.O.1119, 7/5/1849. 2. Bas.Rec. 1/233, 6/5/1849. B.Rdt.2; Bas. Rec. 1/232, 20/4/1849. B.R.1/234, 13/5/1849; Letter Book and C.O.1119; C.R.S.32/272. 3. Bas.Rec. 1/226, C.O.1119 and Letter Book 25/2/1849; C.R.S. 94/204; Bas.Rec. 1/228, 15/3/1849; C.R.S.37/81; B.Rdt.2; Bas.Rec. 1/231, 13/4/1849. 4. Warden's Letter Book and C.O.1119, 6/5/1849. C.R.S.94/271, 7/5/1849. Bas Rec. 1/232, 13/4/1849; Letter Book and C.O.1119, 389. Vide map in Philip's Researches on South Africa, Vol.2, 1827. 5. Bas. Rec.1/229, 27/3/1849. C.O.1120, 9/4/1849, Vowe 12/4/1849, Fd-Ct.Weber 7/4/1849. See Casalis' map 1834 Bas.Rec.III. Southey papers 16/4/1849, 2/6/1849, also Bas.Rec. 1/227 Vowe refers to testimony of J.Botes and de Winnaar - see also Bas.Rec.II/416 C.O.1120/ 651. C.O.1120,12/4/1849 Vowe reports "Natives are crowding in. It is known that the missionaries have advised the natives to this step in order to show that there are thousands of natives who will have to remove should the line remain as marked by Mr. Southey. Many farms are occupied by natives in the absence of the owners during the rebellion". Vide footnotes 3 and 4 on p.174 above. 6. Bas. Rec. 1/235, 27/5/1849. Bas.Rec. 1/254, 24/7/1849 Moshesh excused himself on ground letter was delayed.

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following month and forwarded to the High Commissioner. A glance at the map will readily show how much more advantageous it was to the Natives between the Orange and the Caledon Rivers than Southey's line, for it gave them a large slice south of the Langeberg: but on the other hand, with the exception of a liberal allotment to the then abandoned Paris Mission station at the Koesberg and an addition to the Beersheba lands, it did not include all the country claimed by Casalis.[1] To the west of the Caledon, Warden pushed forward slightly Southey's Jammerberg Drift-Kaffir Kop line to a high ridge to include some long established Boer farmers.

Meanwhile the feud between the Batlokua and the Basuto had been resumed despite their undertaking of the previous November.[2] The very next day after the Winburg Land Commission had closed its sitting, according to Southey's information, a party of Sikonyela's warriors headed by his son David and brother Mota attacked some kraals of Moshesh near Doornkop, killed three men and took 150 cattle and 800 sheep.[3] Moreover before Warden had even returned to Bloemfontein, the petty Basuto Chief Letsela staged an attack upon a Batlokua outpost in order to recoup himself for his unsatisfied claim against this tribe. The incidents were not reported by the Chiefs at the time but when in January Sikonyela's son David retaliated on a larger scale upon certain Basuto kraals, Moshesh lodged a lengthy protest with the Resident.[4] Without delay Major Warden met Sikonyela and Moshesh in turn. The former he found in truculent mood and not a jot less irreconcilable than at the last meeting at Prynn's trading station when he and Moshesh "having got into a hot argument" the Resident had been compelled to wind up the business abruptly and arrange a settlement independently of them. Sikonyela remained obdurate and seemingly bent on war, refuting any responsibility for the recent attacks and agreeing to surrender Basuto cattle only after the restoration of his own. The Batlokua Chief insisted also that nothing but the blood of Moshesh's daughter Inta, would reconcile his people for the loss of Mota's wife, to which the Resident exclaimed "This is barbarous in the extreme".[5] For his part the Basuto Chief offered the somewhat lame excuse that Letsela had thrown off his allegiance because he, Moshesh, had not recovered his stock from Sikonyela. As usual Moshesh uttered assurances of his love of peace, though he would have liked Major Warden to "untie his hands ... merely to act on the defensive" against Sikonyela and despatched an ultimatum to the latter to

1. Bas.Rec.1/248 and O.R.S.18,original sketch. Bas.Rec.1/247,30/6/1849 also -come- Warden's Letter Book and O.R.S. 94/275 for the line. "Which I beg leave strongly to recommend has been made with due consideration as regards the real wants of the Natives and claims of the farmers" -"claims on account of long occupation of farms in a country the Boers found waste or nearly so. Even the present mission station of Beersheba was for some time a farm held by Mr.J.Botes. This man left it in the year 1834 to join the Commando against the Kaffirs and on his return found the place in the possession of the Rev.Mr.Rolland". 2. See p.166 above. 3. O.R.S. 42/65 Southey to Smith, 19/11/1848. O.R.S. 42/108 Rex to Southey, 11/11/1848 reports how he met Sikonyela's warriors in battle array. "Their appearance was more formidable than anything of the kind I had ever seen - the Matabele in front, next Sikonyela's infantry, the rear brought up by a mass of cavalry consisting of the Korannas under Gert Taaibosch and Sikonyela's own cavalry, in all about 600 - 700. 4. Bas.Rec. 1/214; O.R.S. 37/71, 7/1/1849. Bas.Rec. 1/216, 17/1/1849. Moshesh accused Boers of helping Sikonyela. Dreyer p. 143 the Rev. W. Robertson reported the attack. Sikonyela did not report Letsela's attack as Rev.Hartley had died shortly before. 5. Bas.Rec. 1/218-9; O.R.S. 36/242 Sikonyela complained "I am robbed and killed all the day long".

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come to terms.[1] Altogether a far from satisfactory state of affairs.

Having apprised the Chiefs of Sir Harry's confirmation of the boundary line between them and "that what had been done was now fixed for ever" - despite the wish of Moshesh and his sons to name some other line - the British Resident aimed next at effecting a mutual restoration of their stolen cattle and horses in terms of the High Commissioner's ruling.[2] Though he apprehended some difficulty, Major Warden desired them to make the necessary delivery in his presence at Makuatling on the last day of February, but this proposal fell through as no replies came to hand in time.[3] It was evident meanwhile that the Chiefs had not settled their differences, for complaints of border forays continued to reach the Resident.[4] Sikonyela had been induced to withdraw his former bloodthirsty demands and claimed that he would have restored the captured cattle on due date had the Caledon River not been in spate. The Batlokua Chief urged the removal of Moshesh's people from his country and renewed his protests against the further incursion of armed Basutos depasturing large herds of cattle.[5] Accordingly Major Warden promptly addressed Moshesh suggesting another meeting at Lishuane on a day convenient to him.[6] The Basuto Chief thereupon broke his two months' silence, charging the Batlokua with more violence at the expense of Molitsane's son Monyake and demurring that past meetings had proved futile and that little reliance could be placed upon Sikonyela's professions of peace.[7] This brought the British Resident to the end of his tether and he frankly admitted to the High Commissioner that having done all in his power in the shape of remonstrance he was "now at a loss how to act in the matter between the two chiefs" since he believed that neither wanted peace any more than war à outrance, preferring the "half kind of warfare" of "petty skirmishes and walking off with each other's cattle".[8] In the Major's opinion Moshesh personally remained peaceably disposed towards all his neighbours and in consequence had his hands full bringing to heel his turbulent sons and their numerous supporters but the unchecked encroachment of the Basuto people undoubtedly antagonised the Batlokua, whose Chief Sikonyela had at least shown a ready disposition to observe a boundary line and to return all captured stock, both of which requirements Moshesh had evaded.[9] Matters had come to such a pass that the parade of a strong government force seemed imperative to the British Resident to induce a settlement, and in several successive communications he sought the authority of the High Commissioner for the march of troops to a central part of the boundary

1. Meeting with Moshesh Bas.Rec. 1/220-1; O.R.S.17. For both meetings, O.R.S. 36/243. Bas.Rec.1/222, 26/1/1849 Warden to High Commissioner: "Mere subterfuge. Letsela would not have dared to attack the Mantatis unless backed by Moshesh". Bas.Rec. 1/221; O.R.S. 36/244 Moshesh to Sikonyela. 2. See p.171 above. Bas.Rec. 1/224 Warden to Owen- "but they will not, I think, resort to violence". 3. Bas.Rec. 1/211, 23/12/1848. Bas. Rec. 1/222-3, 6/2/1849; Br.Rdt.2. Warden believed that the rains were responsible. 4. Warden's Letter Book C.O.1119, Bas.Rec. 1/225, 25/2/1849; O.R.S.94/264-5. 5. Bas.Rec.1/225, 28/2/1849; O.R.S.17. Bas.Rec.1/227, 19/3/1849; O.R.S. 34/210. 6. Bas.Rec.1/228, 26/3/1849. 7. Bas.Rec.1/229, 4/4/1849. See also Rev.Mr.Dyke Bas.Rec 1/230, 13/4/1849 Moshesh "I desire as ever to be considered the friend and faithful ally of the British Government". 8. Bas.Rec.1/231, 13/4/1849 and Warden's Letter Book and C.O.1119 Fd-Ct.Schutte reported Sikonyela's brother attacked kraals on Mr.Cillier's farm with permission of the proprietor. Bas.Rec.1/229, 31/3/1849; O.R.S. 37/83. Br. Rdt.2; Bas.Rec.1/233, 20/4/1849. Bas.Rec.1/234, 13/5/1849. 9. O.R.S. 37/82; Bas.Rec. 1/228, 24/3/1849 and Bas.Rec.1/232, 13/4/1849. "Moshesh's sons desirous of gaining the name of warriors". Bas.Rec.1/236, 28/5/1849. Letter Book and C.O.1119, 14/4/1849 Warden reports that Moshesh continues to occupy the country assigned to Mantatees.

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line between the two tribes.

On his return from inspecting the Caledon River district boundary with Surveyor Rex Major Warden found that the quarrel between the Basuto and the Batlokua had assumed a more serious aspect. Molitsane had thrown in his lot with the former tribe and thus confirmed the worst fears of his missionary, Mr. Daumas, at Mekuatling that he seemed "determined to involve himself", whilst Gert Taaibosch and his Korannas henceforward gave aid to Sikonyela in the unequal struggle with the Basuto and the Bataung, who had already despoiled the Batlokua of several thousand head of cattle.[2] In addition evidence was forthcoming that each Chief in turn invited and received assistance from Natives across the Vaal. The Magistrate of Winburg, his clerk and Field-Cornets Schutte and Fick in the disturbed area all complained of Natives raiding and trespassing and both Biddulph and Dyason - as well as most of the missionaries, according to Warden - maintained that the time had arrived for immediate and decisive interference by Government forces.[3] Instances of foul play undoubtedly occurred between a few Boers of the worst character and Natives and it was reported that the Wittebergen farmers if anything rather espoused the cause of Sikonyela. Nevertheless Biddulph declared that the disputes between the Chiefs meant nothing to the border farmers provided they kept their ground and the Field Cornets also agreed that the Boers would not interfere lest they might individually become exposed to danger in consequence. Biddulph added that some farmers had already trekked and commented significantly that others would leave the Wittebergen should the Governor's measures towards the Chiefs resemble those followed on the old Eastern Frontier by the Colonial governments which "played with the Kaffirs until no farmer could live in the vicinity ... The Blacks are daily becoming more and more independent ... I would make them respect the paramount authority of the Queen's Government". In the Magistrate's opinion it would not do to employ Boers against the Chiefs and he was equally emphatic that British supremacy had to be supported for the time being by British troops.

Fortified by these impressions of his subordinates and others the British Resident resolved to shoulder at once the weighty responsibility of moving a military detachment to the scene of the recent disturbances where he intended to insist upon the withdrawal of Moshesh's people from Sikonyela's country and the restoration of at least two-thirds of the latter's cattle.[4] No sooner had Major Warden notified the Chiefs to meet him on the 11th June at William Prynn's trading station than he received the High Commissioner's

1. O.R.S.37/83; Bas.Rec.1/229, 31/3/1849; BR 1/231, 13/4/1849: O.R.S.32/109; BR-written-1/234, 13/5/1849: O.R.S.32/111; BR 1/235, 27/5/1849. 2. Bas.Rec.1/234 and O.R.S.32/109, 13/5/1849. Bas.Rec.1/235 and O.R.S.32/111, 27/5/1849, Letter Book and C.O.1119. Warden's Letter Book 2/4/1849, 13/4/1849; C.O.1119. Molitsane joined Paulus Moperi and took 2,000 head from Sikonyela. Taaibosch and Moroko protest. Bas.Rec. 1/522 and 521. Molitsane evidently considered Warden helpless to do anything. 3. O.R.S.32/53, 31/5/1849: Southey papers 7/6/1849, Biddulph says numbers are quite incredible :"Letters, long speeches, courts of inquiry are of no use with caffres ... a determined line of conduct adopted at once will save endless trouble thereafter but to trifle with them will be attended with the worst consequences". O.R.S.32/111; Bas.Rec. 1/235, 27/5/1849 Warden, Cdt.Botha met 150 armed Magalis south of Valsch who were going to Sikonyela. O.R.S.32/54, 1/6/1849 Field-Cornet's report. Southey papers 8/6/1849 and Dyason: C.O.1120, 14/5/1849, Rex (on his way from Winburg district to C.R. D.) says "only grievance is that of Kaffirs fighting among themselves". 4. Bas.Rec. 1/235, 27/5/1849; O.R.S. 32/111. Bas.Rec.1/238 and 239, 3/6/1849.

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written authority to proceed in such manner to effect a reconciliation between Moshesh and Sikonyela.[1] This was accompanied by presents of two pairs of gold laced pantaloons and a double-barrelled gun for Moshesh and his councillor Joshua respectively should they not disappoint him.[2] Sir Harry agreed that the quarrels between the Chiefs could not be tolerated but ~~nevertheless~~ expressed his opinion that "to attempt the restoration of cattle would be futile". Major Warden on the other hand considered that if the Basuto had actually carried off nearly all the Mantatee cattle as stated by the Rev.F. Daumas then Sikonyela would never be a party to any friendly settlement unless a substantial portion were returned to him and therefore he hoped that the High Commissioner would support his insistence upon this stipulation.[3]

Major Warden had assured the Chiefs and their people through their missionaries, the Civil Commissioners and the Field-Cornets that his intentions were entirely pacific and that the presence of the troops would contribute to an orderly conference, nevertheless Moshesh and Molitsane kept the British Resident and the other Chiefs waiting till Friday, the 15th June.[4] The Rev.F.Daumas, missionary to the Bataung, attended on the day appointed yet Molitsane significantly enough elected to wait for Moshesh. Upon his arrival eventually the Basuto Chief placed the blame upon his missionary who had declined to accompany him, but the Rev.H.M.Dyke had already written explaining to Warden that he had always endeavoured to "preserve a good understanding" between the Basutos and their neighbours and feared that his participation in the "present critical position of affairs" might jeopardise his future calling among them.[5] From this the Resident surmised that Mr.Dyke and his colleague Mr.Arbousset not only despaired of being of any further use but also fully disapproved of Moshesh's conduct and had exerted themselves in vain to curb his ambitious sons. Apparently Molapo's wanton attack upon the people of the Imparani Mission Station at the beginning of the month in the teeth of his father Moshesh's orders accounted for the attitude of the reverend gentlemen and their absence from this conference in June, 1849.[6]

Major Warden did not mince his words before the assembled Chiefs and once more reminded them of their undertaking at Platberg in Feb.1846 to await peacefully the final delimitation of their lands.[7] He charged the Basuto people directly with having spread themselves outwards during the past two years with inevitable collisions and bloodshed-

1. Bas.Rec. 1/236, 28/5/1849 and 2/6/1849. Bas.Rec.1/239, 5/6/1849 and C.O.1119; 3/6/1849 C.O.1119 Warden also explained the position to the farmers in town for Divine Service. 2. The presents were not delivered till Moshesh proved accommodating in July-Bas.Rec.1/251, 11/7/1849. 3. O.R.S.34/36-38 - Detailed statement of Sikonyela's losses taken at W.Prynn's farm the Retreat 18/6/1849. Stolen by Moshesh 73 horses, 6,158 cattle, 2,256 sheep, 2,956 Bucks, stolen by Molitsane 76 horses, 3,806 cattle, 285 sheep, 596 bucks. See Bas.Rec. 1/244, 17/6/1849. 4. O.R.S.36/246; Bas.Rec 1/244, 23/6/1849, Warden attributed Moshesh's delay in attending the meeting in order to collect a large force of 800 armed mounted men and a few miles distant 1,500 on foot to overawe the other Chiefs. He added that this delay had a tendency to lower British authority in the country: Enclosure to D 148, 21/8/1849 B.B.XV. Bas.Rec.1/249; O.R.S. 32/106, 4/7/1849 Moroko to Warden concerning the information that it had been the desire of the Basuto to fall upon the meeting, having occupied all the mountain passes in the vicinity so as to allow no one to escape. The Basuto said they had to thank Moshesh's goodness that no untoward incident occurred. 5. Bas.Rec.1/241, 13 and 15/6/1849. Bas. Rec.1/245, 23/6/1849-Warden suggests that Molitsane involved himself under threats from Moshesh's brother Paul. 6. Bas.Rec.1/249, 7/6/1849. Bas.Rec. 1/241, 15/6/1849; O.R.S 32/105; Bas.Rec.1/250, 8/7/1849 Warden. 7. Minutes of meeting B.B.1/242; O.R.S. 17; O.R.S.36/24

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bloodshed to everyone's discomfort and he estimated the losses of the Mantatees at almost twelve thousand head of cattle besides sheep and goats. Moshesh in reply reiterated his desire for peace with Sikonyela but stressed the difficulty of restoring the cattle which his tribe regarded as its legitimate spoil. At his request the Chiefs were left to themselves and the following morning Moshesh, Molitsane and Sikonyela agreed upon a mutual restoration of captured stock at Platberg within three weeks during which time Moshesh undertook to withdraw his people from Sikonyela's country. They shook hands on parting and Warden conveyed his impressions to Sir Harry Smith that the cattle would be returned as promised and further that Moshesh must have realised that his unpopularity with the other Chiefs would range them in opposition should he choose to resist the Government in the matter of his limits.[1]

According to letters from the Revs. H. Dyke and F. Daumas an effort was being made to assemble stock for delivery and so on the urgent plea of Moshesh for another month's grace Warden granted an extension of time till the middle of July pointing out however that further delay might only exasperate the "starving" Mantatees and their allies the Korannas who were all desperately short of slaughter cattle, for which reason also a special appeal was sent to the Mantatee Chief to exercise every restraint.[2] Sikonyela refused to accept a few hundred head from Molitsane on account saying "You took them by thousands therefore return them in like numbers" and as he expressed nervousness about attending at Platberg the Resident requested Moshesh under a safe conduct to hand over in person his quota of cattle at Merumetsu, Taaibosch's school place.[3] No step had been taken apparently by the Basuto Chief to withdraw his subjects from Sikonyela's country and since Vowe, Civil Commissioner of Caledon River district, had recently reported that a body of Natives had in the name of Moshesh forcibly prevented the Land Commission from inspecting farms about Riet Poort in the vicinity of Beersheba and had moreover defiantly thrown down a beacon in its presence Major Warden naturally wanted an interview with the Basuto Chief to hear his explanation.[4] In this respect the Resident was to be disappointed for the Rev. Mr. Giddy wrote that illness kept Moshesh at Platberg and instead of the Chief his brothers and sons came on with about 1,200 head to Merumetsu. Although this number represented approximately only one half of the spoils of the recent attacks on the Imparani Mission Station and on Mota's kraals, or roughly one tenth of Sikonyela's alleged total losses which it would have been-

1. Minutes of Meeting Bas.Rec.1/244: according to Moroko Moshesh refused to restore any cattle unless Sikonyela agreed to there being no boundary "These boundary lines are bad things for all of us and we do not want the British Govt. to interfere in such matters" but all other Chiefs were of a different opinion. 2. Bas.Rec.1/246, 25/6/1849 and 30/6/1849 Warden wrote to Dyke expressing his opinion that 800 Korannas were equal to 2,000 Basutos and asked him to use his influence with Moshesh "tell him it is better to lose a few miles of country than to quarrel with Government". Bas.Rec.1/250, 8/7/1849 and Letter Book Warden said Moshesh's desire to gain more time "looks bad" and he no doubt expects Sikonyela to involve himself; O.R.S.32/105; C.O.1119 p.489. Bas.Rec 1/249, 4/7/1849; O.R.S.32/106; C.O.1120 Moroko reports unfavourably of Moshesh and Basuto threats and tactics. O.R.S.37/90, 12/7/1849 Cdt.C.Erasmus to similar effect. 3. Bas.Rec.1/249, 1/7/1849 and Bas.Rec.1/252,12/7/1849; B.Rdt.2. 4. Bas.Rec.1/248, 30/6/1849; O.R.S.94/276 and C.O.1119 and 1120. Bas.Rec.1/250, 8/7/1849 Warden says "the Basuto have frequently of late insulted the farmers .." Vowe suspected European influence, especially Hoffman. -- "either Moshesh is not honest or has not power to control the turbulent spirit of his people".

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been impossible to verify, allowance had to be made for the Mantatee captures and Major Warden gave out that Sir Harry would be satisfied with this restitution and produced the latter's presents for the Basuto Chief.[1] On the other hand Molitsane brought in fewer than 300 head of cattle whereas his people had but lately plundered the Mantatee of some 4,000 and therefore Warden insisted upon full satisfaction and received what he privately considered to be the worthless promise of the Bataung Chief to make good Sikonyela's claim, with an undertaking to deliver another 300 head the following day. In these circumstances it was unfortunate that the Resident had to return immediately to Bloemfontein to attend the first session of the Sovereignty Council before its close, consoling himself with the thought that Government intervention had at least recovered 1,500 head of cattle for Sikonyela's people even though they might remain considerable losers.[2]

In expressing thanks for Sir Harry's presents Moshesh trusted that his compliance in the matter of the restoration of cattle had gained Major Warden's approbation and provided evidence of his earnest desire for a peaceful accommodation with Sikonyela - "Willingly would I blunt the point of my spear on the flinty rock". Conveniently overlooking however firstly his personal undertakings in the past regarding the Basuto - Mantatee boundary and secondly his palpable avoidance of Southey and Warden previously in respect of the Basuto-Smithfield line, Moshesh adopted the standpoint that as a full discussion had never taken place between them the Resident should agree to defer the question of territorial limits till they could conduct a patient investigation together in a calmer atmosphere. In trying to allay the alarm of his people occasioned by reports that the Boers of the Caledon River district had been proceeding as though the boundary had already been settled, the Basuto Chief felt further that he could not have been mistaken when he reassured the Natives that the local authorities had not been directed to disturb them either by Major Warden or Sir Harry Smith.[3] The British Resident was still convinced of Moshesh's liberal views but appreciated that the Chief could not oppose too far the wishes of the Basuto people who, in his Warden's opinion, were opposed to any line and wished to have the run of the whole country - "Were the Orange River named as a boundary, I believe they would make objections".[2]

Unfortunately no sooner had Warden resolved to extend another invitation to the Basuto Chief to meet him than the Mantatees and Korannas fell upon the Bataung and Basuto kraals inflicting much loss in extreme mid-winter weather, whereupon Moshesh chose-

1. C.R.S.37/92; Bas.Rec. 1/252, 21/7/1849 and Warden's Letter Book. Bas.Rec. 1/253, 22/7/1849 and C.O.1119. Letter Book Warden to Smith and C.R.S.37/93; Bas.Rec. 1/255, 28/7/1849 "the cattle question as regards Moshesh I consider settled".
2. C.R.S.37/93. Bas.Rec. 1/255, 28/7/1849 and Letter Book Enc.D.148, 21/8/1849. B.B.XV. Warden returned also to correct some "extravagant reports among the farmers. It was said that the Basutos had murdered all the Bastards at Platberg and that no one could say what had befallen the British Resident. The Boers, even the most respectable of them, will credit any idle tale brought to them by a native, and take some pains to give it circulation; the consequence is that two-thirds of the farmers throughout the country will have it that a war with Moshesh is inevitable", "Moshesh cannot forget how he became head chief" ... "Letsie or Molapo might supplant him". Bas.Rec. 1/253, 22/7/1849 and C.O.1119 p.517 Warden to the High Commissioner "I think Moshesh has done as much as he could do, considering the difficulty of taking from his people cattle in their possession for many months and which they considered as their own".
3. Bas.Rec. 1/254, 24/7/1849.

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chose to criticise him most severely: "Instead of the peace you promised, my people are slaughtered while ... sleeping they thought beneath the kaross of the Queen of Endland" ... "Little did I think, Major Warden, that your footsteps would be washed with their blood"..."I will not yet believe that it is by your orders the attack has been made on Molitsane and on me. I must still suppose that when you left Morumetsu the Korannas and Sikonyela deceived you by their words of peace or you would not have left them there. We look, therefore, for your interference as soon as possible and for some proof of your displeasure if they have acted against your desires". 1

Thus did Moshesh attempt to shift the responsibility of the late reprisals upon the British Resident whose prompt refutation attributed the cause of these to the failure of Molitsane to keep his promise to return the cattle of "a starving people from whom it was known he had robbed 4,000" and of the Basuto to withdraw from Sikonyela's country - "I would strongly recommend you, as you value your good name and high standing as a chief, to put some restraint upon your subjects living at a distance from Thaba Bosigo" 2 Major Warden would have been other than he was had not some resentment at Moshesh's very ill-advised effusion rankled thereafter: in fact from this time may be traced his gradual estrangement from this Chief to the ultimate prejudice of both the Sovereignty and the Basuto people.

This stiffening in the British Resident's attitude is apparent in his report to headquarters which included at the same time an account of the latest developments in the Caledon River district where the threats of the Natives had held up Rex's survey of Rietpoort, the new Smithfield and had also caused the Boers to go into encampments. 3 The statements of Field-Cornet Wessels, Henry Halse and a Boer, Piet Hugo, corroborated by Commandant Snyman all testified to the menacing opposition of the Natives to white settlement in that part. 4 It was asserted that two of Moshesh's captains, Maraka and Lynx April, had spread the Chief's orders that the Boers were to quit their farms for he would not permit any line and that should the Government attempt to occupy Rietpoort it would be a signal for war. When Vowe accompanied by the Field-Cornet and other Boers of that ward met Maraka at Beersheba and challenged him with these activities, he replied "It was not by Moshesh's orders the Boers were warned to leave, but that it was Moshesh's word they should do so". Warden informed Sir Harry however that Lena, a son of Chief Lepui, was prepared to swear that he heard the Chief Moshesh give the order and continued "It is the opinion of all the Native Chiefs, as well as the Boers, that this country cannot enjoy peace until the Basuto tribe, of late years become powerful, be put under some restraint. At present they are most insolent to their neighbours of other nations, take possession of their gardens, and establish kraals wherever they please. Moroko's mountain is surrounded by the Basuto people; the Bastards at Platberg are hemmed in on all sides, and when their crops are injured by the Basuto cattle, they are laughed at and told that the country belongs to Moshesh. And in the Caledon district, since the Land Commission

1. O.R.S.1; O.R.S.34/150; O.R.S.26; Bas.Rec.1/256, 30/7/1849. -commenced-
2. O.R.S.34/149; Bas.Rec.1/258, 3/8/1849: B.Rdt.2. Warden drove home a number of Basuto acts of commission and omission". 3. Rex in O.R.S. 32/280 and O.R.S. 37/97 2/8/1849. C.O.1119/525. 4. Wessels O.R.S. 31, 29/7/1849 and O.R.S. 32/246, 27/7/1849. Halse to Vowe in O.R.S. 32/277, 1/8/1849 and O.R.S. 37/96. Snyman O.R.S. 31, 2/8/1849 and O.R.S. 32/279; O.R.S.37/96. Hugo O.R.S. 32/278, 2/8/1849 and O.R.S. 37/98. O.R.S. 37/93, addendum to Bas.Rec. 1/255, 28/7/1849 Warden to Smith re dissatisfaction of Caledon River District Boers who considered Govt.favoured Natives. Southey papers 7/9/1849 - referring to Frontier Times of4/9/1849 Somerset writes "It is to be regretted that the English party at Smithfield are making matters appear in a worse light than they really are - to prevent removal of seat of magistracy. Youth from Swagers Nek has been on an embassy from his master from M-st-m." Extensive correspondence between French missionaries and that party (Stockenstrom). See Cape Observer 28/8/1849 for letters to Grey. Southey papers 4/10/1849 G.Southey from Graaff Reinet "Stockenstrom is using every underhand means in his power to cast odium upon Sir Harry. (Midst of Anti-Convict Agitation). Chas.Hutton has lately been across the Orange to Moshesh and to Bethany & many other places with the ostensible purpose of looking for servants when numbers pass his place daily, but in fact to gain political information for Stockenstrom and to urge the chiefs to be dissatisfied with Sir Harry's measures".

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commenced inspecting farms there, how many Basutos have squatted themselves near the homesteads of Boers? I may say some hundreds. Nothing, I imagine, can better prove the determination of Moshesh to oppose all lines of boundary for his people, than his proceedings in regard of the boundary confirmed by Your Excellency between the Basutos and Mantatis. Instead of withdrawing his people, I find that he has pushed them on near to Sikonyela's mountain; and yet this Basuto Chief will tell you that his heart is for peace, and were it not for Sikonyela the Basutos would be happy". 1

In another letter of the same date he repeated "Some decided steps must no doubt be taken to humble this tribe, or we shall not have quiet in the land. All the Chiefs have but one opinion towards Moshesh, and that is that he is becoming too rich and powerful to be longer a safe neighbour, and they are all anxious to join against him". 2

In order therefore to obtain finality Major Warden advocated that Sir Harry should authorise 200 soldiers to march from the Colonial frontier to Smithfield, to be joined there by 150 troops from Bloemfontein, which combined force he felt would not only give confidence to the Boers to turn out if required, but would also prevent an attempt by Moshesh to oppose the making of the necessary line between his people and the Boers. While waiting for a reply from the High Commissioner on this particular issue the British Resident called upon all the Chiefs to attend a General Meeting at Bloemfontein on the 24th August, 1849 "for the purpose of hearing their opinions or such suggestions as they might have to offer for the re-establishment of permanent peace". His notice pointed out that the violent differences between certain Chiefs threatened to involve "the whole territory in the miseries of war" and unless they were terminated the High Commissioner would resort "to the painful alternative of coercive measures". A safe conduct was guaranteed to and from the meeting and anyone committing a breach of the peace would be visited with sure and condign chastisement. 3

Within a few days of this notice the British Resident was in possession of the views of the High Commissioner and also of a further communication from the Basuto Chief wherein he climbed down and almost abjectly confined himself to the rôle of injured innocent in marked contrast to his provocative letter of a fortnight before which Sir Harry dubbed "a piece of subterfuge, duplicity and evasion". 4 Moshesh complained about the renewed attacks of the Korannas and Mantatees and the losses suffered by his own forces which had been sent purely to protect Molitsane at Mekuatling, but again he conveniently overlooked that, by continuing to champion the Bataung and thereby supporting this objectionable wedge between the Mantatee and the Korannas on the one hand and the Barolong and Bastards on the other, he was bound to keep the old sores open. As regards some of Warden's reproofs he protested that given

1. Bas.Rec. 1/259, 5/8/1849 and Letter Book. 2. Bas.Rec. 1/261, 5/8/1849 and -the- C.O.1119; O.R.S. 32/112 and 281; Enc.D.148, 21/8/1849. B.B.XV. Wilmot's Life of Southey 9/7/1849 p.75 - Even Fraser wrote that a war with the O.R.S. would effectually ruin Moshesh "It is now said that the Basutos are preparing for war; but I cannot but think that Moshesh has still power enough over his sons and people to prevent the recurrence of such a calamity". Southey papers and Wilmot 5/8/1849. Dr.Fraser wrote to Southey about Molitsane being "allowed to trifle" with the Govt. and Moshesh's "strong letter" to Warden. He felt that all confidence had ceased between the Major and Moshesh and that they distrusted each other. He charged Warden with declining to take the trouble of reasoning and talking with Moshesh .."Heavy will be the responsibility of the man who will needlessly thrust a war with a bordering savage tribe on this young and rising country". He pleaded for an impartial inquiry before Sir H. Smith sanctioned an attack upon Moshesh. "War is easily begun but far from easily finished". "I could see him (Warden) retire to private life with satisfaction as for such alone is he fitted". 3. Bas.Rec. 1/261, 11/8/1849; C.O.1119. 4. Bas.Rec. 1/262, 13/8/1849. Roads rendered impassable during past week by an extraordinary fall of snow. Bas.Rec. 1/265, 16/8/1849. Bas.Rec. 1/266, 19/8/1849; Letter Book, Enc.D.148, 21/8/1849, B.B.XV

the opportunity he would be able to explain his conduct to the satisfaction of the Governor, and of other incidents he pleaded ignorance. "I am accused of injuring others but who will say I am not injured? My voice is that of the wounded man. I pray you hear me". With reference to the question of boundaries he wrote "I do not find I said anything to you to lead you to suppose I was blindly opposed to them. I only desired that agitation in the land might subside a little and that I might again see you on this subject". 1 Sir Harry agreed to Warden's suggestion that the Basuto Chief should be humbled by means of the voluntary combination of all the other Chiefs with the aid of Government troops and "a strong commando of farmers" for he felt obliged to insist upon the observance of a boundary. He stressed nevertheless that Moshesh should first be given every opportunity to clear himself, pointing out that Sikonyela was the aggressor at the moment and that, as he also explained in a despatch to the Secretary of State, "all the Chiefs are extremely jealous of the power which Moshesh's ability has gained and which two turbulent sons ... incite their father to display, much I believe against his own inclination". He proposed therefore that the Resident should proceed with an influential man of each Native tribe to the neighbourhood of Thaba Bosigo and there demand a conference with Moshesh and should the latter refuse he would be held responsible in the event of hostilities later - "I rely upon your judgment and determined bearing to avoid a collision, much to be avoided and deprecated". 2 Major Warden however was too unwell at this stage from inflammation of the lungs to do other than remind the Basuto Chief to attend the meeting at Bloemfontein. 3

Once again the Basuto caused delay and the meeting did not begin till Monday the 27th August. Moroko, Molitsane, Lepui and Captain Adam Kok and Carolus Baatje attended, but the absentees included Sikonyela, Captain Gert Taaibosch and Jan Bloem and, for the third time within a year, Moshesh who feared a further attack from the Mantatees and Korannas. 4 The Basuto Chief was represented by Joshua and another of his principal men who were to have been accompanied by Messrs. Arbousset and Dyke, but as Mr. Arbousset met with an accident on the road these French missionaries forwarded instead an express note that Moshesh desired peace with everybody and would "make any concessions possible to obtain it" if required to do so by the British Resident. On the subject of boundaries they added that Moshesh was prepared to go and make limits along the Lower Caledon whenever the Major should call upon him, and that as regards those between Sikonyela and himself he hoped that Warden would favour what was practically the course of the Upper Caledon in which case he would then remove his people from Witteberg, but if not, then he proposed a Commission to determine some other line. 5 At the meeting however the Basuto councillors professed merely a watching

1. Bas.Rec. 1/262-5, 13/8/1849, Moshesh. 2. Bas.Rec. 1/265, 16/8/1849; -brief- Letter Book D.148, 21/8/1849. B.B.XV; also extracts Bas.Rec. 1/267: Smith to Grey "These quarrels among the Chiefs cannot be tolerated". Quoted by "The Friend" 5/10/1851 after Viervoet debacle. 3. C.O.1119, 12/8/1848 and Bas.Rec. 1/266, 20/8/1849. Bas. Rec. 1/268, 26/8/1849 - Warden appreciated at this stage that war with the Basuto had to be avoided. 4. Bas.Rec. 1/267, 24/8/1849. Bas.Rec. 1/270, 26/8/1849 and O.R.S. 32/282. Minutes of Meeting Bas.Rec. 1/270-3; Br.Rdt.2. Bas.Rec.1/506, Moshesh complained that Warden merely wrote strong letters to Sikonyela and Taaibosch. 5. Bas.Rec. 1/267, 24/8/1849 Moshesh wanted the removal of the Korannas who had come from Hart River to help Taaibosch.

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brief and so Major Warden advanced his proposal of a league of Chiefs to put down any disturber of the peace.[1] It was the firm conviction of the other Chiefs that the real culprit was Moshesh by his previous objection to limits and by allowing Molapo to take violent possession of Sikonyela's country, not to mention his henchman Molitsane's interference, and they were all of opinion that there would not be peace until the boundaries were defined and properly observed. To the remarks of Joshua and Molitsane respectively that the territory of Sikonyela and Moroko virtually belonged to Moshesh replies came promptly from Hendriks, the Griqua Secretary, that he found only Bushmen and game in 1823 in the area claimed by Moshesh, and from Moroko that the land was vacant when he moved in, at which time Molitsane had not even arrived. Warden himself apparently took an impartial stand complimenting the absent Moshesh on his proper promises, though he felt that the Basuto Chief was primarily responsible for the late disturbances through breaking his Platberg pledge, and pleaded for compassion on the penitent Molitsane. In the end the Chiefs not only supported the idea of a league and expressed their willingness to turn out against an aggressor but also promised to send two influential delegates each to a meeting on the 12th September with Moshesh at Beersheba, a more convenient place than Thaba Bosigo wrote Warden as it would afford the Basuto Chief an early opportunity of accompanying him along the proposed line for the Caledon River district.[2]

The various parties to the new arrangement had hardly dispersed when the Resident's fears that the late successes of the Mantatees and Korannas might "increase their appetite for further plunder and bloodshed" were realised. News was received of Sikonyela's attack on the Basuto in his former territory of the Witteberg and the Basuto Chief was "grieved" that the Major should be called upon to carry out the "strong positive threat" against anyone causing a breach of the peace, as set forth in the notice to the meeting at Bloemfontein. "All now await your word. We know not what the punishment was you proposed to inflict and notwithstanding our name for vindictiveness we desire not the destruction of our enemies but justice from your hands we must look for". What is more he made further capital out of this incident by requesting a postponement of the meeting at Beersheba and held out little hope of his personal appearance there, but this letter did not reach the Resident before he left for Beersheba a week later.[3] Warden informed Southey of his expectation that the Basuto Chief would accept the proposed line for the Caledon River district, being "pretty well convinced that ... any break with Government would ruin him and his people within a month or so".[4] At Beersheba he duly received Mr. Rolland's explanation

1. Sir G. Grey had the same trouble about the powers of Basuto delegates at the -for- Aliwal North Conference 1858. 2. Bas.Rec.1/275, 2/9/1849; Warden's Letter Book; Bas. Rec. 1/276, 2/9/1849. Warden wanted to settle this matter as soon as possible because he might lose some of the best men of the district, men he knew twenty years ago and with whom he frequently corresponded. All the absentees were notified of the deliberations of the meeting. Sikonyela and Gert Taaibosch were commanded to abstain from hostilities. Bas.Rec. 1/273, 27/8/1849 and Bas.Rec. 1/274, 27/8/1849; Br.Rdt.2. Bas. Rec. 1/274, 28/8/1849, Bas.Rec.1/275, 2/9/1849 - Warden's idea was to allow Natives to sell their land to the Boers otherwise if any remained they would have to be subject to the laws of the O.R.S. 3. Bas.Rec. 1/276, 3/9/1849.
4. Bas.Rec. 1/277, 9/9/1849. Bluebook, 6 and 9/9/1849, Col. Garvock desired to see the boundary line settled and was gratified to hear there was a prospect of an early settlement; O.R.S. 32/289.

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for Moshesh's non-arrival and sent at once a second invitation, but after kicking his heels over a week longer in vain the Major repeated his reasons for arranging the meeting and forwarded a sketch of the proposed boundary line together with an undertaking that as soon as Moshesh signed it the Mantatees and Korannas would be brought to order.[1]

Missionary interest and correspondence in the meantime continued unabated but this activity had become suspect in the eyes of the Resident who had confided to the High Commissioner recently that "the French missionaries with the exception of Mr.Daumas led Moshesh to suppose that his extravagant claims would be admitted" and were responsible for "the spreading out of the Natives into parts of the country they never before occupied".[2] The Major turned down the offer of Mr.Rolland to accompany him to Thaba Bosigo, the course suggested by Sir Harry and one he might in the light of subsequent events have with advantage adopted, for his erroneous impressions as to the real strength of the Basuto would have received a timely shock.[3] In replying to Warden's renewed invitation, Mr.Dyke of Thaba Bosigo wrote that Moshesh had not only deputed his son Letsie as his representative and Mr. Rolland to "assist" the Major in his mission, with the pointed reminder that the amount of population around Beersheba and along the Caledon should be borne in mind, but had also granted a request from ouderling J.H.Snyman for Rietpoort as a site for a church and town.[4] It transpired that Snyman, evidently becoming impatient at all the delay - "ook was het twyfelachtig of Moshesh aan de eischen van het Gouvernement soude willen voldoen om eene lyn te geven en Rietpoort voor eene kerkplaats" - had that very month and unbeknown to Warden sent this request by the person of J.P.Hoffman, "een man die veel invloed heeft by Moshesh", who had gone on a trading expedition to Thaba Bosigo.[5] Shortly after Mr. Arbousset of Morya and Mr.Dyke, at Moshesh's dictation, also replied to the Resident's second letter and both denied that any orders had been given by the Basuto Chief to pull down the landmark at Rietpoort or to drive away the Boers. In the opinion of Moshesh the only recognised limit was that of Sir P.Maitland - from Commissie Drift to Buffels Vlei - until another should be made by mutual consent which for his part he did not object to make and therefore the Basuto Chief fully understood the "foolish" attitude of his people in supposing that the Boers beyond this limit would have to remove, not by his orders, but by orders of Government.[6]

-The-

1. Bas.Rec.1/279, 20/9/1849; C.O.1119; Br.Rdt.2. Bas.Rec.1/278, 18/9/1849. Bas.Rec. 1/280, 20/9/1849; Letter Book, Warden felt that Sikonyela and Taaibosch "may have imagined that by taking up arms against a people opposing British authority they were doing good service" and "have gone such lengths threatening to drive Moshesh and the whole of his tribe to the Natal side of the mountains, that so soon as Moshesh satisfies Your Excellency that he is honest and prepared to act justly towards his neighbours in regard to the land question, Sikonyela and Taaibosch must be brought to order".
2. Bas.Rec. 1/268, 26/8/1849. 3. Bas.Rec.1/281, 21/9/1849, O.R.S.94/285. 4. Bas.Rec. 1/278, 18/9/1849; O.R.S.17, but see Snyman's deposition Bas.Rec. 11/246, 11/9/1858.
5. Bas.Rec. 1/293, 2/11/1849; O.R.S.39. Snyman's action might easily have queered Warden's pitch and stiffened further the Basuto resistance. Bas.Rec.1/278, 18/9/1849; Bas.Rec.1/285, 22/9/1849; O.R.S.17. Bas.Rec.1/279, 19/9/1849; O.R.S.17. According to Mr.Dyke Hoffman tried to persuade Moshesh to meet Warden at Beersheba. "Hoffman has tried to keep up the poor chief's confidence in the British Government, which was losing ground owing to the coolness with which the Major has received the reports of the Korana War". "Hoffman has been beating it into him that all his hope for the salvation of the Basutos as a tribe, must lie in the honour of the English, and therefore he should do all in his power to remain on good terms with them". J.P.Hoffman, the "Kaffir Konkelaar" and later the first President of the Free State Republic.
6. Bas.Rec. 1/281, 21/9/1849; O.R.S. 94/285. Bas.Rec. 1/284, 21/9/1849. See p. above.

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The interview between Letsie and Rolland and the British Resident, who had been kept waiting 12 days already, took place at Rietpoort on the 24th September.[1] On Warden wondering whether boundary lines would be observed by Moshesh, since he had failed to withdraw his people from the country allotted to Sikonyela and confirmedly the Governor the previous December, Letsie commented that the laws prevented his removing them. The Major then intimated that until the limits were fixed his hands would be tied in respect of the Mantatees, repeating that the High Commissioner was determined to have lines between adjoining tribes as well as between the Natives and the Boers. Letsie did not favour Warden's proposed boundary and remarked that "the Basuto though of black skin were just as much children of the Government as the Boers" and according to a later statement, that his "consent would be like that of a dog dragged by a cord", but when he claimed a line from Cornet Spruit to the west end of the Koesberg Warden objected that such a line would deprive 50 Boers of their land. The Resident thereupon left the Caledon district feeling not very hopeful of the outcome of his visit, since the Basuto Chief's avoidance of him and request that his enemies should first be put down seemed to indicate a disposition still to evade the boundary question. While at Rietpoort Major Warden issued a notice advertising a sale of erven for the 1st November and ordering Vowe to take up his residence there as the site of the new Smithfield, and, once back in Bloemfontein, he dispatched a second warning to Sikonyela and Taaibosch to leave the Batsung and the Basuto tribes severely alone.[2]

On Letsie's return to Thaba Bosigo the Basuto Councillors and Moshesh's sons protested against the "injustice" of Warden's limits but the Basuto Chief himself with the solitary support of his brother-in-law Paulus Matete accepted the Resident's terms and entreated the Sovereignty Government to take good care of those Natives who should elect to remain under its rule "for their villages amount to more than one hundred in number" ... "The proofs I have given to you of my fidelity are many, and to-day you will require another from me .To this also I consent ..."[3] Warden readily agreed that all Basutos who were in occupation on the 3rd February, 1848, and whose kraals were not situated within half an hour on foot of Boer homesteads would not be required to leave but would hold their lands in like manner as the Boers "Our laws make no distinction between rich and poor or white and coloured people, so that the Basutos and other Natives have nothing to fear so long as they conduct themselves properly".[4] On the other hand the French missionaries in the vicinity of the capital who had been called in to witness the Basuto Chief's "resignation" of these Caledon lands chose to avail themselves of a former "injunction" of Sir Harry Smith, "write to me as often as

1. Minutes O.R.S. 17, 24/9/1849. 2. Bas.Rec. 1/285, 29/9/1849 - approved -you- 11/10/1849; O.R.S. 32/113; Warden's Letter Book; B.Rdt.2/1. See Bas.Rec.1/506. C.O.1119 17/9/1849, 20/9/1849 and 30/9/1849. Bas.Rec.1/286, 1/10/1849 and C.O.1119/593. Warden gave additional land to Basutos to connect Beersheba and Hebron lands to Moshesh's territory - never clearly demarcated. Before his resignation Rex asked whether he should remain to mark these outlets C.O.1119, 2/11/1849. 3. Bas.Rec.1/291 and C.O. 1119, 7/10/1849. Bas.Rec. 1/286, 1/10/1849; O.R.S. 31/183; O.R.S.32/286; O.R.S.1. 4. Bas.Rec.1/290, 4/10/1849. See notice Bas.Rec. 1/307. Letter Book 18/11/1849 Warden sent Vowe instructions to Land Commission re recognition of claims in Field-Cornetcy Wilgeboom Spruit. Warden expected that with the appreciation in land values the Basuto would be tempted to sell and that within a year the Natives would have sold their land and rejoined the old tribal lands. In the meantime difficulties were bound to arise regarding jurisdiction in case of offences committed.

See footnote 4 p. 194 below.

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you like, write often, but write short and never write in the newspapers" and lodged an immediate objection with the High Commissioner that the Chief had signed under duress. Had the plan been well explained, Moshesh's agreement, they argued, would have been obtained without the use of threats but instead the Chief had bowed his head before the intimidation of the Resident because he feared to lose the favour of the British Government and its promised restraint of the Mantatees and Korannas, in which connection they strove at some length to justify the current Basuto belief that the activities of these people were countenanced by the English. In their opinion great discontent would remain, whereas the tribe would "more cheerfully have accepted limits" from the junction of Cornet Spruit and the Orange to Vechtkop or Spitskop and thence direct to Beersheba.[1]

The missionaries' representations failed however to achieve their object. Indeed it so happened that just before Moshesh's acceptance of Warden's proposal had been received Southey had actually advised the Resident that Sir Harry was not only prepared to approve his line but also "strictly to enforce its observation".[2] The missionaries were informed in reply that the boundary as agreed between the British Resident and Moshesh had been confirmed, that if the Basuto Chief had earlier carried out the Winburg agreement of the 27th Jan., 1848, all the trouble would have been avoided, since the peace and prosperity of the Sovereignty inhabitants depended on a proper adjustment of territorial claims, and that in these circumstances any alteration would be most impolitic. Southey continued that Sir Harry was aware that they were "actuated by the purest and best motives" but felt that they were not in a position to form "such an impartial judgment" as was necessary to enable them "to do justice to conflicting parties". The High Commissioner's Secretary assured them that those Natives who decided to reside within the boundary would "enjoy all the rights and privileges of British subjects, still retaining their allegiance to Moshesh their Feudal Chief, in the manner the Zulus do in the district of Natal".[3] This notification was dated the 21st October, 1849, yet official publication of the limits was delayed for several weeks to enable Major Warden to complete the other boundary lines between the several districts of the Sovereignty and the Native Chiefs, which task he felt himself in a position at last to tackle.[4]

The devastating raids perpetrated continually about this period by the Mantatees and Korannas and actually repaid in like coin by the Bataungs and Basutos, whether contrary to the orders of their Chiefs or not, caused the British Resident to remark that conditions in that northern part of the country were nearly as bad as they had

1. Bas.Rec. 1/287 and G.O.1119, 1/10/1849. G.O.1122, 17/10/1849 handed to Smith - been Warden's Letter Book advising High Commissioner of acceptance. G.O.1119, 14/10/1849 "I think we shall be able to manage Moshesh and his sons: the latter were getting altogether too cocky". The difference in the number of villages quoted now and given by Casalis, see pp.175/6 above, may be explained by the intrusion of more Basuto south of the Langeberg and perhaps by the missionary's omission of clusters of two or three huts: Theal Vol. VII p.296. 2. Bas.Rec. 1/290, 4/10/1849; O.R.S.31/182; B.Rdt.4; G.O.1119: and in Southey papers. 3. Bas.Rec. 1/292, 31/10/1849. For Sir G. Clerk's views on "political" missionaries vide O.R.S. 43 28/3/1854, Despatch to Newcastle. 4. Bas.Rec. 1/292, 21/10/1849.

been a month previously, and he responded to the Rev.F.Daumas' appeal to come at once to Mekuatling where David Raleye, Molitsane's nephew and head of the peace party, wanted help in the face of these attacks.[1] Molitsane clearly could not be sent back to his old lands on the Sand River as these had long ago fallen to the Boers and so he was assigned the territory he had since occupied, although it was claimed by the Chief Moshesh and also by Taaibosch.[2] With the assistance of Biddulph, the Civil Commissioner of Winburg district, the missionary Daumas and others, and in the presence of the Chief and his councillors, Major Warden laid down Molitsane's boundary on the side first of Gert Taaibosch, who had declined to attend, and then on the side of Moshesh and Moroko.[3] The Basuto Chief could not be present as the Caledon was running high but his brother Paulus Moperi assured Warden that Moshesh would agree to the lines. Altogether this Commission had not an easy matter on hand and great pains were taken to give each Chief sufficient country for his people to live in, with the result that Biddulph was "happy to say all the chiefs, captains and great men expressed themselves satisfied". He submitted that it was a little difficult to please all the missionaries, but "the easiest satisfied" proved to be Daumas who even advised Major Warden that "the native captains are as children and you must cut the land as you would a piece of bread for a child and say 'there take that and be contented'"![4] Sikonyela and Taaibosch requested that no boundary be made between them since the depleted ranks of their respective Mantatee and Koranna tribes were amicably disposed towards each other and so with this exception Major Warden reported that all the boundaries had been defined, and duly received the High Commissioner's confirmation which was followed by the gazetting of a formal notice to that effect in the middle of December, 1849.[5]

In the past, as a result of the subjects of several Chiefs living indiscriminately together, it had been impossible, wrote Major Warden to the Secretary to the High Commissioner, to discover the offending tribe, but in future he anticipated little trouble in this connection. Each Chief had been warned not to cross his boundaries with hostile intentions on pain of being declared a rebel against the Queen's authority and promptly punished as a common enemy by a combined Native force supported by British troops.[6] The Resident did not think that any Chief would have the temerity to transgress thenceforward or that he would experience difficulty in assembling a Native force to deal with any refractory tribe, but he made it plain that should such occasion arise the support of a detachment of British troops might be expected and the culprit

1. B.Rdt.2, 5/10/1849. Bas.Rec.1/525, 28/10/1849. 2. Bas.Rec.1/295, -"visited- 18/11/1849. Bas.Rec.1/309, 27/5/1850. Molitsane had about 1,000 families and Warden considered that as he acknowledged himself to be under Moshesh, he had to find room within the Basuto limits - Bas.Rec.1/292, 21/10/1849 - and those he was allocated were taken from Moshesh. 3. Bas.Rec.1/525, 7/11/1849. Bas.Rec.1/294, 8/11/1849; C.R.S. 33/114; C.O.1119. 4. Southey papers, 10/11/1849, Biddulph. 5. For the Lines see Bas.Rec.1/294, 17/11/1849; C.R.S.18. 6. Bas.Rec.1/296, 10/12/1849 and Bas.Rec.1/295, 18/11/1849 B Resident to High Commissioner. Approved C.R.S.32/288, 29/11/1849. 3. In acknowledging the Batsung Chief's thanks for the line the British Resident refused his request for assistance to recover captured cattle as he had started the depredations: B.Rdt.2, 19/11/1849, Warden's Letter Book 21/11/1849.

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"visited with immediate chastisement for unless this be done British supremacy will be lost for a time". To Moshesh he forwarded the outline of the several boundaries explaining that the disturbed state of the country had rendered it incumbent upon the Government to adopt this policy of allotting a separate territory to each tribe, and pointing out the penalties for non-compliance. Warden emphasized that the tribes could not be driven out of the country for they had a right to the land by long occupation which had been acknowledged by the High Commissioner, and he directed Moshesh's attention also to the small area allowed to Sikonyela, Taaibosch and Molitsane in consideration of former Basuto claims. The Major felt that the Basuto Chief could have no just cause to complain of the arrangements made and expressed the hope that the Basuto nation would ever be numbered among the tribes desirous of maintaining peace in the land.[1]

With this demarcation of tribal limits finally completed and bearing the seal of the High Commissioner's official approval the British Resident's system of Native states under his wing along the Caledon River became at last an accomplished fact.[2] The success of this system and its implications depended, apart from any consideration of the methods to be employed, upon the availability at all times of adequate Government troops together with the unqualified backing of the European inhabitants of the Sovereignty and the harmonious co-operation of Moshesh whose subjects were more numerous and powerful (if not in the opinion of Warden) than those of all the other chiefs combined.[3] Unfortunately these considerations were not as carefully weighed by the British Resident as they should and could have been. The heavy and dangerous reduction of the military forces on the Eastern frontier of the Cape Colony where the duration of peace had always been precarious, prompted by the Secretary of State's urge for economy, ought to have given Warden food for serious thought. On the other hand he could not have foreseen how Sir Harry Smith would shortly be deprived for the self same reason of the services of his secretary, Richard Southey, who had been an important connecting link with Transorangia.[4] Signs were not wanting already that Warden would meet with opposition from both the Dutch and the English section of the community if he should persist in an unpopular policy of meddling in purely Native

1. G.O.1119 and Letter Book also Bas.Rec.1/296, 20/11/1849. 2.Bas.Rec.-disputes. 1/297 Notice 18/12/1849. The lands about Platberg, claimed by the Bastards belonging to that missionary institution were not defined. The principal tribe in that neighbourhood was the Baramokheli who acknowledged Moshesh, vide Bas.Rec.1/348, 10/11/1850 and Bas.Rec. 1/298, 24/12/1849. See Cathcart's remarks upon Warden's resultant position Bas.Rec.1/604, 14/11/1852 and his published correspondence p.137.
3. Warden did not envisage the provision of facilities for the spiritual and material uplift of the Bantu but hoped to put a summary end to the alarms and excursions and predatory warfare of barbarian peoples beyond the European pale. The system was somewhat prejudiced as Warden himself had drawn up the lines and he was at the same time British Resident of the Sovereignty. He had once insisted upon some third party performing the delimitation: O.R.S.97/213; Bas.Rec.1/130, 8/2/1847. Regarding the means it was imperative to appoint agents with the tribes to report direct to the Resident. 4. Southey was accommodated at the beginning of 1850 with the office of Resident Magistrate and Civil Commissioner of Swellendam.

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disputes and find himself constrained to invoke the clause of the Proclamation which required every able-bodied man to turn out in defence of Her Majesty and her allies.[1] In fact if Major Warden's occasional outbursts before and after this period, that the great majority of the inhabitants were rebels at heart and opposed to Sir Harry's measures are to be credited, then he is condemned out of his own mouth for committing the Government to this additional responsibility.[2] Moreover the evident coolness towards the Basuto Chief that had begun to creep into the communications of the Major,[3] coupled with his false notions of Moshesh's strength did not augur well for the future: "The Korannas are always well mounted and armed, and a quarrel with these people would be more inconvenient to Government than a break with Moshesh, Molitsane, Sikonyela and Moroko as I believe the Koranna people to be more than a match for all the other tribes together".[4] Warden must have realised in some degree the difficulties that beset Moshesh and nothing was to be gained by standing so much on his dignity and withholding such confidence in Moshesh as the latter had hoped to secure by "so many positive proofs of my desire to repair injuries done by me" and as was no more than his due judging from Warden's appeal to Vowe, "The Chief Moshesh in a most liberal manner gave up a large portion of his country for the benefit of British Subjects, a much larger portion than he could well spare, but he desired to meet the proposal made by me on the part of Government. I can safely say that the Sovereignty is much more indebted to the Chief Moshesh on account of land than to all the other Chiefs put together, we must not therefore deal harshly with the Basutos that may have fallen within your District".[5]

Once the new order had been introduced the British Resident promptly disposed of a few complaints of transgressions by the Korannas and the Batsung. The visit of Gert Lynx with an armed force of Korannas to Mekuatling early in December in order to recover cattle formerly given in charge of his friend the Batsung Chief, who protested however that Sikonyela and others had carried them off, coincided with reports from the Wesleyan missionaries at Umpukani and Merumetsu that some Bingo kraals in their neighbourhood had been attacked by Natives from the direction of Mekuatling and deprived of considerable numbers of stock which were traced to the borders of Molitsane's country.[6] As the Batsung were implicated Warden wrote that unless Molitsane could clear his people satisfactorily immediate reparation would have to be made and a fine of fifty head paid - "There is now an end to half measures, and should any chief oblige me to call out a commando, it will be on a large scale and the whole of the expense will fall on the offending party". The Batsung complied by handing over the fine at Bloemfontein within the stipulated time limit of one month.[7] Major Warden was determined not to risk a renewal of disorders and

1. See pp. 64,66,157-8 above. Vide Biddulph's remarks p. 180 and Dr.Fraser -required- footnote p. 185. 2. Vide Bas.Rec. 2/67, 20/9/1853 and also O.R.S. 32/161. All his opposers were "rebels" including the English at Bloemfontein and the "Friend of the Sovereignty". 3. See Bas.Rec. 1/279, 19/9/1849. Freely attributed later to the influence of his Secretary Allison acting on behalf of his cantankerous brother-in-law Cameron, Moroko's missionary. 4. O.R.S. 37/104; Bas.Rec. 1/299, 31/12/1849. 5. Bas.Rec.1/312, 27/6/1850 - Warden to Vowe. An amazing volte-face from which it would appear that Moshesh was more sinned against than sinning. O.R.S.37/168; Bas. Rec.1/309, 27/5/1850 "Molitsane's old lands fell to the boers and those he now possesses were taken from Moshesh, in order that a recognised chief should not be altogether without a country". 6. C9,1119 and Letter Book 15/12/1849 - Rev.Schreiner to Warden. Letter Book 31/12/1849; Bas.Rec.1/298, 24/12/1849. 7. Bas.Rec.1/296, 13/12/1849 and Letter Book; Bas.Rec.1/526. As Baramokholi were also involved Warden wrote in similar strain to Moshesh Bas.Rec. 1/299, 2/1/1850. Letter Book 2/1/1850.

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required the return of Gert Lynx to Vaal River explaining to him that Molitsane had been the prime mover in the recent disturbances and could not be trusted.[1] The Major also reminded the Koranna Captain, Gert Lynx, of one occasion when the Batsuing had sent on to the Vaal over a thousand head of cattle despoiled of Sikonyela yet represented to the Resident at the time as being handed over to Gert Lynx himself, the alleged owner. Besides the Koranna captain Gert Taaibosch had meanwhile sent home those followers of Jan Bloem who had assisted Sikonyela and himself in their feud with the Batsuing and the Basuto, and having obtained leave from the British Resident had already set out with his own people on their journey through the Sovereignty to join Jan Bloem, being apparently displeased with the line awarded Molitsane.[2] The absence of Gert Taaibosch from this former storm centre happened to be prolonged for several months and the temporary removal of one fruitful source of friction relieved the tension there appreciably.[3]

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1. In this latest affair the Fingos near the mission stations of Umpukani and Merumetsa lost 1,158 cattle, 30 horses, 845 sheep and goats (footnote 6 on previous page). Little wonder the fine for crossing the boundary was promptly paid.
2. Letter Book 21/11/1849, Warden notified Molitsane. Bas.Rec. 1/525 - Molitsane mentions Taaibosch's displeasure. Biddulph's proposed extension, J.J.Grobbelaar p.119.
3. C.O.1119, 24/12/1849 - Complaint of trespass against Taaibosch on his departure and Warden requested Major Elenkinsopp not to attend to Mr.Stuart's requisition for a military force to remove Korannas and take fine. C.R.S.37/103 and 104; Bas.Rec. 1/298 and 299, 31/12/1849, Warden felt that the matter should have been dealt with by the farmers under their Field-Cornet and himself went to the Lower Modder to settle the affair amicably: "Gert Taaibosch then handed over to me the ten oxen (the fine for trespass) and which were given to the two farmers as compensation for the damage done, viz. the loss of a few bushes and rank grass, which ere long would have been burnt, as is the practice in that part of the country". Bas.Rec.1/309, 27/5/1850.
4. Bluebook Report of Select Committee on Kaffir Tribes printed 22/8/1852, according to Mr. Freeman's evidence 6/6/1851 "Moshesh said to me 'To preserve my people from being destroyed, to save blood, to save my property I signed it but with great reluctance'. He used the figure 'Just as you drag a dog by a cord out of a room, and then say he goes willingly'. Footnote p. 189 above.

Chapter VII.

Native Affairs: the Barolong, Griqua, Bushman and Koranna people.

The Boer rising of 1848 and its aftermath followed in the next year by the friction between the Basuto and the Europeans of the Caledon River district on the one hand and between Moshesh and Sikonyela on the other had not altogether monopolised the attention of the Sovereignty authorities. It is now necessary to deal with the administration's relations with the other non-European groups between the Orange and the Vaal. The record of the embarrassments experienced by it in attempting to lay down a recognisable boundary line on the basis of an equitable adjustment of the rival European and Native land claims, is not complete without reference to the case of the Barolongs. Moroko was very dissatisfied with the line drawn by the Land Commission just before Pretorius' outbreak in July and on his representations two months later at Winburg the Governor told him that his Secretary would look into the matter.[1] On Monday, 20th November, in response to a letter from Missionary Cameron alleging that some Boers never had the shadow of a legitimate claim, Southey rode out to see the boundary accompanied by Erwee and Commandant Erasmus, both members of the Commission, and about twenty other farmers as well as by the Chief and some of his people. He conceded that the boundary made by the Land Commission between the Boers and Moroko from the junction of Modder River and Wilgeboom Spruit was an inconvenient one and not easily defined being "twisted about up the Wilgeboom Spruit across to April's Fountain along Moroko's Spruit &c to take in 3 Boers' homesteads and one farm belonging to Warden's clerk Allison, particularly the latter for several Boers' homesteads on the same side of the River higher up were left out".[2] Apparently the Resident had made a sort of promise when he sent to Thaba 'Nchu for assistance during the Boer rising that the line should be altered and was much in favour of making the line down the Modder River to its junction with Koranna Spruit and up that spruit to its source at Kout Nek which general talk had led Moroko to expect. Major Warden however preferred Southey to settle the matter as whatever might be decided would not please everybody.

The High Commissioner's Secretary considered that the only objection to Warden's proposal was the removal of more farmers on Moroko's side including Sephton and Commandant Erasmus, who actually produced a letter from the Governor directing the Commission's line to be kept, and the provision of adequate compensation for the houses etc. of the people required to remove. "There is such conflicting testimony as to the respective rights", he wrote, "that it is quite impossible to arrive at any conclusion as to the justice of the case". On the one hand Moroko refuted the claims of Moshesh to the whole country on the ground that when he got possession it was entirely waste and had never been occupied by anyone which, on the other hand, -was-

1. O.R.S. 42/65, 19/11/1848 Southey to Smith.
2. O.R.S. 42/68, 18/11/1848 Cameron to Southey. O.R.S. 42, 22/11/1848 Southey to Smith. The 3 Boer homesteads were those of Greyling and widows Erasmus and Meyer.

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was precisely the argument of the Boers who asserted that it was only since their arrival that Moroko had pushed his kraals in their direction. In these circumstances Southey defined the "most practicable" boundary as that down the Modder River from its source to a point a little below its junction with Moroko Spruit and opposite Commandant's ridge and thence eastward along this high ground following the line of the Commission across Koranna Spruit to Hout Nek. / This would deprive Allison of his farm and mean the removal of some half-a-dozen families residing for years to the East of the Modder River but would neither interfere with the farms of Erasmus, Sephton and others between Commandant's Ridge and Koranna Spruit, nor dispossess the Natives of what they held when Sir Harry made his arrangements in Jan.1848. Moreover this line had the further merit of being the very boundary pointed out by Moroko to Potgieter when he first came to the country, all land north and west of that belonging to Moselekatse, according to Southey's explanation on his return from Potchefstroom at the beginning of December. "I cannot recommend" he advised the Governor "the removal of more boers than those east of the Modder River above its junction with Moroko Spruit". 2

Southey's compromise between Moroko's Barolong and the Boers had thereupon called forth a vehement protest from the Rev.J.Cameron at Thaba 'Nchu, who went so far as to write that "the contested boundary is one which I can hardly conceive of equitable man proposing, nor probably could a man belonging to the Land Commission - the Boer excepted - have proposed it had it not been supposed or made known in some way that the High Commissioner would not sanction the removal of any white man". 3 This was of course not the true case and Sir Harry Smith when impressing the need upon Warden and Southey for dealing cautiously and justly with each of the parties interested had even confessed that to please all was impossible. 4 The Governor had laid down that the Proclamation of the 3rd February was / intended to establish the possession of property as it then existed and to protect the rights of all, both white and black; consequently he insisted that indemnification would have to be made and other lands granted to those Boers who were required to remove after having been previously allowed on Moroko's territory and having built thereon on the faith of such allowance. Sir Harry was even prepared to approve his Secretary's recommendation that those Boers situated east of the Modder River along its junction with Moroko Spruit should be accommodated elsewhere, thereby giving Moroko a corner of more land towards the Modder river, which Cameron grudgingly acknowledged "and that is all"! The Barolong missionary wanted "no patching" of a boundary / distant only 1½ miles' ride from Thaba 'Nchu and insisted upon a new one at least twice that distance away. He maintained that

1. O.R.S. 42, 22/11/1848 Southey to Smith. "It is said Moroko will make -Moroko's- compensation but I doubt whether he has any idea of the amount". O.R.S. 42/67, 23/11/1848 Southey to Cameron "Justice to all is the desire of Government and which I cannot help thinking will be done if they each get what they possessed when the Governor's arrangements were made last January ... if the natives are maintained in possession of what they held (then) .. they ought to be perfectly satisfied".
2. O.R.S. 42/71, 1/12/1848 and O.R.S. 42, 22/11/1848. 3. C.O.1095, 171, 29/11/1848. C.O.1094, 159, 4/5/1848; Bas.Rec. 1/173, Rev.W.Shaw - "The Government having resolved to pet Moshesh, have hitherto treated Moroko with "worse than neglect". In the matter of his lands he has been dealt with most unjustly to gratify the unbounded ambition of Moshesh". 4. Southey papers 7/12/1848: Formal document for guidance and Southey to submit plan and record to Sir H.Smith. Original instructions in B.Edt. 4.

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Moroko's people had priority of possession over the Boers whom they had succoured in 1836 at the instance of the Rev.J.Archbell after the Matabele had reduced them to a state of utter destitution and he was strongly opposed to their territory being restricted merely to what they occupied at the Proclamation of Sovereignty especially as Moroko was loyal and those Boers who would have to remove and for whom there was an abundance of unappropriated land elsewhere were "the very men who a few months ago were exulting in the hope of overthrowing British rule". "Is it settled the natives must not increase as an independent people? Will it be pretended that the colour of the few gives them the right of predominance over the many? Allow for the moment that ability to maintain possession of a country gives right to it - might is right - and you invest the white man with the proprietorship of the world". 4

The Rev.J.Cameron was not to be pacified by Southey's assurances. In his further opinion the establishment of British rule and the suppression of the late rebellion was no reward at all to the Natives who were quite capable of looking after themselves, and he asserted, equally wildly, that had there not been a Native in existence the necessity for subduing the Boers would have remained unless the British Government had been prepared to relinquish most if not all of its South African possessions. 1 The High Commissioner's Secretary retorted that the arrangements were concerned with the present requirements and not with the future increase of the Barolongs as advocated by their missionary, and contended that the more the Natives scattered the less they would progress in civilization and the greater would be the latter's difficulties: "I regret to observe" he continued, "that your letters appear to me to be written in a spirit and couched in language which cannot benefit the cause you advocate or the sacred calling to which you belong". Southey emphasized that he had gained his knowledge of the extent of unoccupied or unused land within the Boers' line as well as among the Natives from personal inspection and evidence collected in the country and was bound to hear all sides and judge accordingly -

"indeed until I met you the fact of Moroko having obtained his right, whatever it may be, from Moshesh I never heard denied". 2 Yet as it happened Warden had just previously written to the High Commissioner on this very matter because he felt that the Barolong community of some 12,000 Natives had little enough land and could be provided with the addition of one hundred square miles by the removal of only two farmers. The predecessor of one of these, Mr.Sephton, had actually been ordered to quit in Potgieter's time since he was considered by the then Burgher Raad to be too near to Moroko's town, and, he added, "surely we can afford to be as liberal towards a native tribe, perhaps the best disposed to be found on this side the Orange river." 3

Indeed the Major wrote again in similar strain during March and April, 1849, incidentally quoting the number of the Barolong tribe finally at 15,000 and urged

1. C.O.1095, 182, 9/12/1848. 2. C.O.1095, 29/12/1848. C.O.1122, 15/1/1849 -that- for Rev. Cameron's reply. The Rev.Cameron's persistence may be explained by the following extracts from Southey's letter to Sir H.Smith C.R.S.42/73, 6/12/1848:- "I should be sorry to see Warden's clerk Allison appointed a J.P. I find him to be unpopular and indeed much disliked by many persons: he is brother in law to the missionary Cameron and I suspect communicates to him many things which Warden talks in confidence". 3. Warden's Letter Book and Ens. Rec. 1/211, 23/12/1848. C.O.1119, 14/4/1849 and Letter Book. 4. C.O. 1095, 171, 29/11/1848, Cameron to Southey.

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that Moroko's boundary should run along the Modder from its source to the junction of Koranna Spruit and them on to the line proposed by Southey. All parties, he said, were agreeable to this extension of territory which would require but four farmers to be moved and he added that one of them, Commandant Erasmus, was so convinced that his farm lay too near to Thaba 'Nchu that he had moved elsewhere.[1]

The British Resident followed up these preliminaries by holding a meeting with the Chief Moroko, his brother and all the leading men of the Barolong tribe on the 20th April and provisionally settled their boundary as outlined above.[2] Moroko for his part bound himself to remove all his kraals to within the new line, some of them, according to Warden, being many miles to the west of the Modder and others as low down on the opposite side as Koorn Spruit.[3] Major Warden assured Southey that the Boers affected could be provided with farms on the Bloemfontein side of the Modder and declared that there existed no impediment any longer to the confirmation of this arrangement without which it would have been impossible for the Chief to restrain his people from trespassing on the lands of the farmers. Though the Rev.J.Cameron did not think that Moroko had "got more than common justice demanded" and expressed the Chief's doubt whether the "greater extent of territory" agreed upon would afford sufficient pasturage for the cattle of his people, he nevertheless conveyed his grateful thanks for the line which "now comes very near what I had formed in my own mind".[4] This line was duly gazetted at the end of the year, 1849, as part of the complete boundary line between the Europeans and the various Native tribes of the Eastern Sovereignty.[5]

In his despatch temporarily approving of the Proclamation of the Sovereignty, which reached the Colony during the Governor's absence on the Boomplaats campaign, the Secretary of State naturally inquired about the fate of the Griquas and how far Maitland's arrangements had been taken into account.[6] He wanted to know whether the inalienable lands were to revert to their former owners or remain with the Boers and whether all Native rights in the alienable lands had been extinguished and compensation arranged. Incidentally he pointed out the anomaly of leaving the Griquas their

1. Warden's Letter Book 23/4/1849 and Bas.Rec. 1/226, 15/3/1849; O.R.S.37/81: -ownO.F.S. Archives See B.Bit.2. C.O.1122, 10/1/1849; 5/7/1849, 124, Bingham complains to Southey about the line and produces a sketch (136). He placed the responsibility on Cameron who has "got the disposition to make war in Heaven". Regards Allison as the instrument of Cameron, and Warden under the influence of Allison "a notorious falsehood teller" who should never be on Land Commission. "Cameron hates the these Emigrants". Cameron had grievances against deceased T.Sephton and transferred / to W.Sephton: wants to include Cdt.Erasmus' farm. Alterations mean vacillation. Govt. a rope of sand. Bingham, Gillmer and Coetzer sign memorial of protest. Warden says the farm was let to Bingham late W.M.S. by Moroko and still has 10,000 acres: says eight farmers were present when boundary was agreed upon. O.R.S.97/253, 3/5/1853 Green says farmers were compensated by orders for grants in Vaal River district.
2. Warden's Letter Book and Bas.Rec. 1/233. Maps in Bas.Rec. 1/248 - original maps in O.R.S. 18. 3. C.O.1119, 22/4/1849 and O.R.S. 32/108. 4. Bas.Rec.1/233, 21/4/1849: C.O.1119, 22/4/1849 Warden to Southey. Yet see Moroko to Cathcart Bas.Rec.1/581; O.R.S. 34/215. Southey papers, 5/9/1849, W.Southey: "Warden jealous of you and altered some of the lines of the native chiefs merely to have his own way. Warden says a water boundary is most desirable for Moroko". 5. Bas.Rec.1/291, 7/10/1849; Exhibits B.R. 1/294 and O.R.S. 18: Bas.Rec. 1/297, 18/12/1849. See Bas.Rec.1/397,9/2/1850. 6.D.147,21/6/1848,B.B.Kaffir tribes presented to House of Commons July 1848.

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own government and excluding them from the appellation of Her Majesty's subjects as applied to the Boers, "a distinction unknown to English law" which could not be established "without special legislative measures". /

Much has been said for and against Sir H. Smith's arrangements with the Griquas. In the agreement entered into with Adam Kok on the 25th January, 1848, the Governor upheld Maitland's inalienable Griqua reserve between the Orange, the Riet and its tributary the Kromelleboog Spruit but introduced conditions for the payment of compensation to the lessees for buildings and improvements already made. As regards the leaseable territory the Griquas had to lose their lands leased for forty years which thenceforward became alienable to the lessees in possession thereof. In consideration of these alterations and in lieu of the half the quitrent payable in terms of the 1846 Treaty an annual payment of £300 was to be made in perpetuity - £200 to Adam Kok and £100 to his people for the lands they had let. The principle of compensation was no new one having originated in 1732 at the Cape with the provision in the 15 year Quitrent leases that should the Honourable the (Dutch) East India Company resume possession the tenant would be compensated for all buildings: moreover it had been in operation in Griqualand since Maitland's intervention and was incorporated in the 1848 Treaty at Adam Kok's request.[2] No one quarrelled with the termination of the Griqua Chief's jurisdiction in the former leaseable territory for its limits had never been defined and his authority had really been ineffective there, but an ambiguity occasioned by the wording of the particular passage in the Treaty was soon seized upon by the Griquas and became a lasting bone of contention. The phrase "for forty years", the maximum period laid down by Maitland, was meant by Smith to include all Griqua lands whether let for a shorter term or not let at all.[3] The payment of £200 p.a. in perpetuity to Adam Kok was not illiberal in view of the fact that he received the sum of £123 as the half the quitrents collected for 1847, yet it may be debated whether the annual amount of £100 to be paid in perpetuity to his people for their farms was reasonable especially in the light of an assured appreciation in land values.[4] Henry Green contended later that more substantial justice would have been done to the Griquas had Sir Harry Smith merely insisted that their Chief should throw no obstacle in the way of his people selling their lands outside the reserve.[5] It must be borne in mind however that there was no record of the actual total of Griqua holdings and also that it was understood that the Boers had to fulfil the terms of past transactions.

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1. D.1, 21/6/1848, B.B.XV. 2. C.O. 1037 Jan.1846, nearly 100 pages of records of Court proceedings at Philippolis show that the principle was applied in leases - payment for improvement on appraisement. G.L.W.Land Court, C4 gives assessment of "handwerk" on farms, signed by Rex 9/5/1846. See pp. 48 and 49 above and footnotes. See also J.S.Marais p. 55, footnote 3. 3. See Govt.Notice 19/1/1850, issued by Sir H.Smith. 4. O.R.S. 37/15, Warden to Smith, 11/3/1848. 5. Enc. to Cathcart's despatch to Secretary of State 20/7/1852, B.B.XV. 2.46; G.H. 31/1.

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At first little attention could be devoted by the British Resident to the proper carrying out of the terms of the Treaty with Adam Kok for until the machinery of the administration, such as it was, got under way Warden had to play a lone hand in the face of the many difficulties and calls upon him. The Treaty, for instance, had required the immediate appraisement of the improvements in buildings effected by the Boers prior to the 25th January on the farms held in the Griqua reserve, but the British Resident deliberately decided in favour of proceeding with the work of the Land Commission[1] with the result that before he left Transorangia towards the close of 1848 Southey emphasized that the Resident had made no move whatever to value the buildings and improvements effected by the Boers in the inalienable Griqua territory.[2] Warden made indeed a beginning with the collection of the quitrents in Griqualand and was able in March, 1848, to hand over to Adam Kok his share for the previous year before the proceedings of Pretorius interrupted this work and sent him back to Bloemfontein.[3] His visit apparently led to some discussion upon the significance of the changed conditions for the Griqua Chief at this time addressed a memorial to the High Commissioner in which he raised the issue just mentioned in connection with the former leaseable territory.

Adam Kok expressed his sincere wish to adhere faithfully to the friendly arrangements (vriendschappelyke schikkingen) recently made by Sir H. Smith with the object of settling on a permanent basis the relationship between himself and the Boers. He wrote that he was still inclined to agree to the clause in question that the above sum of £300 should be payable in perpetuity for the farms leased only for forty years in the alienable territory, such leases to be in perpetuity for that consideration, but he felt there was some misunderstanding when the British Resident included among the places let for forty years all those either let for a shorter term or not yet let because the boundary lines between them and Moshesh had not been defined. He contended that no mention had been made in the treaty of these Griqua farms either let for under forty years or not let at all and therefore desired his subjects to have the privilege of letting such places for forty years or of disposing of them otherwise to mutual advantage.[4] In his reply however Southey quoted figures intended to show that the Griquas and their Chief had been treated with "the greatest liberality and equity" and asserted that the agreement would improve their position and terminate the former irritating situation. Without specifically referring to Kok's request the High

1. C.O.1119 and Letter Book, 12/5/1848 and 9/6/1848. Warden considered Commissioner's the Land Commission Work was more important and yet he actually proposed working with only one such Commission. 2. O.R.S. 42/73, 6/12/1848 Southey to Smith. Warden was "so slow" and "so excessively jealous of any interference by me in his peculiar duties"..."He will require now and then to be urged on by Your Excellency".
3. O.R.S. 37/15, 11/3/1848 Warden to Smith. C.O.1119, 24/2/1848 and 2/3/1848.
4. O.R.S. 34/93 and C.O. 1094/21, 22/2/1848. O.R.S. 34/121, 7/11/1853 Memorial to Clerk, says Warden, stopped the sale or lease of lands in the alienable portion (vervreemdbare grondgebied).

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Commissioner's Secretary stressed that the arrangements were meant to embrace the whole subject as a final settlement.[1] It is not surprising therefore that Adam Kok's renewed application early in the next year seeking recognition of the right of his subjects to the places not yet let or let for periods of less than 40 years in the alienable territory received very short shrift. The Griqua Chief was told that in all the circumstances of the state of the country at that time the arrangements of January 1848 not only left his people a large extent of land "supposed to be about double what they required after allowing for many years increase to the population" but also guaranteed the liberal sum of £300 p.a.: "His Excellency will not admit your claim to any part of the country on this (north) side the Kromelleboog Spruit".[2] It transpired later that Stockenstrom had received complaints from the Griquas and forwarded them direct to the Secretary of State. Upon inquiry Major Warden ascertained that Hendrikse the Secretary to the Griqua Government had visited the Kat River and on his way back had evidently made a sweeping statement to the ex-Lt.-Governor at Maastrom attacking Sir Harry's arrangements. Adam Kok denied that he had sent Hendrikse but Lepui's Field-Cornet Agulhas Hermanus actually stated to Vowe that Adam Kok was trying to get the Native Chiefs to join him against the British Government and had despatched Hendrikse and his clerk Wentsel to induce the Bastards of Kat River and the Kaffirs to commence a war. According to Agulhas the Griqua Chief had written to Moshesh via Lepui and Hoffman at Beersheba to take no notice of his conduct before Warden and asking him to delay action as he was proceeding with his Raad to sound Waterboer. Adam Kok was known to be dissatisfied but how much credence can be given to Agulhas' account of this alleged plotting may be gauged from his assertion that Kok had promised the Boers their lands free of rent and in perpetuity![3]

Opinion among the Boers generally had long favoured a policy of abolishing the authority of Adam Kok, by negotiation or otherwise, and, in the case of the loyalist Boers particularly, of annexing the inalienable reserve to the Colony at the same time permitting the Griquas to sell their land to Europeans. Some critics regarded it as an act of impolitic liberality or concession to grant Griqualand south of the Riet a questionable sort of independence and as short-sightedness to sanction the principle that a white man could not hold lands from Griquas and yet should remain in undisturbed occupation of farms leased for such a protracted period as forty years during which a whole generation might be born and begin to pass away.[4] The Boer population, their dwelling, flocks and herds were bound to multiply and should there

1. O.R.S. 34/92, 11/3/1848. Southey says Kok got £56 4 10d. as his half share -before first half year. 2. O.R.S.32/110, 25/4/1849; also 31/141 and 42/124; C.O.1119 and Warden's Letter Book. 3. C.O.1120, 665, 20/8/1849. Hoffman was alleged to be the agent between Kok and Moshesh and the cause of a great deal of mischief. The communications may have been comparatively harmless e.g. Exhibits G.W.Land Court C4, 16/1/1851 Kok received a letter from Moshesh inquiring about his feelings in the circumstances between the latter and Moroko. Southey papers 16/4/1849 Vowe - Kok even took umbrage at Lepui's line to which he had agreed. 4. O.R.S. 34/113, 23/2/1852, W.Fleming of Colesberg. Americans in Texas complained of ill-treatment, gained sympathy and the support of their countrymen who marched in thereupon U.S.A. defeated the Mexican Republic and annexed Texas. 5. C.O. 1119, 24/6/1849 and Warden's Letter Book 8/7/1849.

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be no corresponding improvement in the condition of the Griquas, the majority of whom neglected to use their lands with steady application but preferred hunting expeditions, the lessees would refuse to leave in due course and might even set in motion a sequence of events similar to those that had recently led to the incorporation of Texas in the American Union. Sir Harry Smith may have shared the opinion current among the missionaries and competent observers like Wm.Porter, the Attorney-General, that in the absence of British control the Griquas would ultimately be expelled, but if so he failed to realize that such control should not only be strong enough to protect the Griquas from the Emigrant Boers but also be exercised by a Government independent of both, otherwise it would become the instrument of the more powerful party.[1]

The thin end of the wedge appeared when the British Resident was approached by a party of Boers for permission to purchase land in Adam Kok's inalienable territory for 10,000 Rds. in order to build a Church there. Such a request was almost inevitable sooner or later and was quite in conformity with Article 3 of the Maitland Treaty which had conceded that Europeans might "with the express permission of the Colonial Government, but not otherwise", receive leases of building erven or of houses in the Griqua reserve for the purpose of "religious teaching or that of trade or business". Warden suggested that they should first obtain the consent of the Captain but when the latter not unexpectedly declined to agree the Boers were determined not to let the matter rest there.[2] As one of his last acts before Pretorius took the field in July the British Resident felt obliged therefore to issue a notice calling a halt to the continued encroachment of Boers in Griqualand.[3] Nevertheless after the suppression of the Boer rising the Kerkraad of the Riet River Boer community, which had been installed by the Revs.A.Murray and P.Albertyn on their mission in April and May, felt stimulated by the visit of a further deputation of the Synod of the Dutch Reformed Church from the Colony in November to agitate anew for a church in Adam Kok's reserve. A memorial was duly prepared bearing the signatures of the Elders and Deacons as well as those of the Revs. W.Robertson and P.Faure, the members of the deputation, and sent off to Cape Town.[4] The memorialists argued that Bloemfontein lay too far away to minister satisfactorily to the wants of their congregation of at least 3,000 souls and they had therefore selected a suitable spot at Zuurfontein, some fifteen miles southward of Kromelleboog Spruit, where they offered to build without

1. Porter's Memo 4/8/1852, Enc.D. 34, 14/11/1852; G.H.31/1; B.B.XV.2.71.-government-
2. See p.89 above. C.O.1119, and Letter Book 17/6/1848. 3. G.L.W.Land Court Exhibit 389, 4/7/1848. Smith's treaty and Maitland treaty 1846, clause 39, stipulated the rendering of prompt assistance but Adam Kok's rôle during the rising savoured rather of sitting on the fence, see pp.98,100,106 above, footnote p.99 above. Bain must have requisitioned many wagons from the Griqua people. The European tenants chafed under Griqua rule and incessant squabbles arose: Boomplaats was fought largely in defence of Griqua rights - wrote Dower, p.6. 4. O.R.S. 37/65, 8/11/1848. Dreyer p.118 gives letter of Kerkraad to Faure 18/11/1848 and Faure's in reply19/11/1848. A.Faure said Smith seemed sympathetic but emphasized that the church should be at the seat of government. They merely wished the Governor to provide the minister once the site was approved.

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government assistence and at the same time contribute towards the Church at Bloemfontein. They represented that the place in question was neglected being uncultivated and without buildings and that the owner, Petrus Hendricks, was willing to sell. However they did not omit to mention what Major Warden had previously recommended and Adam Kok had refused to grant and they appealed "as loyal British subjects with very few exceptions" to the Governor to use his influence to obtain the consent of the Griqua Chief to their building a Church and forming a village at Zuurfontein.

When approached by the Colonial Secretary, Mr.J.Montagu, for his views on the subject the British Resident explained that he had more than once broached the matter but had not prevailed upon the Chief and his Raad to sell - even in the alienable land - as they were afraid this would constitute a precedent for the Griqua people to dispose of other land within the reserve. According to Major Warden, Adam Kok put his case in the following pertinent manner "The Boers hold farms in my country on lease and the longest one expires in about 37 years, why then are persons having land on such tenure so anxious to purchase Zuurfontein for which I hear they offer 10,000 rix-dollars and then to expend a like sum on the building of a church? Because they want to gain a firmer footing in my country! I and my Raad well know that if land were sold to the Boers they would not only build a church but a town then apply to Government for a magistrate and their wants would not cease until the Griquas were in some way or other deprived of the best part of their country. I hope the Governor will not urge me to do what I feel would prove injurious to my people". / Major Warden expressed the opinion that the Griqua Chief would have no objection to the construction of a temporary building costing no more than £150 which would satisfy the Boers until such time as they could afford to build a second church when he would recommend a site below the junction of the Riet and the Modder. It might well be asked why not outside the reserve in the present instance!

On his return to Swellendam early in 1849 the Rev.Wm.Robertson addressed the Governor on behalf of the Riet River Boers. In a second letter he questioned the fairness of an arrangement which apparently allowed Griquas to acquire land outside the reserve but debarred Europeans from making equitable purchases in the inalienable Griqua territory and he submitted his opinion that the system would not long continue. The minister instanced the case of the poor man Hendricks having to refuse 12,000 Rds. for Zuurfontein and felt there must be many similar cases where Griqua families were prevented from benefiting themselves and valuable farms were forced to lie waste. Sir Harry probably spotted the specious nature of these arguments when he made the marginal observation "This is only half the story"! [2] After all the Griquas had to be given their chance as untrammelled as possible within the terms of the Governor's arrangements and only time could tell what adjustments would be necessary.

Adam Kok and his Raad refused to budge from their standpoint in the face of these -fresh-

1. C.R.S. 37/66, 3/12/1848.
2. C.R.S. 37/77, 14/2/1849: 37/80, 14/3/1849. Correspondence J.Burnet, to Sir G.Clerk Vol. I. p.13. The Griqua Hendricks had no idea of the value of the money and what would he do with it? Yet assuming that the Griquas wanted to sell their lands their leading countrymen would prefer to monopolise the opportunities of cutting their own country's loaf, of turning an honest penny or of keeping speculation in the Griqua family.

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fresh manoeuvres to induce them to part with the land merely for Church purposes for they quickly perceived what such a hold as a Church and all its appendages would amount to in the country. According to Warden their secretary Hendrik Hendrickse, who was later favourably disposed to the proposal that Griquas should be allowed to sell to Europeans, made the significant comment that "So many Griqua proprietors were quite ready to sell to anyone that if a beginning were made they would be tempted by the high prices and half the reserved territory would be sold in no time"./ Major Warden's own conviction that there were several suitable places beyond the Griqua line in a part of the country where a Church was more in demand than at Zuurfontein, the site favourably reported on by the last synodal deputation, should have made it clear what course ought to have been taken.[2] Yet he calmly sought to support the Boers when he wrote a fortnight later that an industrious population in the Griqua reserve would convert it into a valuable district producing at least £500 in quitrent annually: "I must say that I shall be glad when the time arrives that all farms now in the occupation of Griquas pass into the hands of those who will turn them to better account"./ Thereafter he repeatedly assailed the prohibition against alienation in Griqualand describing it as an "arbitrary" law that might have been desirable in Maitland's day but the sooner it was repealed by Sir H. Smith the better. He recurred to the theme that the Griquas would never improve that naturally rich part of the country and hoped that in the not distant future the Europeans would acquire most of the farms there by purchase. Warden even made bold to suggest that as half the Griquas were British born subjects they had a right to sell their farms to whom they pleased, without having the treaty annulled. Once this was granted he believed the majority would dispose of their property within the half year and join Waterboer.[3] Major Warden had evidently become genuinely convinced of the truth of these views.

With the forwarding of another memorial in June from the Boers of the Fieldcornetcy of the Lower Riet River declaring once more their desire to build a Church at Zuurfontein this matter entered its next phase. In addition to their previous arguments these loyal subjects disclaimed any wish to injure the Natives for there was an abundance of land to satisfy everybody yet they did voice their anxiety as to what would happen on the expiration of their leases and implored the Governor's intervention to place their tenure on a sure footing.[4] Precisely three months later the British Resident intimated that the construction of a temporary Church at a cost of 6,000 Rds. and capable of holding 500 persons had been commenced at the spot already mentioned (later Fauresmith) in Adam Kok's country.[5] The farmers wanted a minister and a schoolmaster and offered to pay half the salaries, but as he did not know how the balance would be forthcoming Major Warden suggested that the Rev.A.Murray should undertake

1. C.O.1119, 6/4/1849. 2. O.R.S. 37/82, 24/3/1849. -the-
3. O.R.S. 37/83, 31/3/1849 Warden seemed annoyed that Adam Kok would not part with even so small a plot of land as that required for the church. He was very susceptible to moods of irritation born of the importunities of both Boers and Griquas in the midst of harassing problems along the Basuto frontier.
4. C.O.1122/117, 7/6/1849. These matters were never settled to the satisfaction of the Boers during the period of the Sovereignty. 5. C.O.1119, 9/9/1849.

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the twelve hour journey from Bloemfontein once every six weeks. In this way the persistence of the Boers came to be rewarded at the expense of the Griquas.

Adam Kok and his Griquas in common with other tribes in Transorangia were also jealous of any interference with their jurisdiction and their Raad's insistence upon its rights and mode of procedure in their inalienable reserve was only equalled by the fixed determination of the Boers to avoid complying with the Treaty in this respect. When the excitement of the Boomplaats campaign had died down the Griqua Chiefs took up the threads of recent custom and held a meeting of their combined councils at Ramah to conduct examinations and trials and at the same time Adam Kok lodged a complaint with the British Resident that two of his subjects were being kept in custody at Colesberg for an offence committed beyond the Orange.[1] The matter was thereupon referred to the Attorney-General who ruled that unless the prisoners had been British subjects before the Proclamation of Sovereignty they could not be tried in Colonial courts and neither Griquas nor Basutos were such in terms of the Punishment Act.[2] In due course therefore John Campbell, Clerk of the Peace at Colesberg, returned his former charges for trial by Adam Kok who requested Vowe, the Magistrate of the Caledon River district, to subpoena the Boer witnesses to appear before the Griqua court at Philippolis.[3] These people to a man refused to attend and so the trial had to be postponed.[4]

The Boers of Smithfield and the neighbouring territory made a very determined stand on this issue. According to Vowe's clerk, O'Reilly, they were ready to obey their magistrate but would rather "be put in prison than go to be insulted by a set of black fellows".[4] They regarded the whole thing as degrading and therefore when the British Resident became conversant with these developments he suggested to Adam Kok that the trial of the fourteen prisoners should be held by his Raad at the farm of Andries Venter, Hex River, which was situated on the Griqualand border and would afford the Boer witnesses a better chance of appearing in response to his (Warden's) invitation. Major Warden himself attended the trial and reported that the proceedings were conducted very creditably. Two of the principal witnesses were unfortunately absent, one being over the Vaal River and the other, who had turned Queen's evidence, being by some mistake still at Colesberg and in consequence only three of the accused

1. G.L.W.Land Court Exhibits 387, 391, 25/12/1848 and 25/11/1848. See also -were- Exhibits 386 and 388, 28/11/1847 and 18/1/1848: their intention had been to hold Court at the beginning of 1848 but Smith's arrival precluded their holding same. Other exhibits show the system working e.g. 381 and 384. C4, 6/8/1847 Combined Court at Griquatown. Colesberg Records (Letters received by Clerk of the Peace) Vol.52, 28/11/1848; 23/12/1848. The principal village of Adam Kok's district was Philippolis where most of its fifty families in 1845 lived permanently in houses of European structure. The more civilized part of his subjects resided with their families at separate farms and others who did not possess springs lived together in what were called werfs or kraals such as Ramah with its 200 people occupying reed huts. G.L.W.Land Records Exhibit No. 216, 18/4/1845. 2. Colesberg Records Vol.52, 9,30/11/1848. Vol.53, 4/1/1849 Porter maintained there was a doubt even about British subjects being tried at Colesberg for offences across the Orange since the establishment of a regular Judicature in the Sovereignty. The regulations of March clarified this. 3. G.L.W.Land Court C4, 3/1/1849. Insufficient time was allowed the Boers to appear yet Vowe notified them. 4. Southey papers, O'Reilly 5,16/1/1849 says Lepui's Field-Cornet Agulhas went and was kept there some days and got only an old hat for his expenses.

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were found guilty and sentenced for horse-stealing whilst the rest were released. Incidentally the kraal of Bastard Hottentots to which the prisoners belonged was broken up shortly afterwards by Adam Kok and the people removed to Philippolis.[1] The result of the trial however did not please the farmers and they made up their minds that in future they would either let the guilty party go unpunished or take the law into their own hands when opportunity offered. Once more there was talk of moving on beyond the Vaal![2]

The feeling of aversion of the Boers to having any relations of this nature with the Griquas must have been widespread throughout the southern Sovereignty for the Dutch Reformed ministers were struck so very forcibly by it that the Rev. Wm. Robertson actually advised Sir Harry that until all the inhabitants of the Sovereignty were brought under British rule - "a consummation perhaps to be wished for though scarcely to be expected" - it was imperative that all cases, civil and criminal, in which white and coloured persons were involved, should be tried by a European magistrate.[3] As it happened Southey had already come to the same conclusion and Vowe agreed with him that the plan most likely to give satisfaction to both Europeans and non-Europeans, once the boundaries of the several districts had been properly defined, was to hold all the inhabitants, whether belonging to Native tribes and Chiefs or not, amenable to the same British laws for offences committed in any of the districts of the Sovereignty but to deal with the people belonging to Native tribes and Chiefs according to their own laws and customs for offences committed in their own particular territories.[2] Accordingly the new regulations (Clauses 12 and 13) for the government of the Orange River Sovereignty which were promulgated in March 1849 clarified the position on these lines.[4]

The delay in having the limits of the Caledon River district properly defined, particularly in relation to the Griqua inalienable territory, contributed further to the irritation prevalent among the Boers living in those parts. When the Land Commission began its work of placing the beacons in the Field cornetcies of this district Vowe found the task complicated by the situation of Adam Kok's reserve to the west and of Beersheba station to the east where missionary Rolland objected to Vlakplaats Spruit as the boundary proposed by Southey and wanted Schulp Spruit instead.[5] The Civil Commissioner asked Major Warden for information about the Griqua boundary and the latter replied that he supposed the delimitation laid down in the 1846 Treaty was still in force whereby the line extended from David's Graf eastwards to Braay Paal, via Kromelleboog and Van Zyl Spruits, and thence down Bosjes Spruit to the Orange. Vowe thereupon protested that if Adam Kok's boundary were that of the

1. Warden's Letter Book 12/2/1849 and C.O.1112, 6/4/1849. The evidence of the Boers was contradictory and presumptive, said Warden. -Maitland-
2. Southey papers, Vowe 6/3/1849. Trial was held on 28/2/1849.
3. C.R.S. 37/80, 14/3/1849.
4. See p. 139 above and Lybers p. 278.
5. See p. 145 above.

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Maitland Treaty as far as Braay Paal, two hours' ride west of Smithfield, and if Beersheba's boundary were extended to Schulp Spruit, two hours' ride east of this village, then the Caledon River district would be a mere strip and the Boers would not commence to build a Church at Smithfield.[1]

Much mischief had been caused moreover by the apparent omission to circulate the agreement between the Governor and Adam Kok among these Boers and they had been made acquainted only with the terms of Sir Harry's Manifesto of March 1848, from which they quoted "I have taken you from your King Captain Kok and the great Chiefs whose serfs you were" ... and "every burgher now holds his lands in the faith of Her Majesty and from no native whatever". Such extracts coupled with the facts that H.J.Halse did not even know of the January agreement when he was engaged to go round explaining the Manifesto and that O'Reilly himself had given out that they retained their farms without reservation, naturally led the Boers in this part of Griqualand to believe that they held their farms in perpetuity. "On the Manifesto", wrote Vowe, "the farmers ground their claim, and on the faith of it have been buying and selling farms which they hear they have no right to do".[2] Indeed misunderstanding and confusion must have been pronounced for when Adam Kok ejected three Boers from their farms in his reserve because they had sold or offered them for sale, Halse actually complained to the Governor that it would almost appear that the Griqua Chief was "scheming to destroy the peace" by insisting on the existence of the inalienable territory "in direct contradiction to your Excellency's Manifesto".[3]

The British Resident took advantage of his visit to Griqualand in connection with the trial of the 14 Native prisoners to endeavour to smooth away some of the difficulties there. First of all he invited Lepui of Bethulie and his sons to meet Adam Kok and his Raad on the 3rd March 1849 in order to put an end to the friction over their boundary. Warden soon perceived that the missionary Pelissier was the main obstacle to a settlement by claiming lands for Lepui which the Griquas had held for years past and therefore requested him as well as Vowe and O'Reilly to withdraw leaving the Chiefs to themselves.[4] Within an hour they adjusted their differences and agreed in Warden's presence that the line between them should run "From Brypaal along the Kaffir path to Bakenkop, thence in a straight line to Roodekop, thence in a straight line to Bosjes Spruit and along said spruit to the Orange River". Kok gave up the farm Kransfontein situated in his territory for the exclusive use of the Kaffir people. Four years later Surveyor-Superintendent Ford told the Special Commissioner, Sir G.Clerk, that this document provided the only information he possessed regarding the boundary line between the Caledon River district and Adam Kok's territory. How far the arrangement proved successful may be gathered from

1. C.O.1120, 16/1/1849, 431-437. See p. 28 above and Eybers p.262. C.O.1120, Ford's 22/1/1849, 685. Sir H.Smith had laid the foundation stone but the Church was built later at Riet Poort. 2. Southey papers, Halse 21/4/1849 and 24/5/1849. For O'Reilly and Halse see p. 77 above. 3. C.O.1122, 23/1/1849, 24/2/1849/141; C.O.1120. 4. C.O.1119, 8/3/1849; O.R.S. 34/91, Warden mentioned that Vowe had said he knew of no reserved Griqua land within the Caledon River district. O.R.S. 42/77, 21/12/1848, Southey defined Lepui's land as bounded by the Orange between its junction with Slik Spruit and Bosjes Spruit to the lower Kaffir Road.

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Ford's comment that the line from Bakenkop to Roodekop was never laid down and as it passed through such irregular country that these two hills at the extremities could not be seen from each other the neighbouring proprietors, white and black, were frequently disputing about it![1]

Major Warden next allayed Adam Kok's fears excited by the current belief that Southey had recommended a new boundary and by Vowe's statement that he knew of no reserved Griqua territory within the Caledon district, as a result of which Griqua subjects became anxious to sell and were disposing of farms within his boundary.[2] The Resident re-assured the Griqua Chief that all purchases of land by the Boers within the reserved area owing to rumours in circulation about a new line would be annulled and he also explained to Vowe that no encroachment would be allowed upon that part of the inalienable territory falling within the Caledon River district. At the same time Warden decided upon the following line as the boundary between the districts of Bloemfontein and Caledon River: "From Haankraal, Norvals Punt on Orange River, along the road to Koppies Fontein thence to Flankfontein, thence along road to Harvey's Farm, thence in a direct line to Slagterskop, thence to Kennel Poort thence along the high ridge between A.Venter's and G.v.d.Walt's farms, thence to Deal Kraal, thence along highest part of range of mountains to upper end of Riet River and Beyer's Berg from thence over the high ground in an easterly direction to where it joins the Kaffir Road near Blaasbok fontein, thence along the Kaffir Road to Kaffir Kop".[3]

On a subsequent visit in May the British Resident approved the removal of the village of Smithfield from Waterval to the site of Rietpoort, ten miles further to the east.[4]

Real tranquillity seemed destined to elude the southern Sovereignty just as it did the eastern regions bordering on the Caledon. Taking advantage of the session of magistrate Stuart's court at Philippolis towards the close of this year 1849 the Griquas sought his interpretation of the provisions of the treaty between Adam Kok and Sir H.Smith. When they inquired whether it was really and truly intended in terms of paragraph two that the Boer lessees should leave on the expiration of their leases in the inalienable reserve, subject of course to compensation as specified, magistrate Stuart informed the British Resident that he had given them his frank assurance that they might "rely upon the good faith of the British Government as pledged by the High Commissioner". He added to Warden that the Boers themselves had raised this point on more than one occasion and expressed a "hope" that they might retain their farms in perpetuity but he had discouraged them from entertaining the idea. Then the Griquas inquired further if paragraph four included all farms in the former leaseable territory besides those mentioned as let only for forty years, if these farms were to be considered as having been transferred in perpetuity and if

1. G.L.W.Land Court Exhibits C4, 3/3/1849 for Kok - Lepui agreement; O.R.S. -the- 34/116. O.R.S. 34/114, 22/9/1853 Ford to Clerk. Sketch of line O.R.S. 34/115.
2. Also C.O.1122, 28/6/1849 "Mr.Halse the purchaser of Roodefontein lost no time in disposing of his farm to the Rev.J.Pellissier who agreed in the presence of several witnesses to run all risks .. he can't recover the £262 10/- paid", said Warden. O.R.S. 36/118, 10/1/1850. The dispute between Pellissier and Halse was settled in favour of the former. 3. O.R.S. 37/85. 4. See pp. 142 and 145 above.

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the treaty extinguished all liabilities of Boers to Griquas for the amounts or balance due in terms of the leases.[1] To these posers the Magistrate "reluctantly" replied that the agreement embraced all farms north of the Riet River and Kromelleboog Spruit but advised them to obtain the ruling of the Circuit Court if they were not satisfied with his opinion. Stuart was so impressed by the urgent need for removing all existing doubts that he suggested the immediate issue of a Proclamation "equivalent to a Declaratory Act", especially for the guidance of the magistrates in cases of appeal to the Circuit Court. He drew the attention of Major Warden also to complaints he had received that the Boers were erecting expensive buildings on farms which would revert to the owners and asked to be favoured with a list of valuations made by the appraisement Commission in conformity with the Governor's order for the immediate assessment of buildings and improvements made prior to the Treaty.[2]

Relations threatened to become even more strained in Griqualand as a result of the renewed excitement among the Riet River Boers prompted by rumour attributing the remark to magistrate Stuart that the farms north of the Riet River and Kromelleboog Spruit would ere long revert to the Griquas. Besides, Major Warden's assurance to Hendrikse that the Church lately commenced within the reserve would revert to the Griqua proprietor on the expiration of W.Jacobs' lease had been construed apparently to cover buildings in the former leaseable territory. The British Resident therefore reprobated such perversion of the actual statements made and promptly notified the Governor of recent developments. That he shared the conclusions of Stuart appears from his contention that although the Treaty made mention only of farms let for 40 years its "meaning and spirit" had been to give £300 p.a. in consideration of all the claims of the Griqua captain and his subjects to farms beyond the inalienable territory.[3] Warden argued that "it was not likely" His Excellency would guarantee that amount in perpetuity for only "some 20 farms then held on 40 years' lease" and put it to Sir Harry that in looking through the Maitland Treaty he had seen allusions "only to leases of 40 years and supposed that all leases were held for the like period". At the same time Warden took for granted that the Boers were obliged to make good their agreements in respect of lands formerly leased from the Griquas but now held in perpetuity. With regard to the clause of the Treaty requiring the immediate appraisement of buildings and improvements on farms held by Boers within the reserve the British Resident pleaded that the more pressing work of the Land Commission had precluded a start being made and that the delay would have entailed "no great inconvenience" as only three or four leases had expired and the Griqua

1. O.R.S. 37/105, 11/1/1850. The Griquas probably supposed the farms not -owners- let for forty years might have been overlooked. Stuart was R.M. and C.C. of Bloemfontein or Griqualand district. 2. Stuart anticipated interminable disputes from the neglect to value improvements. In the case of one Bezuidenhout he recommended the despatch of a special notice that the Boer had no claim for work since 25/1/1848. C.O.1120, 6/11/1849 Stuart had been at Philippolis settling cases among the Boers; "The deceit, bribery, corruption, imbecility, injustice, wickedness I have witnessed have astonished me". 3. Letter Book 12/1/1850, O.R.S. 32/115.

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owners were no doubt unable to pay the amount of compensation to release their farms.

Acting in accordance with the wish of the Civil Commissioner and Resident Magistrate of Bloemfontein and the British Resident's report, the High Commissioner authorized the issue and circulation of a Government Notice elucidating seriatim the contentious passages in his agreement with Adam Kok two years before.[1] Sir Harry Smith uniformly supported the views of Stuart and Warden. The Treaty of January 1848 - it was explained - vested the alienable (leaseable) as distinguished from the inalienable territory in the Queen and the sum of £300 p.a. was none other than the purchase price of the reversion in perpetuity of all the former Griqua lands situate there, irrespective of the periods for which they might have been leased, as well as of the half share of the quitrents. British subjects had, of course, to discharge in full their individual liabilities to the Griquas under former leases in the few instances where this had not already been done. The notice reaffirmed that the Boers would be required to withdraw from the inalienable reserve on the expiration of their leases - "a point upon which the faith of the British Government is pledged" - subject to the Griquas complying with "the reasonable terms of that stipulation as proposed by Captain Adam Kok himself" regarding the payment of compensation for buildings and improvements prior to the date of the agreement, but no claim, it was emphasized, would be considered for any such work effected since then.[4] Sir Harry provided in this connection that the Commission would speedily proceed to make a just and fair valuation as originally stipulated but which circumstances had delayed.

The appraisement Commission duly entered upon its first spell of assessing improvements on farms held by Boers in Griqualand not long afterwards.[2] With the object of keeping a check upon this vital matter and also of raising a revenue Adam Kok and his Council at Philippolis instituted a special Lands Raad to prepare a register of all farms in the inalienable reserve in the possession of Griqua owners and hired to British subjects. An annual tax varying from £1 to £3 was to be levied upon every farm according to its value and the particulars of the leases held by Boers had to be recorded. Incidentally the Board decided to hold regular meetings each Friday before Nagnaal and empowered its members David Isaak and Jan Paul to obtain the necessary information in the wards of Field-Cornets Jan Pienaar, Klaas Jagers and Willem Kok as far as Ramah and Coenraad Windvogel in the wards of Field-Cornets Jan du Pree, Willem Visagie and Gert Gerson.[3]

At the outset Major Warden found that the Griquas were altogether opposed to a

Boer member serving on the Commission being convinced that no Boer with the exception

1. Govt. Notice dated 29/1/1850, No. 2306, 7/2/1850; O.R.S. 37/109, 110, 115, -of- English and Dutch copies. 2. Southey papers 4/5/1850. 3. G.L.W. Land Court Exhibits C4, 96. 4. The Governor stood by the treaty of January 1848, ignoring the proposals of Boers to purchase land in the Griqua Reserve. "The quickest way of depriving a primitive community of its land is to grant it the white man's freedom of purchase and sale", W.K. Hancock p. 126. Sir G. Clerk had no such scruples, vide p. 441 et seq. below.

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of Commandant Gideon Joubert could be trusted to act honestly in appraising work done on a farm for which payment would have to be made by a Griqua.[1] For this reason Warden employed Allison but took the precaution before commencing the appraisement at each farm of asking the Boer lessee whether he was agreeable and noted that both Boer and Griqua acknowledged that Allison was competent to undertake the work in hand. Accordingly when John Campbell reported on his return to Colesberg from a tour of the Sovereignty that the Boers were "fed up" with the appraisement and the absence of a Boer member, Warden replied that, with the exception of two Englishmen Norval and Roberts, the farmers were highly satisfied and furthermore that 3 out of every 4 Boers on being asked beforehand what amount they expected named a smaller sum than the Commission awarded.[2]

The work of the appraisement Commission came to a sudden standstill in July 1850 when Adam Kok lodged a strangely belated protest that he had not received notice of the commencement of its proceedings and so withheld his consent.[3] The Griqua Chief claimed that he would have appointed a more competent representative than Hendrikse who it was alleged had been "in a continual state of intoxication" and who had even appointed a deputy to act for him. Adam Kok notified Major Warden that Hendrikse had ceased to hold office as Secretary to the Griqua Government and that Coenraad Windvogel had been appointed provisionally in his stead.[4] But Warden felt that as Hendrikse had been specially mentioned in the original agreement the approval of Sir H.Smith would have to be obtained before Windvogel could act on the Commission and therefore the Attorney-General was asked for his ruling.[5] Being in the dark as to whether or not any such irregularity as mentioned by Adam Kok had actually been committed, Wm.Porter could only state that if so then fresh valuations would have to be properly prepared, but, if not, then the Captain should be taken to task for forwarding a frivolous complaint. He expressed the opinion that in any case "the necessity of keeping Captain Kok and his missionary in due subjection is an object of such importance as to be second only to the great duty of doing right".[6]

The British Resident repudiated Kok's allegation that Hendrikse had been drunk while working with the other members of the Commission and rebuked him for presuming to suggest that they would put it in the power of anyone to prefer such a serious charge against them.[7] Warden admitted having heard that Hendrikse had been in a state

1. O.R.S. 37/180, 30/6/1850 - opinion of Hendrikse that Joubert was the only Boer -of- to be trusted. The Commission was to comprise Major Warden, a Boer and the Griqua Secretary Hendrikse. Erwee is mentioned by Warden as serving (O.R.S. 37/195, 8/9/1850) so apparently Allison was an additional member. 2. Campbell spent his leave in the Sovereignty - He was rapped over the knuckles for criticising Government officials and for interference, O.R.S. 37/179, 5/6/1850; O.R.S. 36/136, 15/7/1850. Warden's Letter Book 30/6/1850 and O.R.S. 37/180, Norval claimed that he built the house before the treaty but the Resident said it was fairly proven that the foundation had been laid after 1848. 3. O.R.S. 37/181, and 184, 18/7/1850. 4. Notice appeared in the "Friend of the Sovereignty" 22/7/1850. 5. Letter Book and O.R.S. 37/187, 3/8/1850. The treaty leaves no doubt that Hendrikse was appointed ex officio. O.R.S. 37/189, 5/8/1850. Kok also sent the papers to Smith. 6. O.R.S. 37/182, 23/8/1850.
7. O.R.S. 37/195, 8/7/1850 Warden's Letter Book 26/5/1850 - he found that Hendrikse used to give unsigned sheets of paper in his handwriting to Boers, presumably intended to confer title or right of occupation, for a bottle of brandy. Warden returned the document signed by Hendrikse authorising one Groenewald to act as his ~~daughter~~ deputy.

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of inebriety for two whole days on Jacob's farm Sannahspoort for which reason the work of appraisement on that farm remained unfinished. He attributed the dismissal of Hendrikse to his having for some months past advocated the sale of farms in the Griqua reserve and added that he had been declared a traitor and was being kept as a sort of state prisoner for having supported such a measure in the Raad at Philippolis.[1]

The equanimity of the Griqua Captain and his councillors must have been seriously disturbed by yet another attempt to reverse the whole policy of an inalienable Griqua reserve. The new challenge took the shape of a memorial recently forwarded to the High Commissioner by Petrus Hendricks the owner of Zuurfontein and eight other Griqua proprietors of farms south of the Riet River, "prompted probably by some Emigrants".[2] Memorialists wanted Sir H.Smith to induce or if necessary to order their Chief to allow them to dispose of their land as they wished. These Griqua owners pleaded that their extreme proverty, the want of the most ordinary necessaries and their inability to pay their debts to the Boers would come to an end if they could only sell or let their farms. They maintained that their lands continued to lie waste to the disadvantage of the State and its subjects through an "arbitrary prohibition ... contrary to all principles of good and liberal Government" ... "What does property mean if we are not allowed to promote our interests by means of it"! The memorandum of the Attorney-General on this application contains an unequivocal statement of his views upon the real issue at stake. Wm.Porter saw that it struck at the root of the principle of any Native reserve and aimed at overturning Sir P.Maitland's settlement as well as that of Sir H.Smith in respect of the inalienable lands. He considered that Adam Kok should not be coerced into giving his consent in violation of Griqua custom and that "a compliance with the memorial would be not merely inexpedient, but unjust".

Meanwhile the Griquas found a ready champion in the person of the Rev.J.Freeman who concluded a fifteen months' tour of all the London Missionary Society's stations, including Philippolis, in May 1850. Mr.Freeman commended Sir H.Smith's general policy of proclaiming the Sovereignty, and thereby "preventing the further irregular intrusion of the Boers on the territories of the natives and checking the mutual wars of the natives themselves" all of which was of "great value to the Colony, to the Boers and the natives themselves", but he found serious fault with "the details and working out of that scheme". He charged the Governor with having forcibly deprived the Natives of large portions of occupied and cultivated land in defiance of Sir P. Maitland's treaty without adequate compensation and asked the Secretary of State to appoint a Special Commission of Inquiry before confirming Sir Harry's arrangements.[3]

From Mauritius three months later Mr. Freeman amplified these criticisms by furnishing

1. Letter Book, 3/8/1850. 2. C.R.S. 37/164, 165, 20/5/1850 and 22/8/1850. -Earl-
3. Despatch 516, 4/9/1850 Grey to Smith C.O.1344 Enc. 20/5/1850; B.B.XV.1.90; Bas.Rec. 1/307-9. Freeman expressed his approval of the outline of Sovereignty "after having seen and conversed with the chiefs and people". Freeman's idea was that the proposed Inquiry should include "the case of the native tribes beyond the Sovereignty, which are now reduced to vassalage, or being destroyed by the emigrant Boers - the preservation of native tribes now settling in Natal - and the causes and conduct of the late Kaffir War".

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Earl Grey with particulars of the "many things that are essentially unjust".[1] He conceded that Adam Kok had proposed and agreed that Griquas should pay compensation for improvements by Boers to farms in the inalienable reserve, but stressed that Sir H. Smith had by intimidation forced the Captain and his Raad despite all their right and remonstrance to surrender the former alienable territory with the sole object of conciliating the Dutch settlers and without any violation of the Maitland Treaty by the Griquas. He proceeded to explain that the Griquas were not unwilling to part with the 300 farms outside the reserve, half of which had been leased to Boers for 40 years, subject always to an equitable arrangement and to their being allowed to let for 40 years the other half already let for less than that period or not let at all. He argued that the amount of £100 pa. payable in perpetuity to the Griqua owners was inadequate for although they received less annually for the farms at the time they were nevertheless accustomed to be paid the stipulated sum by the Boer lessee at once and, moreover, they had the right formerly of re-letting to advantage on the expiry of the leases those farms now permanently alienated.[2]

Anticipating correctly that the subject might "not improbably be brought under the notice of Parliament" Earl Grey asked the Governor to reply to the strictures of the Secretary to the London Missionary Society.[3] Briefly, Sir H. Smith recapitulated his reasons for proclaiming the Sovereignty, referring to the interminable and serious quarrels in consequence of Griquas and Boers living cheek by jowl in Transorangia where he contended the former had no more hereditary rights than the latter, "being mere squatters and nomads". He defended his arrangements on the ground that they were aimed at ending these disputes, and refuted Mr. Freeman's general assertion that the Griquas had been deprived of an extent of territory for the sake of the Boers. Sir Harry maintained that if by the infringement of a treaty benefits were conferred on both parties with their mutual consent this could not be regarded as objectionable:

> "When society consists of the heterogeneous elements of which it is composed beyond the Orange River and when opposite interests prefer conflicting claims, that course is best which contributes most to the general good. The great principle which guided me was not to disturb but clearly to define existing occupation", and he concluded vigorously: "I cannot refrain, my Lord, from adding that if revd. gentlemen in the position of Mr. Freeman would take a comprehensive and not a contracted and prejudiced view of matters affecting the objects of their mission, a greater degree of benefit would arise to the parties whom their laudable exertions are intended to civilise".[4] Earl Grey was apparently satisfied that no great injustice had been done for he did not withhold the despatch to Sir H. Smith of the letters patent confirming his policy and providing a constitution for the Orange River Sovereignty.

1. C.O.1344 Enc. 20/8/1850 D.545, 28/11/1850 Grey to Smith; B.B.XV.1.95. -A-
2. The owner took payment from the lessee often for the whole term of the lease at once - Dower p.6. 3. D.516, 4/9/1850. 4. D.4, 20/1/1851, B.B.XV. Sir H. Smith was described as raging like a lion at his betrayal by the Kaffir Police on the outbreak of the 8th Kaffir War. He had only recently escaped by a desperate ride from Fort Cox where he had been surrounded by Kaffir hordes. "The greatest kindness and justice have marked our occupation of British Kaffraria and yet these merciless and irreclaimable savages have started hostilities anew". "Like all prejudiced men he (Freeman) seeks for evidence to strengthen his own preoccupation".

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A Select Committee was actually formed not long afterwards to inquire into the relations between the border tribes and the Cape Colony. The Rev.J.Freeman in the course of his evidence repeated that some 300 farms in the former leaseable territory were distinctly held by individual Griquas and about 150 let to Boers yet under cross-examination he admitted that "I did not go over the whole 150 farms but they assured me those were in that predicament".[1] It is difficult to reconcile this statement with the "some 20 farms held on 40 years' lease" mentioned by Warden and also the above number of 300 farms for which the owners were to receive £100 p.a. with the total of 42 quoted by Dower.[2] To the question whether the Griquas were removed from the alienable territory Mr. Freeman gave a categorical denial stating that they were only deprived of the use and the right of letting farms if not in actual occupation.[4] With regard to the Reserve he contended that the Boers had settled there upon the plan of improving and building so much that the Griquas would not be able to buy them out in the end and stated that no valuation had been undertaken in terms of the treaty. What he should have said however was that the Appraisement Commission had not completed its work and that in consequence it had become increasingly difficult for the Griquas to disprove the assertion of Boers who had effected improvements since the date of the Treaty. The Rev.J.Freeman made the urgent appeal that if the Griqua nation were at all worth preserving as a coloured race upon the Colonial boundary the case of these occupied lands which they would not be able to recover through inability to pay for the improvements should meet with some consideration on the part of the Governor. Nevertheless for the remaining period of his governorship and even amidst the throes of another Kaffir War Sir Harry Smith continued proof against any attempted tampering with his settlement in the Griqua reserve. The position there did not improve and as a result of Adam Kok's constant complaint that Boers were unlawfully retaining possession of his lands Major Warden finally notified them in April 1851 that Field-Cornet Piet Jacobs had been authorized to effect their removal and "should they not obey this my last warning they will have to answer the same with sorrow".[3] But the Resident soon became so involved with the Basuto that he was powerless to carry out this threat and the Boers stayed on with impunity.

Attention must now be given to some outstanding land questions in the extensive region of the western Sovereignty. At the beginning of 1848 a memorial was received on behalf of Cornelis Kok II of Campbelltown desiring to be acknowledged by the Governor-

1. Blue Book XII p.38 of Select Committee on Kaffir Tribes printed 2/8/1851. Freeman's evidence given June 1851, pp.198 et seq. 2. Dower p.8. 1.He reported what Adam Kok and his Councillors had told him about Sir Harry's threat that unless they signed the treaty by 5 o'clock he would hang them at the beam whereupon taking him for a madman they had signed under duress. On this point Major Warden subsequently informed the Assistant Commissioners that although he had always been on the most confidential footing with Adam Kok the latter had not even whispered anything of the sort to him. 4.It appears from his explanation that the Griquas were still in the habit of frequenting these places only during the dry season, if fount springs were available, and might not be living on the spot. 3. G.L.W.Land Court Exhibits 392, 15/4/1851.

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Governor as a Native Chief on the same terms as Adam Kok III of Philippolis and Waterboer of Griquatown. The Chief himself attended an interview with Major Warden in February. He explained that after Adam II had settled at Philippolis in 1825 they had agreed upon a boundary between them running "from Baviaans Krans on the Orange north-eastward to Blaauwbank on the Riet and thence via Paardeberg on the Modder in an indirect line to Plaatberg on the Vaal" and that he had since allotted lands on his side of this line to Emigrant British subjects in search of pasture.[1] In his covering letter the British Resident suggested that the land between the Modder and the Vaal Rivers might be set aside for Cornelis Kok and Jan Bloem, Chief of the Bergenaars, who had visited Bloemfontein only two days after the Governor's departure for Natal and been much disappointed at missing Sir Harry.[2] Major Warden evidently did not know then that Waterboer was regarded locally as the real owner to the west of the line between Ramah and David's Graf and that the 1838 Treaty clearly repudiated any such delimitation made by Adam Kok's father as Cornelis alleged. Jan Bloem had married into the Korannas and in 1847 settled down with some 1,400 people well mounted and equipped with fire-arms at Pniel Mission station where he lived on friendly terms with his neighbour Cornelis Kok, so much so that they had recently divided the region between the Modder and the Vaal, the latter Chief taking the land to the west and the former that to the east of the road from Pniel to Magersdrift.[3] Southey replied on the 1st May that the High Commissioner had acceded to Cornelis Kok's application and Major Warden received directions to have his boundaries properly defined by the Land Commission which was about to enter upon its duties.[4] The distractions however of the next year or two prevented this being done.

The British Resident ultimately seized the opportunity provided by the interruption in the work of the Appraisement Commission as a result of Adam Kok's protest in the middle of 1850 to deal with the disputes arising from Griqua proprietors claiming portions of farms held by Boers beyond Adam Kok's boundary. He laid down that captain's forty mile line from Ramah on the Orange to David's Graf situated a little above the confluence-

1. O.R.S. 34/97-100. Memorial 25/1/1848, O.R.S. 34/99 also in Southey papers; G.L.W.Land Court Exhibit 555. C.O.1119 and Warden's Letter Book 8/4/1848. Cornelis Kok asked Rawstorne to recognise his boundaries on 2/8/1845, G.S.1378/11. See p. 1 above. These sources describe how Cornelis had migrated from Namaqualand with his father who had subsequently passed on the staff of office he had received from Earl Caledon to his eldest son Adam Kok II, memorialist's brother. Cornelis also mentioned the outbreak of the civil war two years after the death of his brother Adam II in 1836 and following upon the deposition of the latter's eldest son Abraham in favour of Adam Kok III - see p.14 above. During the course of the strife Adam III had actually laid siege to his brother Abraham and his uncle Cornelis (memorialist) at Campbelltown and induced Cornelis to resign all his rights on the Philippolis side of the line running from Ramah on the Orange to David's Graf near the junction of the Riet and the Modder which had been agreed upon as the boundary between the Chiefs Adam Kok III and Waterboer in the Treaty of 1838. 2. O.R.S. 37/15, 11/3/1848.
3. Evidence led before Judge Stockenstrom replete with this information, G.L.W.Land Court 166; e.g. on 18/11/1875 that of Abraham son of Cornelis I, on 19/11/1875 that of Klaas Jagers. C.O.1037, 24/1/1846. G.S.1378/13, 14/2/1846 Waterboer to Jacobs re boundary. Jan Bloem's father was a white man, evidence of Klaas Jagers and van Tonder Andrew on 22/11/1875. Piet Bloem said that they called themselves Griquas on their father's side and Koras on their paternal grandmother's. J.Zerwick mentions friendship between C.Kok and J.Bloem and divisions of land, so also the Judge. Jan Bloem was a "warlike man" said Klaas Jagers "He used to fire and run away". His people were at first regular nomads and he attacked Waterboer on one occasion.
4. O.R.S. 34/100, 1/5/1848; also O.R.S. 36/110 and O.R.S. 31; G.L.W.Land Court Exhibit 556.

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confluence of the Riet and Modder Rivers, in the presence of both Griquas and Boers, by means of a compass and by the planting of conspicuous beacons.[1] At this juncture he met Cornelis Kok and his Raad who solicited the allotment of a large tract of country below David's Graf and between the Orange and the Modder Rivers.[2] To this considerable slice of land stretching at least fifty miles westwards as far as the banks of the Vaal and of an average breadth of nearly forty miles another claimant came forward in the person of Andries Waterboer who asserted that it had been apportioned to him by Sir P. Maitland. There had never been any express or formal documentary recognition of the full extent of Waterboer's territory especially along the north and the personal treaty of 1834 with Sir B.D'Urban had merely required the Griqua Chief to protect the exposed boundary of the Cape Colony from Kheis to Ramah on the Orange which was described as being opposite his border. Moreover the 1838 dividing line from Ramah to Platberg via David's Graf had been purely a private understanding between Waterboer and Adam Kok and the former Chief was not even named in any of Sir H.Smith's proclamations relating to the Sovereignty.[3]

Both Cornelis Kok and Andries Waterboer lived beyond the Vaal at Campbelltown and Griquatown respectively and in the British Resident's opinion neither captain could establish much claim to the country in question in right of occupation by his people.[4] Major Warden admitted to Sir H. Smith that Maitland did say that Waterboer's country should join that of Adam Kok but observed nevertheless that the latter Governor was not aware at the time that this Chief's subjects held as much land beyond the Vaal River as they could possibly make use of. The Resident looked upon the territory claimed as waste land with the exception of a few farms Cornelis Kok had already ventured to sell to Boers and not only declared invalid all such transactions since the 3rd February, 1848, but also informed Sir Harry that Cornelis had sufficient room adjoining the Campbell Mission station and should not be granted additional land as he would simply part with it to the Boers as formerly.[5]

In addition to this disputed area which, to repeat, was bounded by the rivers Orange, Vaal, Modder and Adam Kok's line from Ramah to David's Graf, Major Warden found a large extent of unoccupied land beyond the right bank of the Modder so that altogether the Ebemfontein district assumed larger proportions than he had at first imagined. Accordingly he submitted the proposal for the consideration of the Governor

1. Warden's Letter Book 3/8/1850, also O.R.S. 37/187, Exhibit 214 G.L.W.Land -that- records. See sketch among G.L.W.Land Court Exhibits Vol.(61-200). 2. O.R.S.42/124 Southey's summary. 3. See pp.14-15 above Of course Waterboer may have been implied under the "other minor chiefs". In any case Rawstorne C.C.Colesberg frequently wrote to Waterboer to apprehend thieves e.g. Exhibits G W.Land Court C2, 7/8/1849 he asked the chief to apprehend Hottentot and Bushmen people living below Ramah implicated in theft of sheep from Van Rensburg in the Winterveld at Richmond and to bring them to Colesberg for trial. Also 16/3/1852 and Exhibit 396, 15/10/1851. 4. Except in very dry seasons when they came in search of pasture. 5. See also Stockenstrom's judgment, 16/3/1876, G.L.W.Land Court 166. Many instances of sales among Exhibits. Evidence 27/11/1875 J.Combrinck bought from C.Kok but Warden withheld title as it was British ground. Exhibit 390 undated is a warning issued to Boers by Warden to quit leaseable and unleaseable land of Adam Kok occupied on presumed rights of C.Kok.

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that, after provision had been made for Natives in occupation there at the Proclamation of Sovereignty, the country should be properly surveyed and divided into farms of between 3,000 and 4,000 morgen each which could be put up periodically to public competition subject to the payment of the low quitrent of £1/10/-. In this way he estimated that at least 300 farms could become available for settlement and these if sold would realize between £4,000 and £5,000 and increase the Sovereignty revenue from quitrents by £500 annually. For the time being the British Resident thought it necessary to appoint Piet Jacobs to act provisionally as Field-Cornet on the lower Modder in order to keep a check upon unlicensed traders passing through that part of the country to the Emigrant Boers beyond the Vaal River.

Sir H.Smith approved all Major Warden's measures and recommendations but for a variety of reasons nothing effectual ever came of the latter beyond the occasional issue of Land Certificates by the Resident.[1] Thus Southey's undertaking to define Cornelis Kok's territory was not fulfilled. This captain for his part notified Warden at the end of 1850 that Adam Kok had met him at Campbelltown where they had mutually agreed that the beacon at David's Graf should mark the division between them ... "I no more make claim to ground save as far as David's Graf from here".[2] Then Andries Waterboer accompanied by the Rev.C.Solomon visited Bloemfontein the next year to complain about the Resident granting titles which the captain said encroached upon his rightful country.[3] He followedup this step by a written remonstrance to the High Commissioner but all in vain for during 1852 in close succession Sir H.Smith was recalled, Major Warden dismissed from office and Waterboer died.[4] When in January 1853 Governor Sir G.Cathcart sent his greetings and best wishes to the late Chief's son and successor Nicholas, he preferred not to renew the old personal treaty, no doubt because he was already privately urging the abandonment of the Orange River Sovereignty and the jettisoning of all alliances and treaties. The situation continued unchanged until a year after the Free State Republic came into being and Adam Kok decided that the Vetberg line should be the boundary between the Chiefs at Campbelltown and Griquatown.

Something more definite was accomplished by the British Resident in dealing with the Bushmen and the Korannas of the Sovereignty. In 1849 he had placed the Bushmen-Koranna captains David Dantzer and Goliath Yzerbek and their 350 families in a ten mile broad strip[5] extending along the Vaal River for a like distance above and below Hatberg.

1. O.R.S. 37/187, 3/8/1850 marginal notes initialled. 2. G.L.W.Land Court-Actually-Exhibit 557, 12/11/1850. C.Kok's supposed claims to land beyond Modder jettisoned. 3. G.L.W.Land Court Exhibits 488-9. Evidence 5/1/1876 of Peter GronWright, whose father was Waterboer's agent 1834-1843 at Griquatown. Evidence p.136,Vol.166 F.H. Orpen Surveyor-General O.F.S. said that Boers had humbugged him. Warden's reported to have remarked on being shown the 1838 treaty that he had been imposed upon by the Boers who had represented the country as belonging to Cornelis Kok. See Stockenstrom's Judgement 16/3/1876 G.L.W.Land Court 166. 4. Exhibit 174, 26/5/1851; C.O. 6185. 5. Warden's Letter Book 31/3/1849 to Southey. One farmer Jeffries agreed to take a farm on the lower Modder in exchange - one or two other Boers were to be moved also. Goliath Yzerbek had been placed at Bethany but felt hemmed in and moved on. Charles Wuras protested often against the encroachment of Boers upon the station's lands. C.O.1120,11/6/1849 memorial: O.R.S. 97/340,18/3/1852; O.R.S. 97/1-40 papers re memorial 12/6/1853.

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Actually the association of these two groups terminated in hostilities and their desertion of Platberg which was secured by President Boshof later on payment of £100 to each of the Chiefs.[1] It was from David Dantzer that David Fourie had acquired twelve years previously the vast area of Van Wyk's Vlei (Boshof) for a few sheep and goats, but on his arrival there in July 1850 Major Warden found that the Bushman Captain Kausop claimed this district on the ground that he was superior to Dantzer and that his father had at one time ruled over all the Bushmen thereabouts.[2] Kausop had caused notices to be delivered to the farmers in Fourie's ward warning them to quit and his followers had also been responsible for much cattle lifting from the Boers along the Modder River.[3] Having sent for him and explained that the Proclamation of Sovereignty had irrevocably confirmed the occupancy of the Boers the Resident summarily threatened to put him in prison if he did not stop annoying them. As Captain Kausop and his 200 people had always lived to the east of the Vaal Sir H.Smith agreed with Major Warden's suggestion that they should be given a reserve 12 miles along the Vaal and 6 miles towards the middleveld and situated between that of Dantzer and Goliath and Jan Bloem's location at Phiel.[4]

The Bushmen proper had naturally resented the intrusion of the European settlers who came to dispossess them of their favourite hunting grounds, and in consequence proved very troublesome to the Boers. During Capt.Sutton's brief period as British Resident in 1845 he had actually asked for instructions whether the Emigrant Boers were to fire upon marauding bands of Bushmen.[5] Then on the eve of Sovereignty three Bushmen were apprehended in Griqualand for killing a Boer and wounding two others who were following up cattle which the brown people were driving off down the lower Riet.[6] This incident provoked some animadversions from Warden about Adam Kok being either afraid or unwilling to disturb Bushmen kraals in his territory: moreover as the Griqua police establishment was on too loose a footing at Philippolis he decided to keep the prisoners at Bloemfontein till the trial when two of them were duly condemned to death.[7] From the introduction of British Sovereignty Major Warden received frequent requests from Boers for permission to form a Commando against the Bushmen but the motive was principally he felt to make good their lack of servants. In this connection he instanced how Field-Cornet Cloete and a party of farmers on being required to

1. G.S.1378 O.F.S.Archives, 3,7,453. David Dantzer had then been succeeded -arrest- by Zwart Jan Dantzer. 2. See p. 11 above: according to Warden the area was 70 miles by 25 miles. 3. G.R.S. 37/103, 31/12/1849 on one occasion a party of Korannas in middleveld between the Modder and Sand Rivers penetrated as far as 30 miles from Bloemfontein on a cattle lifting expedition. Warden sent out patrols much to the satisfaction of the Boers. 4. See Theal VII p.300-1; also G.R.S. 37/187, 3/8/1850. 5. C.O.1037, 24/12/1845. 6. Warden's Letter Book and C.O.1037, 22/10/1847; also in C.O.1392. 7. Warden's Letter Book and C.O.1119, 30/12/1847. Kok asked Warden to attend the execution with an escort as his subjects were opposed to capital punishment. Footnote 1 above on p.206. Warden got Kok to break up a kraal of his subjects implicated in horse stealing. G.R.S.33/63, 8/12/1851 Memorial of 60 Riet River Boers complaining, inter alia, of Kok's inability to maintain law and order: also G.R.S.33/62 memorial of 120 Boers from Fauresmith to the same effect. Yet Boers definitely desired to be rid of Kok's jurisdiction whether good, bad or indifferent.

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arrest the three Bushmen whose haunt was well known had gone in the opposite direction instead and brought out of Dantzer's country a number of Bushmen families which the Field-Cornet divided among his friends.[1]

Severe depredations persisted however and the Resident quoted the case at the close of 1848 in the Bloemfontein district of one farmer's loss of 40 oxen the majority of which were found slaughtered and in a putrid state, the Bushmen thieves having taken refuge in their fastnesses on the approach of a party of Boers.[2] About this time also Field-Cornet Cloete reported that some 200 Bushmen from Griqualand possessing fire-arms among them had congregated on the Riet River near Bethany. The farmers were much alarmed and called for a Commando whereupon Major Warden requested the Rev.C.F.Wuras of the Berlin Mission station at Bethany to persuade the Bushmen to go to Bloemfontein. Commenting in his official correspondence upon the shortage of servants the Resident felt that it would be cruel to force these Bushmen into the service of such masters as the Boers. He seemed to be emphasising this aspersion somewhat by remarking shortly afterwards that most of the males in the fifty families he had gathered together at Kaffirfontein could find work in Bloemfontein village nearby but very few offered themselves and none wished to enter the service of a Boer.

The climax came at the beginning of 1850 with the ghastly extermination of a Boer family by a party of Bushmen in the Caledon River district. According to the evidence before the Circuit Court of combined magistrates at Smithfield which sentenced six of the murderers to death, Bushmen had been accustomed to frequent the place of Edward van Hansen on friendly terms to obtain various articles.[3] On one occasion however an incident occurred which provoked the smouldering ire of a Bushman Maglatsi who assembled some companions and at cockcrow one morning cold bloodedly slaughtered the whole household including the Boer, his wife and three children as well as their two Hottentot servants and then set fire to the house above them. The farmers of the district responded at once to the Resident's call and four Field-Cornets met at Smithfield with upwards of thirty men each.[4] With the assistance of some Basuto spies and the support of a Cape Corps detachment under Lt.Bramley this force traced the murderers to a Bushman kraal near the Caledon River. The Boers repeatedly called upon them to surrender but received no answer save a shower of poisoned arrows. Field-Cornet Erasmus then opened fire and after a few hours, upon the exhaustion of -their-

1. Warden's Letter Book 12/1/1849.
2. O.R.S. 37/64, 18/11/1848.
3. O.R.S. 42/83. Maglatsi had asked the Boer for tobacco and received a kick in the testicles. Before the murders they smoked dagga till dawn in a donga nearby. The woman Aletta was the last one killed after being compelled to open up all the boxes and pleading hard for her life. Theal has a reference Vol1 VII p.303.
4. Warden's Letter Book 24/1/1850. O.R.S. 37/114: Govt. Notice 6/2/1850. Cory places this episode in ± 1855, Archives Year Book 1939 Vol. I. p. 116.

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their supply of arrows, the Bushmen submitted with the loss of six killed.[1] Afterwards the whole force proceeded to clear the district and round up loose Bushmen who had long defied the Boers by squatting on their farms and refusing to leave. Altogether over a hundred were brought in and on the recommendation of Commandant J.T.Snyman were placed in the service of the farmers for five years. Warden evidently compromised with his scruples by insisting upon regular contracts being drawn up which bound the masters to clothe, feed and pay them fair wages - "The farmers were very desirous to have the children separated from their parents but to such an arbitrary and cruel act I could not for a moment listen, telling the farmers it would bring discredit on the Orange River Sovereignty and moreover would never be sanctioned by His Excellency".[2] The prompt and vigorous measures of the administration in this case had a salutary effect for there were fewer thefts and disturbances thereafter and the only serious source of complaint arose later from the plundering of Bushmen servants of the Basuto apparently sent in to steal the cattle and horses of the Boers.[3]

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1. Warden recommended the shooting rather than the hanging of those condemned to death as the latter could not be carried out with any decency at Bloemfontein where he preferred the execution to take place as this would impress the many Natives of different tribes there - Letter Book 10/3/1850. Then to impress the Boers the execution was arranged for Nagmaal - Letter Book 31/3/1850. Bas.Rec.1/507; O.R.S. 31/232 Sketch of events by Casalis - "a general battue of Bushmen".
2. Warden's Letter Book 9/2/1850. Burnet to Clerk Vol.I.p.226 writing of the bartering of young Natives under the cloak of apprenticeship "I do not myself think it an evil; indeed in the greater part of instances it benefits the natives. Most certainly we have never been able to manage them or to make them useful either by means of our philanthropic nonsense. Our wives and children are virtually servants: that the poor natives may not be put to the hardship of earning an honest living (against their lazy wills) a hardship that every white christian in the wide world has to contend with. There are dozens upon dozens of Bastard and Kaffir maids and men in this town and neighbourhood nestled together in dens of infamy and disease; mostly kept by the unmarried whites - but a decent servant which you can take into your house cannot be obtained. Is it wonderful that the very first important point to which the Burghers of this State will direct their attention as so soon as they feel assured that British interference is no longer to be dreaded, is to make the natives serviceable".
3. See "The Friend of the Sovereignty", 8/12/1851, C.S.Halse's remarks.

Chapter VIII. Economic and Constitutional Development.

The internal administration of the Sovereignty had meanwhile proceeded along the lines laid down by the Regulations of March 1849. The previously expressed reluctance to pay rent for the past year and the desire for the exercise of the strictest economy, born of absolute abhorrence of taxation in any shape or form, gained ground in the countryside and culminated in another memorial of protest being signed on the occasion of Nagmaal in September by 59 inhabitants of Winburg and the neighbourhood including Meyer, members of the Wessels' family and other "loyalists".[1] The apparently not unreasonable suggestion was made that the quitrent for 1848 should be reduced to two-thirds seeing that the land was unsettled then, without protection and uncultivated in consequence. The memorialists after contending further that the country had no sources of income and no prospects, due to its distance from harbours or markets, approached the heart of the matter when they urged a general reduction of expenditure. They saw no necessity for a resident magistrate and his clerk costing £400 and £150 p.a. respectively at Vaal River, at Winburg and at Smithfield, for what business there was could be handled quite adequately by the British Resident and the Magistrate at Bloemfontein with the assistance of a Justice of the Peace or an Assistant Magistrate in each of the districts at a salary of about £150 a year. Actually something could have been said in support of such an attitude in a primitive static society, but this agitation savoured too much of the retrogressive spirit that persisted in those parts until well into republican days - "no quitrents, no duties, no president, no secretary, only a commandant!"[2] When Commandant Wessels and Piet Venter approached Warden himself to recommend their memorial the latter insisted that the quitrents had to be collected and that as all the farmers holding Land certificates in Bloemfontein and Caledon River districts had paid with very few exceptions, Winburg could not be favoured, and this stand was subsequently endorsed by Sir H.Smith himself. Those who could have made out a better claim for remission lived in the Caledon River district where several had been robbed and incommoded by Natives.[3] Indeed in December 1849 Field-Cornet H.Smit of that district reported that some 60 people had attended a meeting with the object of recovering the War Tribute money either from the Government or Pretorius and at this meeting the people beyond the Kaffir line complained that they could get no redress from their Field-Cornets or the Government. They felt they could manage their affairs without either of these and in spite of Smit's efforts to win them over some still persisted in their contrary views.[4] -Some-

1. C.O.1122, 17/9/1849, 139, memorial. Southey papers, Biddulph 15/9/1849 and 27/10/1849; Dyason 29/9/1849. Dirk Uys paid over £10 in respect of 4 farms and Vermeulen, despised of British party, for 3 farms. 2. Burnet to Sir G.Clerk pp.17 and 18. British Agent's Private Correspondence pp. 134 and 569 for Hoffman's views. Bester was receiving £200 at that time. 3. C.O.1119, 21/10/1849 and Warden's Letter Book. C.O.1119, 16/12/1849, Winburg farmers still holding back their quitrents.
4. C.R.S. 37/99, 18/12/1849. The Kaffir line or the official boundary between the Boers and the Natives.

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Some idea of the individuals with whom the Magistrate of Winburg had to deal may be gathered from Biddulph's correspondence at this time. Old Piet Venter though in receipt of £5 per month from the Magistrate for the hire of his small cottage and two rooms tearfully protested his inability to pay quitrent, while H.Wessels, another objector, who received over £1 a month from the Magistrate's clerk for the hire of his cottage and would not remit any rent for the period of Dyason's absence during the rebellion, frankly told Biddulph that the Government ought to send money from the Colony for the support of the Sovereignty administration.[1] Then one Theron, who had received three of the best places inspected along Vet River but had refused to pay the rent, took great offence when the Magistrate would not grant a fourth before payment.[2] Unfortunately Biddulph lacked that very quality of 'decision' he claimed to be wanting in Major Warden and was quite definitely the last man to be expected to control the situation that he had so dilatorily allowed to develop. He explained that he had been too busy inspecting farms and had waited till the work was finished before asking for the rent and again that he would have collected payment before handing over the Land Certificates had the Boers not pleaded poverty and the Governor's words when among them "If anything is too heavy for you to bear, tell me of it and I will lighten it if possible".[3] Said Biddulph - "I make the Governor's proclamations my constant study - I love and admire the spirit in which they are conceived and I know and confide in the goodness of his heart ... my position is one requiring the exercise of benevolence and consideration ... and I never allow my temper to get the better of my reason".[4] He claimed that the people were induced to sign the memorial by duplicity and intimidation - 'if you pay, you are against us' - and exclaimed that they all said 'let's try, we can but pay after all'![3] The Resident repeatedly called upon him for the quitrents but he would not resort to legal proceedings although he knew 'all would pay directly two or three were summoned ...[2] I give time to the poor to pay - no excuse for the wealthy hanging back'. Major Garvock also had made it perfectly plain to Biddulph in answer to his inquiry at the beginning of the year that the rent had to be paid from the 3rd Feb., 1848, but the latter felt he could not compel payment since influential men had asked him to wait pending receipt of an answer to the memorial.[5] Nevertheless he did issue a circular to the Field-Cornets in October calling for an immediate settlement of the quitrents for 1848 but with the quaint qualification that those who were willing to pay but unable to do so at the moment would find in him a friend![6] When however a number of Wittebergen farmers came in response to this with the money in their pockets he allowed them to be dissuaded from paying by 'mischievous advice from the Wessels' party, confident in the success of their memorial'.[4] Meanwhile the rents for 1849 were already due and payable. -The-

1. Southey papers, 30/9/1849, Biddulph. 2. Southey papers, Biddulph, 10/11/1849.
3. " " Biddulph, 30/9/1849. 4. " " " 27/10/1849.
5. C.O.1119, 10/12/1849 Warden still awaiting replies to memorials; C.O.1122, 29/11/1849 Halse re several memorials ignored. Dyason, 27/10/1849, Southey papers says these should have been replied to whether reasonable or not. 5. Southey papers, Biddulph, 6/10/1849. 6. Southey papers, Biddulph, 6/10/1849 and 30/9/1849 "A Boer will sign anything if he is told that it is to rid him of the liability to pay money".

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The net result of Biddulph's procrastination continued to be reflected in his quarterly accounts which did not reveal the receipt of enough quitrent to cover the actual cost of the Land Commission and even Bester, said Warden, had got in three times the amount paid by the Winburg farmers.[1] He contented himself with further futile railing against the Boers - "Drawing their money is like drawing drops of blood and they fling loyalty to the devil, in short there never was any more of that ingredient than just what suited their purpose from motives of aggrandisement, power or domination over their countrymen and they don't know how to appreciate an impartial government or the motives of honest, independent magistrates".[2] His clerk Dyason put the case more moderately and yet more pointedly, that the Boers were "like many others in the world - you may do almost what you like with them but you must not touch their pockets. They would have a government, but supported without their aid".[3] The farmers persisted in holding back and the rents came in so slowly that Biddulph's supply of ready cash soon became exhausted and he was obliged to stop further payments, yet even in December he optimistically expressed the opinion that the district would pay its way the following year for the people were constantly flocking in and eager for more land.[4]

Little excuse could be offered for Winburg's intransigence especially in view of the enormous rise of late in the value of property there. Dirk Wessels sold his farm near Vet River, for which he gave eight bullocks, to P.Steyn of Swellendam for 8,000 rix-dollars; Jacobus van Zyl obtained 30,000 rix dollars for his farm on Doornspruit from F.Linde, the Hantam horsebreeder, whereas he would have been glad of a tenth part the year before; H.Wessels disposed of one farm for 2,500 rix-dollars which cost him 500 rix-dollars three years before. Furthermore water erven at Winburg could not be got at any price and nine dry erven, with an obligation on the purchaser to build within eighteen months, realized 1,200 rix-dollars compared with 20 - 30 rix-dollars each paid for adjoining and still vacant erven in pre-Sovereignty days. In addition high prices ruled for their produce, oathay for instance fetching 8 rix-dollars per 100 lbs., and Warden certainly hit the nail on the head when he commented that the quitrents were so low that they could be met by the sale of one head of cattle a year.[5] Nevertheless the representations made in 1849 for exemption from payment of quitrent were renewed the next year when Field-Cornet J.D.Cilliers of the Wittebergen wrote to the Governor praying for a remission of the quitrent payable in 1848 on his former plea that the War Tribute had drained the country of its cash and that the farmers in his district being near the Native boundary were more subject to cattle thefts than those of other parts.[6] The Magistrate of Winburg thereupon decided to make an

1. C.O.1119, 21/10/1849. 2. Southey papers, 30/9/1849. 3. Southey -example- papers, Dyason 29/9/1849, "Wessels in particular thought that when British rule was proclaimed lots of British gold would find its way here and they are disappointed". 4. C.O.1119, 16/12/1849. Southey papers 20/12/1849. Southey papers 5/9/1849 - W. Southey "Quitrents generally too low. Average generally £2 10/- instead of £3 10/- or £4". 5. Southey papers, 30/9/1849; Biddulph wished to keep out speculators and to get the village built hence the condition they had to build. C.O.1119, 21/10/1849 Warden said van Zyl's farm was not worth £500. Joubert paid £1,500 for a farm sold for £60 18 months before and Warden said that three inferior farms were sold for 8,000, 5,000 and 5,000 rix-dollars each. Southey papers, Biddulph, 27/10/1849. See p. 143 above. 6. O.R.S. 37/106-7, 18/1/1850. See p. 156 above. Cilliers and Fick had complained about Sikonyela's people taking stock and Warden saw the chief who promised to settle the account. Apparently this was not done and the Major promised to see Sikonyela again.

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example of one of these defaulters and selected Cilliers because he had not only withheld payment of his own quitrent but induced others to do likewise. The Resident justified Biddulph's issue of summons against Cilliers on the ground that the farmers of the Wittebergen were quite as capable of paying their trifling quitrents as the Boers elsewhere especially as most of them possessed places yielding large crops of grain without the trouble of leading water experienced in some regions.[1]

Major Warden and his Civil Commissioners were not unmindful of the wishes of the inhabitants and endeavoured to meet these where consonant with the best interests of the community. For the purpose of increasing the revenue as well as for peopling the country the Resident held a sale of lands early in 1850 in the Vaal River district but the result proved rather disappointing. The proceeds realized only 5,400 rix dollars for 8 places sold out of a total of over 300 available for disposal and the purchasers were all Englishmen since the Boers declined to bid higher than 210 rix dollars for a farm. At the request therefore of Commandant Bester, Warden authorised him to make known that full-sized farms would in future be disposed of at £20 each upon which an annual quitrent of £1/10/- would be payable. He admitted that the price was low but reasoned that unless some such inducement were offered much of the Vaal River district would lack inhabitants for many years. Major Garvock advised Warden of Sir H.Smith's agreement and stressed that care should be taken to prevent land falling into the hands of speculators: "It must be ascertained that the purchasers of farms at this low rate intend bona fide to occupy them."[2] In the same accommodating spirit towards the Boers the High Commissioner ruled that no proprietor should be compelled to release the diagram of his farm.[3] This caused hardship to the Government Surveyors who were required to make a correct survey of each farm and to place a diagram with the Civil Commissioner for which they did not receive remuneration until the owner chose to pay. Major Warden had opposed the recommendation of the Burgher Councillors at their last meeting that lands should be given and not sold to poor people but now he strongly advocated that lands should be granted to discharged soldiers upon the condition that they should remain in occupation for at least three years.[3] Incidentally desertions from the Queen's fort under the command of Major Henkinsop had become so frequent that in order to increase the exertions of the patrols the Resident offered £2 for each deserter brought in![4]

The second session of the Legislative Council of the Orange River Sovereignty lasted for a week, from Saturday, 1st June, 1850, till the 8th. All the four official members

1. O.R.S. 37/149, 12/4/1850 Warden to Garvock. 2. O.R.S. 37/167, 26/5/1850. O.R.S. 36/131, 13/6/1850. O.R.S. 36/144, 12/9/1850, condition of bona fide occupation repeated. 3. Letter Book 8/6/1850. See p. 154 above. O.R.S. 36/117-129 claims to land and rulings of High Commissioner-evidence of painstaking interest by Government and attempts to do justice to all memorials, compensation for losses 1848 etc. O.R.S. 37/202. 3/11/1850 In view of the several memorials for grants of land addressed to the Governor via Warden the latter considered that the time had arrived when Smith could authorize him to announce that no more farms would be given away. "The funds of the Sovereignty require all the aid the sale of Crown lands can afford. 4. Letter Book 14/12/1849 and C.C.1119, 16/12/1849.

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members attended but there were two absentees in J.T.Bigman and C.J.Engelbreg from the Burgher ranks.[1] Both the unofficial members for each of the districts Bloemfontein and Winburg, namely A.J.Erwee and W.D.Jacobs, and J.M.Meyer and J.F.van Rensburg were present as well as H.J.Wessels and P.J.Slabbert from Caledon River and Vaal River districts respectively: of these the newcomers were van Rensburg, Slabbert and Jacobs. Business began with the British Resident's address and financial statement according to which the Sovereignty's liability to the Colonial Treasury amounted to £2,476 5s 2d though how this sum came to be arrived at was not disclosed. Biddulph suggested that the Colonial Government might cancel this debt in view of the benefit it derived from the goods consumed beyond the Orange River which passed through the Cape customs houses. The Council then went into committee on the Estimates.[2]

The unofficial members were convinced that any deficiency in the revenue would be met by some additional tax on the people and so they were determined to effect reductions in the expenditure by abolishing posts and decreasing salaries wherever possible. They carried a number of resolutions, in a few cases with the support of the official members. For instance, they exercised their majority vote in favour of abolishing the office of Surveyor forthwith and of disallowing the post of clerk to each of the Resident Magistrates and Civil Commissioners from the end of the year as well as retrenching one constable in each of the districts other than Bloemfontein: all this would mean a saving of over £1,000 p.a. Next the Council ruled that the salaries of the Resident Magistrates and Civil Commissioners of Bloemfontein, Caledon River and Winburg - the official members - should be reduced to £300 pa. the Clerk of the Council should receive one guinea for each day's employment on the public service: that the Commandants should no longer receive £30 each p.a. but instead 15/- per diem while on duty and that the travelling allowance of the ministers, £50 p.a., should be withdrawn and divided among the schoolmasters provided their increase in salary did not exceed £25. The farmers desired actually to have their children instructed by itinerant Dutch schoolmasters belonging to the Dutch Reformed Church and regarded the building of schoolrooms as useless expenditure. Both Bloemfontein and Winburg had well-built, commodious schoolrooms and the former was well attended but not the latter since few farmers could afford to pay board and lodging for their children. In these circumstances Warden recommended to the High Commissioner that the schoolmasters at Bloemfontein, Winburg and Sannah's Poort (Fauresmith) should be paid £100 p.a. each and that two additional teachers whose transport would be arranged by the farmers should be appointed at the same salary, plus a tent.[3]

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1. For first session see pp. 151-5. Notice of meeting O.R.S. 37/151, 27/2/1850.
2. Details of meeting Enc. C.O.1408 to D.129, 10/9/1850, C.O.1455 and B.B.XV.
3. Letter Book 16/6/1850. In this way the Resident met the wishes of the Boers: the original salary was £75 which together with the increase of £25 made £100. Warden considered a permanent school was wanted at Harrismith and intended visiting there in August.

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The Burgher members were ready enough to cut off and most loath to give, yet certain increases did meet with their approval. The total expenditure on the conveyance of mails was raised to £500 and apportioned as follows: from Colesberg to Bloemfontein £200 - towards which Natal was to advance £100 - Bloemfontein to Smithfield £75, Bloemfontein to Winburg £75, Winburg to Harrismith £150 and thence to Natal. The Field-Cornets were to receive £15 p.a. each as formerly and to be paid in addition for duties in terms of the Colonial tariffs and also an increase in the salary of the Magistrates and Civil Commissioner of Vaal River district was to be considered at the next session. The Council voted £150 each towards the completion of gaols at Smithfield and Winburg and £250 to be paid out of the sale of erven for the erection of an Episcopal Church at Bloemfontein as recommended by Major Warden who pointed out that the purchasers of erven were none other than parties belonging to that Church.[1]

The Council sent an address to Sir H. Smith desiring his sanction of their proposed reductions or alternatively for his suggestions how the Sovereignty might be administered without being a burden to the Cape Colony.[2] The preamble referred to his assumption of the Sovereignty "for reasons which must commend themselves to the approbation of all who will calmly ponder the relative position of the population north and south of the great Orange River, of all who desire to see society organised, law and order established ...". They extolled the improved condition of the country in that authority was respected and crime punished, property much increased in value and mercantile enterprise very widespread, and that religion and education were obtaining "their legitimate sway over the minds of a long neglected people" in which connection they "anticipated incalculable assistence" from the recent establishment of a printing press in Bloemfontein with the countenance of Sir H. Smith. Arrangements had been made with Messrs. Godlonton and White of Grahamstown to publish a weekly newspaper "The Friend" of the Sovereignty and Bloemfontein Gazette" which was to be recognized as the official organ of the Government in respect of all ordinances, regulations and notices issued from time to time and to this paper the Governor confidently looked for the dissemination of truth and the refutation of all false statements among "the world's most credulous people".[3] The Council realised that further improvements lay in the lap of the future but in the meantime following Biddulph's lead they appealed to the High Commissioner to cancel the Sovereignty's debt to the Cape Colony. It was a necessary precaution for although subsequent financial statements of Revenue and Expenditure showed a balance in favour of the

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1. At the request of the Secretary of the Building Committee, Letter Book 24/5/1850.
. Letter Book, Warden to Rev.P.Smailes 13/8/1850: "The Friend" 17/3/1851: show that incidentally the Major shortly afterwards made over the remainder of the block granted to the English Church for the Wesleyan Mission's Church, Minister's residence, chapel and schoolroom for Bechuanas and Fingoes and in 1851 he purchased the house and water erf in deceased estate F.Rex and donated this for the use of the English Church minister's residence. 2. O.R.S. 37/169, 8/6/1850. O.R.S. 37/173, 10/6/1850 for Warden's covering letter. 3. O.R.S. 37/141, 16/3/1850. O.R.S. 37/142-3, John Montagu outlined conditions. O.R.S. 37/148, 1/4/1850, acceptance by Godlonton and White. Government Notice 3/6/1850 in "The Friend" 17 and 24/6/1850. D. 60, 10/4/1850, B.B.XV.

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REVENUE O.R.S.	1850[1]	1851	1852
Land Rents	£3,168 16 4	£1,941 12 6	£3,834 12 4
" Sales	602 4 8	344 11 6	325 19 10
Transfer duty	783 2 5¾	1,141 19 9¾[7]	1,812 - 2
Licences	794 5 2	1,136 4 8[2]	1,736 4 8½
Postages	175 7 7	352 2 2½	638 14 11½
Auction dues	124 13 11	251 - -½	267 11 10
Fees of Office	96 3 9	78 - 6	103 19 2
Fines etc.	80 6 6	309 8 -	278 4 5
Miscellaneous	461 4 4½	550 8 4	437 3 6¼
Sale of Gunpowder			1,031 10 3
District pounds			135 13 10
Sums refunded			185 4 6
	£6,286 4 9¼[3]	£6,105 7 8¾[4]	£10,786 19 6¼[5]

EXPENDITURE O.R.S.	1851	1852
Establishments	£392 19 -	£2,530 7 -
Civil and Judicial	2,187 10 0½	2,194 17 3
Ecclesiastical	377 - 8	1,142 16 -
Educational	252 1 9¾	376 1 2
Police and Gaols	137 6 9	253 8 3
Commandants and Field-Cornets	323 2 6	545 - -
Post Office	12 - -	62 - -
Contingent Disbursements		
Justice	214 9 8	494 14 5
Education	35 2 6	63 1 -
Police and Gaols	238 4 9	549 17 6
Rent	147 - -	204 17 11
Transport	33 8 6	147 7 2¼
Conveyance of Mails	487 4 6	736 8 1
Works and Buildings	166 17 -	363 16 1
Roads, streets and bridges	67 13 8	8 9 9
Advertisements, blank forms	167 7 8½	308 18 -
Stationery blank books		282 4 10½
Revenue services	86 18 6	
Office contingencies	74 12 6	39 5 -
Allowance to members of Council		22 - -
" " " " Land Commission	86 12 8	26 15 -
Hospital		9 9 6
Erection Episcopal Church Bloemfontein, on account grant	59 14 9½	
Aborigines	21 16 6	651 6 0½
Miscellaneous services	429 10 0½	249 4 11½
Sums refunded	96 12 6	385 1 2¾
Purchase of gunpowder		373 15 10
Excess receipts over expenditure	10 6 1 2½	
	£6,105 6 7 8¾[6][4]	£12,021 1 0¼[5]

1. See p. 159. 2. "The Friend" 15/12/1851, one licensed canteen in Bloemfontein £400. 3. "The Friend" 12/1/1852. 4. O.R.S. 38/93. O.R.S. 52/130. 5. Enc. Clerk, D. 25/8/1853. B.B.XV.3.32. 6. Note errors in totals. [Deficit in 1852 was £1,234/1/d (but no reference to the contribution to "The Friend" of £150), and a loan of £2,037 1 10 was obtained from the Military Chest of which £614 18 5d was repaid. See p. 365 below. 1851 was a disturbed year - Viervoet. Re 1853: Green observed (O.R.S. 38/147, 1/11/1854, to the Secretary of State re reports of Clerk published in Bluebook presented to Parliament 10/4/1854 - B.B. XV. -) that the declaration of abandonment had dried up the main sources of revenue which had been languishing for some time from its anticipation.

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Government they included a large amount under quitrents in arrear and that for 1850 took no account of the Sovereignty's debt to the Government of the Cape Colony.[1] The address concluded by congratulating Sir Harry on the escape of South Africa from becoming a penal settlement and by expressing the hope that he would soon "efface from public recollection all trace of civic disabilities under which certain persons residing north of the Sovereignty now labour arising out of former animosities".

The work of the session included the first reading of a number of draft Ordinances dealing with such subjects as Insolvent Estates, Wills and Intestate Estates including the care of Orphans, Public Pounds and Trespass, Transfer duty, Abolition of Oaths, Law of Evidence and Trade in wine and spirits. These measures had been mooted at the inaugural meeting of the Council and the Attorney-General had since ruled that although the Proclamation of 14th March, 1849, did not deprive the High Commissioner of his power of legislating irrespective of the Council its general effect was to impose upon the Council the task of considering all intended laws.[2] They were naturally based on Colonial ordinances with modifications to meet the peculiar needs of the Sovereignty, for instance the cost of a licence to trade in wine or spirituous liquors from a wagon or cart was to be £3 p.a. with the distinct prohibition however of the disposal of such commodities by sale, barter or otherwise within 25 miles or 3 hours' ride on horseback of Bloemfontein or within the territory of a Native Chief without his consent. The above draft ordinances received the assent of the High Commissioner after their second reading during the Council's session of January 1852 and were duly promulgated together with one regulating the sale of gunpowder and firearms.[3] The draft ordinance making Bloemfontein a municipality was read for the third time and passed but the Attorney-General found considerable fault with its draughtsmanship and referred the Council to the Cape Town Municipal ordinance, 1/1840, as a model for further efforts.[4] Pending the arrangements necessary for the formation of a regular municipality, a Government notice was issued in October, 1850, constituting Messrs. Rex, Fichardt, Holman and Harries a body of municipal commissioners to carry out such regulations for the good of Bloemfontein as might immediately be required.[5]

It is interesting to note one or two dissentient views upon the policy and composition of the Council and upon certain shortcomings of the administration. While admitting that the interest of the Dutch was also that of the English and that they were generally on good terms with one another Charles Halse contended that the

1. See Minutes of Council meeting Jan. 1852 published by authority in -increasing- "The Friend" 12 and 19/1/1852. Financial Statement for 1851 forwarded - O.R.S.38/117, 18/6/1852; O.R.S. 38/93. 2. See p.155 above. C.O.1119, 8/11/1849: Wm.Porter recommended delay until Smith's Proclamation were rendered valid by H.M.Government. 3. See "The Friend" 8/5/1852 for Ordinance No.2 re Insolvent Estates and No.3 re Wills and Estates; 22/5/1852 for Ordinance No.4 re Public Pounds; 17/7/1852 for Ordinance No.6 re Law of Evidence and No.7 re Declaration in place of oaths. Vide O.R.S.36/137, 25/7/1850 for draft Ordinance to check sale of gunpowder and firearms which became Ordinance No. 1 of 1852, "The Friend" 10/4/1852; O.R.S.33. Vide pp. 154 above and 346 below. 4. O.R.S.37/171, Smith ordered the framing of a new ordinance. See "The Friend" 9/9/1850 and O.R.S. 37/172. C.O.1119, 26/10/1849 and pp.635-641; also p.155 above and footnote for provisional committee. O.R.S.33/115, 29/11/1849 Porter framed ordinance 5/1847 for Natal to which Southey had referred them. "The Friend" 31/7/1852 and 14/8/1852, for Green's assurances. 5. O.R.S.5/82, 7/9/1850; "The Friend" 28/10/1850.

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increasing English and Cape community had an equal claim upon the notice of the Government and an equal right of representation for their countrymen on the Council especially as he challenged the ability of the Boers to perceive what tended to their real advantage.[1] To Halse's way of thinking Sir H.Smith had studied in all his measures to please the Boers by allowing them to choose their own Field-Cornets and Commandants, by appointing none but Boers as members of any church building committee, by establishing the Dutch Reformed Church to suit them and by permitting all the unofficial members of the Council to be Boers. He stressed the need also for the appointment of more Justices of the Peace and for the introduction of a law by the High Commissioner to punish all persons who shirked burgher duty since he despaired of one being passed as long as the Boers had a majority in the Council. By insisting that English and Dutch should have their separate leaders when called out for burgher duty Charles Halse pushed his particularism too far and Col. Garvock wisely retorted that no country could flourish where the separate interests of parties were advocated.[2] In August 1850 Henry Halse became the first English unofficial member of the Council but inadequate funds did not admit of Sir Harry increasing the number of Justices of the Peace by more than six.[3] The administration continued to be greatly handicapped by the lack of competent and bilingual clerks. Sensible of his own deficiency Biddulph talked of resignation lamenting that he was reduced to the necessity - since the dismissal of his clerk, Dyason - of calling upon anyone he saw in the street to interpret or write a letter to a Field-Cornet: moreover in commenting upon Magistrate Stuart's fondness for talking in the Council Chamber Biddulph made the significant remark that "Fine speeches are lost upon Boers when communicated through a bad interpreter".[4]

The Governor was impressed by the efforts of the Council to bring the expenditure within the limits of the revenue yet he declined to accept those proposals which he felt would involve a breach of public faith. Sir Harry insisted that the clerk of the Council should continue to be a separate official with the salary of £100 p.a., that the ministers' travelling expenses should not be disallowed and that the clerks to the Resident Magistrates and Civil Commissioners should remain; but while endorsing the Resident's protest against any retrenchment of salaries fixed by Proclamation he conceded that the remuneration of clerks in the event of any future appointments

1. O.R.S. 37/150, 25/4/1850. 2. O.R.S. 37/178, 26/6/1850. Halse doubted whether 2 out of the 8 could speak for more than five minutes upon any topic except farming. O.R.S. 37/87, 5/4/1849 the Magistrates had been made J.Ps. in terms of the Punishment Act but Halse complained that they were frequently absent from the seat of the magistracy upon other duties. Halse was not satisfied with Snyman whom, he explained, the Governor had so honoured that he had become intolerably puffed up with ignorance and pride and was positively fit for nothing. Major Warden later dispensed with Snyman's services. 3. Theal VII p.303. Govt. Notices 18/8/1850; O.R.S. 37/159 and 19/8/1850 O.R.S. 37/168. J.J.v.Niekerk and C.J.Jacobs for Bloemfontein; J.H.Meyer for Winburg; C.S.Halse and H.J.Wessels for Caledon River; L.E.Botha for Vaal River. Later increased by J.W.Schutte, A.C.Greyling, J.G.Vermeulen, J.Burnet made J.Ps. for Winburg. "The Friend" 9/12/1850 Govt. Notice 30/10/1850. 4. Southey papers 27/4/1850 and 11/5/1850, Biddulph spoke of Giddy's language deficiency. Southey papers 27/5/1850; Dyason had been dismissed "drunk for a week and ten days together". Southey papers 3/6/1850 for Biddulph re Stuart. O.R.S.156, 27/5/1850 Burnet appointed.

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should be £100 instead of £150 p.a.: similarly the proposed changes in the salary of the Magistrates and the Commandants were only to apply in the case of new appointments. He supported the Council's move to improve the remuneration of the Field-Cornets and the Magistrate of Vaal River district and also of the teachers if there was a surplus! The principal economies to which he agreed were the termination of the post of surveyor, whose work was to be done in future by contract, and the excision of the items of £200 allowed for presents to Native Chiefs and £300 under the head of unforeseen contingencies. According to recent instructions issued by the Lords Commissioners of the Treasury to Colonial governors the practice of estimating in one round sum for unfixed contingencies was to be discontinued in favour of framing a detailed specification of estimated items of expenditure and any additional expenditure could be incurred only if absolutely and unavoidably necessary and upon the special authority of the head of the Government followed by a supplementary vote of the Council.[1]

The principal problem outstanding was how to liquidate the considerable debt of the Sovereignty for by this time the advances and disbursements from the Colonial Treasury on the Sovereignty's account totalled practically £10,000. It should be borne in mind that Earl Grey had approved Sir H.Smith's new state on the understanding that it would be self-supporting and for that reason the expenses incurred during the Boomplaats campaign and amounting to quite £10,000 had been largely met by the proceeds of the War Tribute levied there. Moreover evidence of the Secretary of State's fixed determination not to budge from that standpoint had recently been provided by his objection to the payment of the comparatively small sum of less than £500 from the military funds for repairs to the Queen's Fort and so the Governor ordered the amount to be repaid from the Colonial to the Commissariat chest.[2] Sir Harry decided therefore to clean the Sovereignty's slate by endeavouring to show that the past expenditure there was fairly chargeable upon the Colonial Treasury and should be borne by the Cape Colony. Accordingly in a financial minute which he presented to the re-formed Legislative Council at Cape Town in September 1850 he took pains to point out that his whole aim and object had been to avoid making the Sovereignty a financial burden to anyone and that he had devised the simplest form of government possible supported

1. Major Warden had his way in the appointment of J.Allison as Registrar of -by-Deeds, O.R.S. 37/155, 6/4/1850, despite the opposition in 1849, see p.154 above, and a recent memorial from Winburg objecting to the expense. Southey papers 11/5/1850, Biddulph favoured each Civil Commissioner's office as a deeds registry. Govt.Notice 5/8/1850, Warden ordered all transfer deeds, mortgage bonds etc. to be registered with the Civil Commissioners as before and then to be transmitted to Bloemfontein for final registration. C.O.1344, D.554, 10/12/1850, Earl Grey personally considered it highly injudicious to reduce the salary of an office so as to render it no longer an object of ambition to men of ability and of respectable station: this would affect the efficiency of the public service. 2. C.O.1455, D.117, 10/8/1850. "The Friend" 2/9/1850 - "The veto put by Earl Grey on a few paltry hundred pounds incurred in Bloemfontein for the purpose of keeping the troops from wind and rain gave rise to the suspicion that his lordship contemplated advising Her Majesty to abandon the country". Reference was made to the salary of £22,000p.a. of the Governor General of India and to England's own debt of £800 millions. "Abandonment of the Sovereignty would be dangerous to the peace of the country, to the existence of the native tribes, to commerce, to discovery and to Christian missions".

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by a moderate but adequate revenue.[1] Some small initial help by way of loan from the Colonial Treasury, he explained, could not be avoided but unfortunately the serious blow to the revenue occasioned by the Boer rising had precluded any possibility of repayment. The Governor's minute assured the Council that there was no probability of the Colony being required to make any further advances and then disclosed the sum total of the Sovereignty's indebtedness at £9,684 2s. 11½d drawn up under five heads with a case made out in favour of cancelling each.

The first item of £2,551 8s 1½d, being the travelling expenses of the High Commissioner on his last journey to the Sovereignty as well as the second item of £1,752 4s 4d, being the salary, allowance and expenses of his Secretary and of the Kaffir interpreter from the 1st January, 1848, hitherto defrayed from Colonial funds, he considered were not properly chargeable to the Sovereignty.[1] He argued that as the Cape Colony gained from having a quiet border it might reasonably be expected to contribute towards that end and that the office of High Commissioner had been created quite as much for the Benefit of the country inhabited by the Kaffir tribes as for that occupied by the Emigrant Boers, adding that the Secretary of State himself had already intimated that it was an expense incurred solely for the interest of the Colony and defrayable out of Colonial funds.[2] The third item of £1,376 17s 9d, being the salary of the British Resident from the time Sir P.Maitland had placed that officer in Transorangia till the 31st Dec.1847, had clearly been paid by the Colony before the Sovereignty came into existence. Sir Harry's minute conceded that the fourth item of £3,527 16s 5d, being the extent of loans advanced from time to time to meet the salaries of the various officials and other services, was prima facie fairly chargeable to the Sovereignty, but repeated the desire of its Council for the remission of this liability in consideration of the amount indirectly contributed by the Sovereignty inhabitants to the customs revenue of the Cape by the consumption of articles on which import dues had been paid in the Colony. Sir H.Smith enlarged upon this point even mentioning that the port of East London had been annexed to obtain these duties and stressing that the ever increasing population of Europeans and Natives beyond the Orange were consuming goods to the advantage of Cape traders as well as the Cape Treasury.[3]

The Cape Legislative Council unfortunately did not debate these proposals. As it

1. Enc.C.O. 1408. D.132, 12/9/1850 for Financial Minute 10/9/1850; also C.O.1094. There are discrepancies in the figures re O.R.S. indebtedness. The Minute of the Sovereignty Council stated the amount for salaries etc. paid by means of loans from the Cape Treasury as £2,889 9s 10d but the Cape Auditor General gave the correct amount as £3,527 16s 5d - See Enc. to D.132, 12/9/1850, C.O.1408; also C.O.1094. See also "The Friend" 8/12/1851 and Enc. D.129, 10/9/1850, C.O.1408 for Governor's financial minute - also in B.B.XV. The office of Secretary to the High Commissioner was discontinued from 23/1/1850, as Grey objected to the expense and the duties were performed by Sir H.Smith's private secretary without additional salary. 2. C.O.1455. D.129, 10/9/1850 and B.B.XV. Smith stressed that the affairs of the Sovereignty were complex and affected the interests of the districts of Natal, northern boundary of the Cape Colony and the protection and civilisation of the native tribes there. Re office High Commissioner see D.126, 17/5/1848. 3. The fifth item was the amount of £475 16s 4d for repairs to the Queen's Fort.

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happened the session of this Council which met for the purpose inter alia of framing a constitution on the basis of certain principles laid down in Letters Patent terminated abruptly after only a fortnight's debate with the resignation of four of the six unofficial members, Messrs. C.J.Brand, F.W.Reitz, J.Fairbairn and Sir A. Stockenstrom.[1] The four gentlemen in question declined to consider the Estimates or any other business than the proposed Constitution Ordinance, hoping that by their prolonged refusal to vote supplies they would gain the form of constitution in all its details that they thought the Colony should have, and as the government proved resolute they resigned. The measure laid before the Council concerning the financial relations between the Colony and the Sovereignty was specifically referred to in the reasons given by these unofficial members for their resignation. They felt that an inquiry into all the circumstances was necessary in justice to the Colony and that this could only be successfully undertaken by the future Colonial Parliament. According to "The Friend" Stockenstrom stated "that before one shilling is voted towards defraying the expenses of the Sovereignty there ought to be a strict scrutiny into its history and the causes of its establishment", upon which the Editor commented "To enter a country at all involves the responsibility of finally settling its institutions - was it not a masterpiece of statesmanship to cross the Orange River and anticipate by preventive measures what would most assuredly otherwise have been a scene of anarchy and confusion".[2] When Sir H.Smith informed Earl Grey of his quandary, the latter emphasized that the proper body to sanction the expunging of the several items of the Sovereignty's debt to the Colonial Treasury was the Legislative Council of the Cape Colony.[3] The Governor thereupon caused a new Council to be assembled and this settled the financial relations of the Colony with the Sovereignty by voting the money.[4]

An even more vital question that had just been decided, in this instance after having been before the Imperial Government for the past year, was the nature of the official recognition of the Orange River Sovereignty.[5] When the Secretary of State had originally expressed his preparedness to recognise the Proclamation of the Orange River Sovereignty he notified the High Commissioner that the approval of Her Majesty's Government would follow once it had been considered how legal force and validity might best be given to that step.[6] In due course Sir Harry Smith forwarded to Earl Grey the opinion of the Attorney-General that the sanction of Parliament was necessary

1. C.O.1455, D.138, 24/9/1850. See Theal VII, pp.115-119 for an account of -and- this matter. Cape Town Mail, 18/10/1854. These members had recently been appointed by the Governor after heading the list of nominations of the various divisional, road and municipal boards of the Colony unprecedentedly called for by Sir H.Smith in an endeavour to fill the vacancies on the Council, caused by the resignations at the time of the Anti-Convict Agitation, with persons having the confidence of the country.
2. "The Friend", 21/10/1850. 3. D.129, 10/9/1850 and D.180, 30/11/1850, B.B.XV.
4. C.O.1344, D.554, 10/12/1850: Though not personally in favour of the Governor's "irregular proceeding" in giving a representative character to a body previously nominated by the Queen's authority the Secretary of State had not disapproved but, since four unofficial members had taken it upon themselves to resign, he could not see why the Governor had not made new appointments or carried on with the official members and the two unofficial members prepared to act. "Your allowing criticism by petitions injudicious and calculated to keep up mischievous agitation". 5. C.O.1345 D.583, and D.584, 21/2/1851. 4. C.O.1456, D.31, 16/2/1852 Cape Colony ordinance 1/1852 remitted debt: C.O. 1347, D.35, 30/4/1852 Secretary of State approved. 5. More vital in that had Sir H.Smith's Proclamation of 3rd Feb. 1848 been confirmed by Parliamentary enactment the Orange River Sovereignty might never have been abandoned.
6. C.O.1339, D.147, 21/6/1848 and pp. 61-62 above: C.O.1340, D.224, 17/11/1848 and D. 240, 27/12/1848 and p. 128 above.

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and the questions in dispute were thereupon referred by the Queen in Council to the Board of Trade and Foreign Plantations.[1] Failing to hear anything further Sir H.Smith reminded the Secretary of State early in 1850 that it was "highly desirable" he should receive "the final and positive confirmation" of his measures beyond the Orange and a Commission as Governor of the Sovereignty.[2] Whereupon Earl Grey replied that the Committee of the Privy Council had advised the introduction of a Bill to give effect to this request but that owing to the pressure of other business of great importance it would not be possible to bring the matter before Parliament until the next session.[3] Accompanying this despatch was an Order in Council approving the report of the Lords of the Committee who, as Grey observed, had recommended Parliamentary enactment not because they regarded that procedure as indispensable but to avoid being needlessly out of accord with the views of the Attorney-General of the Cape Colony, Mr.Wm.Porter.

The report of the Committee of the Privy Council for Trade and Foreign Plantations surveyed the main stages of intervention beyond the northern frontier of the Cape Colony from the year of the Great Trek. First it explained how the Act 6 and 7 Will. IV cap. 57 proving inadequate to accomplish its object of preventing "aggression on the part of Boers against natives" had been supplemented by Sir P.Maitland's measures regulating the occupation of land and establishing a British Resident to constrain all to keep the peace and, further, how Sir H.Smith on observing the "state of disorganisation" there had introduced formal and ordered government by means of his regulations of the 8th March 1848, the Marriage Ordinance 4/1848 and the regulations of the 14th March, 1849, which were still in force. Secondly it quoted the Secretary of State's approval and held that "in all the circumstances to disavow British Sovereignty over this territory after the exercise of power by Sir P.Maitland, amounting to a virtual assumption of Sovereignty, after the actual assumption of Sovereignty in February, 1848 and after the administration thereof up to this time would be productive in our opinion of evils far more serious than any that can follow upon giving legal validity to the assumption of Sovereignty and the form of government proposed for these territories ... abandonment would be productive of scenes of anarchy and bloodshed probably ending in the extinction of the African race over a wide extent of territory".[4]

The Lords of the Committee did not lose sight of the factof of expense and in view of the High Commissioner's assurance, which they had "no reason to doubt", that the Sovereignty would be self-supporting they emphasized that whenever the existing provisional system of government should be superseded by any other scheme of colonial polity "the exclusive liability of the inhabitants to provide for all expenditure shall be an essential condition of any such grant". "High and important" as they regarded the diffusion of civilization and of Christianity in Southern Africa they deprocated the extension of British dominion and the consequent increased demands on -the-

1. C.O.1454, D.62, 26/3/1849. 2. B.B.XV. D.60, 10/4/1850.
3. B.B.XV. D.506, 26/7/1850. Papers were referred to Board on 30/7/1849 and Report of Board was dated 5/7/1850. Extracts quoted in "The Friend" 15/9/1851.
4. Quoted also in "The Friend" 10/3/1853. Report enclosed in Despatch B.B.XV. 506, 26/7/1850. Acknowledged by Smith C.O. 1455, D.182, 5/12/1850.

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the revenue and military forces "with a view to objects of no perceptible national importance and to the hindrance of other objects in which the welfare of the nation at large is deeply involved".1 They argued that the following up of the Trekkers had "hitherto only reproduced the original evil in an aggravated form" and therefore added the prohibition that "under no circumstances must further land be acquired".

A considerable portion of the Report dealt with the conclusions of the Committee as to the proper method of giving legal force and effect to Sir H.Smith's Proclamations. In the opinion of the Committee the Sovereignty was acquired by conquest and could be administered by the exercise of the Queen's unaided prerogative. On the other hand Sir Harry's legal adviser had concluded that it was a colony by occupation and that the approval of Parliament was necessary. In view of "grave doubts" whether the latter course could be dispensed with the Committee compromised in favour of the expediency of passing a Bill empowering the Queen to rule over the Sovereignty as a conquered territory and recommended that Letters Patent should then be issued establishing a system of Government in the Orange River Sovereignty "substantially coincident" with that provisionally introduced by the regulations of the 14th March, 1849.2 The Committee incidentally drew attention to the necessity for legislation to amend the Act 6 and 7 Will. IV cap. 57 not only to exempt the Sovereignty inhabitants from the jurisdiction of the Courts of the Cape Colony, except for crimes committed there, but also to extend the provisions of the Punishment Act to the Equator.

Bearing all this in mind Earl Grey intimated to Sir H. Smith that "if on further consideration Mr. Porter should see reason to concur with the Committee it might be unnecessary to incur the inconvenience of deferring the final settlement of this question until the next session of Parliament".3

It was generally held as regards colonies acquired by conquest or by cession, which normally supervened on conquest, that the Crown by virtue of the royal prerogative had an unfettered right of legislation, at any rate if no specific stipulations to the contrary were included in the instrument of cession.4 This rule of public law was a survival from the time when the King of England had been the true sovereign in the technical sense of that term and therefore the Crown could exercise legislative functions in these cases by Proclamation or Order in Council, subject to the limitation that Parliament might intervene subsequently to make provision for the government of such dependencies. On the other hand when a new country was settled by British subjects without conquest from or cession by a civilised power, the doctrine obtained at that time that these people carried with them the English common law, the legal system and all existing statutes as far as these were applicable

1. Quoted in part by H.Egerton in a Short history of British Colonial Policy -to- p. 347, 5th Edition. 2. That right to set up a government in any ceded, conquered or settled territory was an inherent right of the Crown, was accepted as part of the prerogative and definitely declared by the Colonial Laws Validity Act of 1865. S. Leacock "Our British Empire" p.145. 3. B.B.XV. D.506, 26/7/1850. Papers were referred to Board on 30/7/1849 and Report of Board was dated 5/9/1850.

4. See Dicey's Law of the Constitution p.51, 8th Edition. See Maitland's Constitutional History p.337, Edn.1907. See Keith's Responsible Government in the Dominions Vol. 1, p.4. Edn.1928. See Anson's Law and Custom of the Constitution The Crown Part II pp. 61,76, 105 3rd Edn. and pp. 264-276, 2nd Edn. See May's Constitutional History of England Vol.II, p.563, 1863. See Hansard CXXXIII/64 3rd Series pp.53-87 particularly the Attorney-General p.82.

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to their changed circumstances and that the King could not legislate for them without the assistance of Parliament.[1] Wm.Porter being aware of such a distinction had placed the Orange River Sovereignty in the second category as a Colony by "occupancy" and reasoned that a mere despatch of the Secretary of State alone was insufficient to ratify the act of Sir H.Smith either as Governor or as High Commissioner in creating a distinct settlement and British Sovereignty beyond the Orange.[2] The Attorney-General admitted that a gradual enlargement by advances from within, by a sort of natural growth as had taken place up to the Orange, might well be allowed to Crown Colonies by authority of the Crown alone but that this did not apply in the case of the Sovereignty which was regarded as distinct from the Cape Colony and not as an extension. Moreover the Sovereignty was not on all fours with British Kaffraria which Sir H.Smith had conquered as Commander-in-Chief of the forces of the Crown.[3]

Wm.Porter had ruled that conquest was "out of the question" and that cession was "just as inadmissible". It was indeed a difficult problem. On certain points however there can be little doubt. Although the Colonial Government had decided it was impracticable to stop the Great Trek and declined at first to follow the Trekkers beyond the Orange these Boers were de jure British subjects, even apart from the doubtful application of the maxim "nemo potest exuere patriam" which of course implied the ability of the government to prevent the Boers from leaving, and apart also from any inference from the Punishment Act. Moreover the Cape Governors had persistently asserted that all the Boers were British subjects whether loyalist or disaffected and had refused to recognise the independence of the latter section. There had been no conquest of the Griquas, the Basutos or other Natives by Sir H.Smith and really it could not be said that he had "conquered" British subjects. The Committee of the Privy Council may have considered that conquest had taken place at Boomplaats which was followed by the Re-Proclamation of Sovereignty but the Boers were British subjects and Sir H.Smith himself at the time described the resistance to his original Proclamation of Feb. 1848 as a rebellion of British subjects.[4] Another argument in favour of the Sovereignty being dealt with as a Colony by conquest and not by occupancy might possibly be based upon the analogy that the Boer community being an offshoot of the Crown Colony of the Cape which had been acquired by conquest, confirmed later by cession, and in which the common law was the Roman-Dutch law, had transplanted a similar system in Transorangia.[5] That the Boers had forcibly supplanted

1. The Settlements Act of 1887 placed colonies by occupancy on same footing as those by conquest or cession. 2. Enc. C.O.1399, D.62, 26/3/1849. 3. See p.44 above. C.O.1344, D.562, 20/12/1850 Grey forwarded Letters Patent forming British Kaffraria into a separate government. 4. No reasons were given to justify the Committee's ruling in favour of conquest and the above explanation is deduced from the Attorney-General's remarks in 1854, Hansard CXXXIII p.82 (3rd series).
5. Hall's International Law p.128, 8th Edn. In order that occupation shall be legally effected it is necessary either that the person or persons appropriating territory shall be furnished with a general or specific authority to take possession of unappropriated lands on behalf of the State or else that the occupation shall subsequently be ratified by the State. The State in cases of "occupancy" being the Crown and Parliament.

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the aboriginal Bushman and Koranna tribes from their favourite hunting grounds would also not constitute a colony by conquest in the accepted sense. Cession however might be held to apply in the case of the Griquas and the Basutos, the former possessing a state of society modelled on European lines and the latter being also more advanced in the scale of civilisation than Makwana's Bataungs and David Dantzer's Korannas who had a decade previously ceded their rights to certain tracts of land to the parties under Potgieter and Fourie respectively.[1] Adam Kok and Moshesh in the hope of securing protection from the Boers had unquestionably ceded the paramountcy to the Queen while preserving intact their own authority, laws and customs within certain territorial limits and this reservation would moreover denegate "occupancy" by British subjects in respect of those portions of the Sovereignty. In all these circumstances it will be seen that some case could be made out for either occupancy, conquest or cession and as all three came to be asserted at different times by Crown lawyers the Committee of the Privy Council took in the first place what was probably the correct precaution of recommending Parliamentary sanction.[2]

In view of Earl Grey's despatch Sir H.Smith now referred the whole matter back to the Attorney-General on the ground that Mr. Porter had not a full statement of the facts of the case when he pronounced his opinion. The High Commissioner was prepared to see eye to eye with the Committee since he considered one of the definitions of conquest to be the power to take possession without a blow being struck in the shape of war, but as Mr. Porter persisted in rejecting conquest in any shape or form Sir H. Smith changed to cession and furnished a statement of what had taken place between himself and the Native Chiefs before the Proclamation of February, 1848.[3] The Attorney-General, "this very able and distinguished servant of the Crown", cheerfully concurred that the Sovereignty was a colony by cession from the Native Chiefs and when this revised opinion of Mr. Porter[3] reached the Secretary of State the latter replied that a Commission under the Great Seal had in consequence been prepared authorizing Sir H. Smith to assume the government of the Sovereignty.[4] In March 1851 Earl Grey despatched Letters Patent with Instructions under the Queen's Sign Manual and Signet creating the Orange River Territory into a separate government with a Lt.-Governor empowered to appoint all judges and officials and to make all laws with the advice and consent of a nominated Legislative Council of not less than 13 persons, public officers or otherwise.[5] This constitution was never promulgated for by that time Sir H.Smith had become engulfed in the Eighth Kaffir War and complications, of which mention will shortly be made, had developed beyond the Orange. -It-

1. See p. 11 above. 2. Adderley, member for North Staffordshire: Hansard CXXXIII/54, p.56 and see other views pp.53-87. 3. C.O.1455, D.143, 8/10/1850 and B.B.XV: Enc. C.O. 1408. 4. C.O.1345, D.575, 11/2/1851. 3. Surely not the entire area! 5. C.O. 1345, D.602, 25/3/1851; B.B. XV. 1. 98. B.B.XV. 2. 133. C.O. 1455, D. 182, 5/12/1850 Smith replied to Grey's D. 506, 26/7/1850, transmitting an Order in Council re the government of the O.R.S. that he would not act thereon pending an answer to 3.

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It is well during this lull in the Orange River Sovereignty's chequered career to expatiate upon its Council's address to Sir Harry Smith in the middle of 1850 and to describe the "rapid development" that followed the establishment of the Queen's authority.[1] Each district now possessed a thriving village. After a visit beyond the Orange about this time John Campbell of Colesberg wrote that "The village of Bloemfontein is growing rapidly. There are upwards of seventy houses besides barracks, stables and other government buildings and some of the dwellings are very superior. There are several fine houses in course of erection and property in the village is daily increasing in value".[2] Most of its population of three hundred, exclusive of the garrison, lived in thatched houses - there were but a dozen flat roofed dwellings[3] - and a valuation completed by the municipal commissioners at the beginning of 1851 showed a sum total of £20,000 worth of ratable property. Two buildings cost between £1,000 and £2,000 each and "The Friend" observed that "Those at a distance may therefore guess we are not building for a day".[4] Within the capital the Bloemfontein Club as well as the Temperance Society had been launched on their way and there was talk of establishing a Savings Bank.[5] Quite early the detachment of the 45th Regiment issued an open challenge to a game of cricket and the inhabitants also enjoyed the amenity of amateur theatrical performances.[6] The artisan or labouring class was not altogether happy however and complained on occasion of the competition of the soldiers who were allowed to work for civilians, but when Sir Harry was appealed to he ruled that every man was a free agent and might work provided this did not interfere with his regular duty.[7] The new slogan "we want good roads" was indicative of the progressive spirit abroad even in 1853 and the holding of the Turf Club races in April of that year showed that the unsettled and troublous times through which they had passed had not cast a damper over the community.[8]

The village of Smithfield soon boasted six mercantile establishments and some thirty buildings with twenty more in the course of erection,[9] whilst Harrismith also grew rapidly and its inhabitants wrote proudly "our town now contains a larger population than Winburg".[10] In Fauresmith (Sannah's Poort) erven were fetching high prices which was especially significant as it was situated within the inalienable Griqua reserve.[11] Moreover a new village, subsequently named Boshof, came into existence early in 1853 on the farm Van Wyk's Vlei in the middle veld, six hours' ride from the Vaal River.[12]

-Farming-

1. See p.226 above and Henry Green's notes 18/6/1852, G.H.31/1 Enc. D.20/7/1852; B.B.XV. 2. 46. 2. O.R.S. 37/179, 5/6/1850. 3. Sir G.Clerk, 25/8/1853.
4. "The Friend" 3/3/1851. 5. "The Friend" 23/12/1850 First meeting of Bloemfontein Club on 21/12/1850 - 70 shares amounting to £350 taken and Club house to be built. On 1/8/1850 80 persons attended meeting of Total Abstinence Society - Rev.A.Murray President. "The Friend" 23/12/1850 Public Meeting of Temperance Society on 27/12/1850. "The Friend" 30/9/1850 Necessity for Savings Bank. Cape of Good Hope Mutual Life Assurance So. would not grant policies to persons residing beyond the limits of the Colony - "The Friend 16/9/1850. 6. "The Friend" 15/7/1850; 28/8/1852 Sovereignty Club C.O.1237 13/8/1852, Green requested that periodicals etc. for the reading room should be conveyed without a heavy charge. 7. O.R.S. 5/101, 9/12/1850. "The Friend" 24/2/1853. 8. "The Friend" 17/2/1853 and 14/4/1853. The Bloemfontein smith Griffin purchased three loads of coal from Sand River of good quality and cheaper then charcoal.
9. "The Friend" 24/7/1852, 31/7/1853. 10. "The Friend" 28/12/1852, also 11/11/1850 & 26/5/1851: Harrismith farms worth £20 in 1850 now £75 - £300. Rexford in Winburg £15 in 1848 now realised over £300. 11. "The Friend" 3/2/1851 W.D.Jacobs sold his lease of 35 years to Elders of D.R.Church for 30,000 Rds. The Kerkraad made a village of farm by giving leases of erven which fetched high prices; it had to revert to Griquas/ at end of current lease.
12. "The Friend" 26/5/1853 and 16/6/1853.

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Farming continued on the up-grade, though locusts, drought and "wolves" proved destructive, and the "Eastern Province News" very soon remarked upon the impending removal of thousands of sheep and cattle to the Sovereignty.[1] Wool-bearing sheep abounded especially the merino which gradually ousted the fat-tailed indigenous Cape variety in public favour.[2] The farmers sent their wool by wagon down to Grahamstown and Algoa Bay at a trifling cost for colonial and other goods were brought up on the return journey.[3] During the 1852 season the wool clipped for the English market reached 5,000 bales, which was practically equivalent to the annual export of the Eastern Province ten years previously.[4] What had been regarded as a barren wilderness a few years before now produced horses for cavalry, mules for Natal and Mauritius besides beef and mutton for the Cape Colony.[5] The farmers in the Caledon River district were in better circumstances owing to their proximity to the Colony and among noteworthy developments was the formation of an agricultural association at Smithfield.[6] Incidentally the need for such a society arose partly from the fact that portions of the Sovereignty had become nurseries of hordes of the "wolves" just mentioned.[7] At its first show on the 8th April, 1853, the exhibits included sheep, horses, cattle, butter and cheese, tobacco, potatoes and hay, and some thirty gentlemen celebrated the occasion at a dinner that evening.[8] In these flourishing circumstances it is not surprising that land was realising more and farms were changing hands at a handsome profit whether situated within a stone's throw of the capital or near the Basuto line.[9] This is reflected in the steady increase in the revenue from the 2% transfer duty, half the rate in the Cape Colony, which rose from £1,300 in 1850 to nearly £2,000 two years later.[10]

The authorities gave every attention to the postal, educational and religious wants of the community as well as to the proper administration of justice. In general these public services were maintained satisfactorily even to the periodical holding of the sessions of the Circuit Court of Combined Magistrates.[11] By the end of 1850 the members of the School Commissions for Bloemfontein and Winburg had been gazetted -[12]

1. "The Friend 11/11/1850 and 26/5/1851. See footnote p.151 re Thys -followed- Wessels. 2. "The Friend" 16/9/1850 and 23/12/1850. Green 18/6/1852. Enc.Des. 20/7/1852, G.H. 31/1. The Boers had brought up the old Cape sheep. 3. "The Friend" 28/10/1850 and 3/2/1851 C.Visser near Riet River sheared 600 merinos and sold 1,600 lbs. unwashed wool at 6d.lb. 4. "The Friend" 10/2/1853 gives statement of H. and F. Halse's business at Waterfall - 24/2/1853. 5. "The Friend 24/9/1853. 6. "The Friend" 23/12/1850 - this suggested the idea of an agricultural association for the whole Sovereignty: 11/9/1852 - £70 subscribed towards holding the exhibition. 7. "The Friend" 17/7/1852. 8. "The Friend" 14/4/1853. 9. "The Friend" 17/2/1853 and 24/9/1853. 10. "The Friend" 12, 19/1/1852: 31/3/1853. 11. Vide pp. 140-1 above. "The Friend" 8/7/1850 Govt. Notice 6/7/1850 Raaff resigned position of Postmaster as he was too busy as messenger of the Court and v.d. Meer became postmaster- he died of acute dysentery. "The Friend" 23/4/1851. "The Friend" 23/9/1852 for itinerary postponed "The Friend" 18/11/1852. "The Friend" 31/7/1852 gives sentences of 5 and 3 years imprisonment with hard labour and 50 lashes for theft. Adv. D.C. Grant to be Crown Prosecutor "The Friend" 25/10/1852. 12. "The Friend" 16/9/1850 the Civil Commissioners and Ministers D.R.Church plus others they selected were constituted the School Commissions. "The Friend" 23/12/1850 Govt.Notice 20/12/1850, Members of School Commissions were:- (1) Bloemfontein - C.U.Stuart, C.C., Rev.A. Murray, W.S.Pretorius, J. van Zyl, W.Griesel. (2) Winburg - T.J.Biddulph C.C., Rev. van Velden, G.H.Meyer, J.F.J. van Rensburg, N.Wessels, J.C.Borrman. "The Friend" 12/5/1851, Govt. Notice 10/5/1851: Rev. W.A.Steabler of S.Andrew's and Rev.P.Smailes of Wesleyan Church appointed to (1).

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followed in due course by those of Fauresmith, Smithfield and Harrismith - and soon afterwards the Winburg body asked that the clause making their teacher itinerant should be revoked as the number of pupils warranted a full-time school.[1] The rules and regulations for the management of the government school in Bloemfontein were then published whilst the public examination of this school and the holding of half-yearly examinations were not long delayed.[2] Later as a result of complaints of the insufficient teaching of English it was decided to appoint only competent bilingual individuals who were bound to teach in English as well as in the Dutch language.[7] Each village had its Dutch Reformed Church and minister or catechist. At the close of 1850 the foundation stone of St.Andrew's Church in Bloemfontein was laid by the British Resident, assisted by the Archdeacon of Grahamstown, the Ven. N.J.Merriman.[3] A large concourse attending nachtmaal at Smithfield during the middle of 1852 subscribed nearly £200 for the extension of their church. Within a month or two of this 59 inhabitants of Harrismith memorialized the Synod at the Cape for a full-time clergyman whilst the Fauresmith community contributed £100 towards a college for training young men for the ministry.[4]

The benefits that ensued from the Proclamation of the Sovereignty were "well described" in a memorial which certain landholders addressed to Sir Harry Smith in August, 1851: "No sooner had Your Excellency extended the authority of the Queen of England over the country than order and subordination were established, the confidence of the peaceful and well-disposed revived the industry and energy of the enterprising called into active operation and many from all parts of the old Colony sought the Sovereignty as a favourite field, flourishing villages sprang up, and the apparently waste lands of a year or two previous became studded with substantial homesteads".[5] Even Transvaal Boers came regularly every week to the Sovereignty markets without let or hindrance and promptly brought into court any dilatory or defaulting debtors: moreover they paid no licence whereas the Sovereignty traders were required to do so beyond the Vaal.[6] Such considerate treatment rather stuck in the gullet of the Editor of "The Friend" in view of the -recent-

1. B.Rdt. 4, 18/1/1851 Memorial sent by Commission to Warden for money towards equipment. Parents to pay 1/- per month in advance towards cost of books. O.R.S. 37/111 Govt. Notice 7/1/1850 appointing P.v.d.Meer and J.Groenendaal catechist and schoolmaster for Bloemfontein and Winburg respectively. W.Collins who had been acting clerk to the British Resident became Government teacher Bloemfontein vice D.Sluiter. Members of Bloemfontein School Commission: Rev. G.Schreiner, vice Rev.P.Smailes, G.Horne, D.C.Grant and J.M.Donaldson, Additional members: Govt. Notice "The Friend" 4/9/1852. Members of Fauresmith School Commission: Rev. A. Murray, W.Dickson, B.van Rierck, C.Visser and one churchwarden to be nominated by them. Members of Caledon River School Commission: Rev. A.Murray, T.W.Vowe, L. Finlay, S.Aldum, J.Robertse, J.Kotzee. "The Friend" 6/1/1853 Necessary geographical equipment of district schools specified. "The Friend" 20/1/1853 Members of Vaal River School Commission same as Land Commission plus R.Moffat, A.Coqui and W.van Aardt. "The Friend 3/3/1853. C.O.1603 Schedule No.16 H.Hodgson Govt.School teacher at Smithfield. 2. "The Friend" 4,11,and 30/9/1852, 2/12/1852. M.Moll was appointed schoolmaster at Harrismith. "The Friend" 14/8/1852. 7 "The Friend 28/8/1852 re complaints. O.R.S. 98/105 Memo of Owen Aug.1852 C.O.1603. Further it would be desirable if the present teachers at Bloemfontein and Winburg could be removed and others appointed according to the above system:approved Cathcart. 3. See p.226 above. "The Friend" 18/11/1850, 23/12/1850, 20/1/1851; 21/10/1850 "Society for propagation of Christian knowledge voted £150 towards the English Church." 4."The Friend" 16/9/1852 28/10/1852. O.R.S.37/112 and 113. Govt.Notices 7/1/1850 and 13/2/1850 van Velden minister at Harrismith and Winburg. 5. Green 13/6/1852 Enc. D.20/7/1852. G.H. 31/1; B.B.XV.2.46. 6. "The Friend" 28/4/1851. 4. "The Friend" 24/7/1852. Schedule No.12, 6/1/1853, C.O.1603 for the application of Rev.A.Faure, actuarius of the Synod of the D.R.Church on behalf of the consistory of Smithfield for the appointment of Pieter Roux.

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recent turning back of the various expeditions to the interior and he protested that "the highway of the world must be opened up, commerce, science and religion must have their rights protected".[1] This condition of rural simplicity, contentedness and prosperity survived the contemporaneous threats of the Eighth Kaffir War which was to drag on for nearly two years, and of the administration's own hostilities with the Basuto. As a result of the former the inhabitants of the Sovereignty experienced an interruption of the usual course of trade to and from the Cape Colony. For a spell no timber was to be had for house-building, the price of tea and coffee rose to 7/6d and 2/- a lb. respectively and gunpowder and lead to 4/- and 1/- a lb. respectively so that the Sovereignty naturally began to look to Natal for supplies of these essential articles.[2] True, trade was adversely affected later when abandonment became more than probable so that in consequence it was difficult to obtain money on loan and building came to a standstill in the capital.[3]

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1. O.R.S. 38/153 Green "The great sickness (yellow fever) in the advanced settlement in the beautiful valley of the Marique in the summer 1850-1 and the general unhealthiness of the Transvaal country for horses and sheep arrested the tide of immigration in that quarter and enhanced the value of land in the Sovereignty, the rise in which was likewise aided by the discovery of its peculiar fitness for merino sheep as well as every other description of stock".
2. Although the price of meal was quoted at 5 guineas per muid after Viervoet, "The Friend" 10/4/1852, there was a good recovery by the end of the year, "The Friend" 29/12/1851. Bales of wool were piled before the merchants' doors in Bloemfontein and the building of a flour mill was begun at Harrismith, "The Friend" 19/1/1852 and 7/3/1852. For sidelights in Harrismith: O.R.S. 33/137, Bester, Moffat and 60 others: in past year twenty substantial houses built also schoolroom and ten people each gave £25 towards the Church. O.R.S. 38/55, 4/9/1851 Cdt. Botha - infant settlement much improved. O.R.S. 5/105; O.R.S. 33/57, 6/2/1852 - Labouring classes in town unwilling to act against any of their associates: irresponsible, property less and unmarried. One man escaped from gaol three times, his handcuffs were removed and he was released from the stocks by someone breaking the lock!

1. "The Friend" 14/10/1850, the Rev. A. Murray Jr. went up to visit the Transvaal Boers. "The Friend" 17/2/1851 quotes from a letter of Pretorius "it was never my intention to oppose the gospel - the first turning back due to "deficiency in the language".
2. "The Friend" 24/2/1851, Bloemfontein to Harrismith was a ten days' journey by ox-wagon, thence to Pietermaritzburg 6 or 7 days.
3. "The Friend" 30/6/1853, the English churchwardens of Bloemfontein afraid to carry the building of a "very neat Gothic church higher than the wall plate". "The Roman Catholics afraid to build their church though the bricks have been ready a long while, knowing full well that the love of the old Boers for his Excellency the Pope is rather equivocal".

Chapter XI.

Native Commotions: the Check to the Government at Viervoet.

At the close of Chapter VI we witnessed the rounding off of the policy that the British Resident had advocated and was determined to enforce thenceforward along the Eastern frontier of the Sovereignty despite the reluctant consent of the Basuto Chief to the boundaries laid down and the patent dissatisfaction of his sons and followers whose strength the Resident continued to underestimate. Bearing in mind the Basuto particularly but not making sufficient allowance for Moshesh's difficulties as Sir Harry had counselled, Major Warden had evolved his scheme for a league of Chiefs and for the immediate conduct of punitive measures against any aggressor Chief by the combined levies of the other chiefs with the full support of the Government's forces.[1] The Resident's judgment was at fault furthermore in not differentiating sufficiently between the distinct features of the frontier question. For instance each Native community consisted of a Chief and his immediate dependants or relatives occupying a central station with smaller sub-tribes or families clustered round it, and authority if existent at the centre tended to fade away to partial anarchy or independence at the circumference, so that where two such circumferences osculated inevitable depredations of one tribe were avenged and compensated by reprisals of the other.[2] This state of affairs was what the Native communities understood by peace and was extensively the case among the precipices and intervening angular portions of territory along the Caledon lands northwards of the Caledon River district: moreover, if a Chief entered into a treaty of peace, this comparative quiet was all he meant or in fact had power to stipulate for. Admittedly such a condition of things was incompatible with European standards and intolerable in missionary eyes, yet the Resident should have resolutely let well alone so long as the power was wanting to effect a change for the better and the interests of the Boers were not seriously or extensively affected. Apart from over-rating his own resources and those of his prospective league in the event of a struggle with the Basuto he was biting off more than he could chew also when he insisted, against the advice of the High Commissioner, upon compensation and the return of cattle seized on these raids, for such cattle were considered legitimate spoil by the Natives.[3] But most serious was his failure to reconsider the whole position as these fundamental weaknesses in his Frontier policy became apparent during the next twelvemonth.

The situation in the Caledon River district differed materially from that along

1. See pp. 183,-7-9 above. See O.R.S. 37/104; Bas.Rec. 1/299, 31/12/1849. -the- The Proclamation of 14/3/1849 gave expression to the views of Warden and also Southey. For Proclamations 3/2/1848 and 14/3/1849 see Eybers pages 271 and 281: See text pp. 161, 176. 2. See Dr. Adamson in Grahamstown Journal 21/10/1851. "The Friend" 17/2/1851 - "one cause of all Kaffir Wars was the desire of the Kaffirs to become proprietors of cattle that did not happen to belong to them". 1.Vide "Free Statia" - Warden was responsible for 'unwittingly' misleading Sir H. Smith.
3. See page 181above.

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the remainder of the Eastern frontier in that the British Resident was responsible there for a settlement between the European farmers on the one hand and the Natives on the other. Whatever the respective merits of Boer and Basuto claims to the disputed Caledon pasture lands their loss undoubtedly proved a bitter pill to the Basuto whose Chief may have lost faith momentarily in the British Government because its agents had rejected his suit. There was increasing evidence of deep-seated Basuto discontent and the possibility existed that in the near future the Natives might engage with the Europeans in a trial of strength for this much prized region, hence Major Warden risked security along the Lower Caledon by attaching this issue to questionable commitments farther north and by regarding them as an integral part of his frontier policy. The Basuto conviction in the justice of their cause received much stiffening from the views of Casalis and the French missionaries not to mention such out-spoken opinions as those of J.P. Hoffman when the limits were under consideration: "I see the poor people, the Basutos, for their hospitality to the farmers, for allowing the Sovereignty over their land to government, deprived of their land by deceit, falsehood, ingratitude and violence. I see them compelled to leave their homes, churches and schools that the same may be given to ungrateful rebels, under pretence of securing and preserving peace in South Africa".[2] Judging also by Hoffman's further comments considerable currency must have been given to the Governor's words when passing through Smithfield on his way back to the Colony after Boomplaats. Refusing at first to draw a line of demarcation on the ground that Moshesh did not wish to remove a white man and so could not be expected to drive his own people away, Sir Harry had given in to the insistence of the Boers that it was necessary to preserve peace and "answered with crossness 'No! but if you will absolutely draw a line, remember that the land belongs to the native, and if a man must move to draw this line it must be a white man". The future President of the Free State Republic continued "if he (Southey) thinks he can sincerely bind the boers to the British Government by giving them all the land ... he is mistaken and knows neither the boers nor the natives. No! His Excellency's plan was the best, it was founded on justice, philanthropy ... all the natives would have remained friends of the Government and if there should be another insurrection the Government would always be able with the natives and those subjects that remain faithful to keep the balance and maintain peace".[3]

When Moshesh agreed to the boundary line in the Caledon River district subject to certain conditions regarding the inclusion of his subjects within that district, Major Warden determined to insist on fair play.[4] For instance he instructed Civil Commissioner Owe that certificates of title should be granted for lands in the possession of Natives on 3rd February 1848, save where Boers had been forcibly ejected, and that no sale of such land would be legal unless the extent of ground belonging to the Native had been first ascertained and the intending seller and purchaser had appeared before him to see justice done to both parties: moreover

1. For Casalis see pp. 175-6 above. For Warden's attitude see pp. 177-8. -where- For Freeman see Bas. Rec. 1/307 and 316, 20/5 and 20/8/1850 and p. 212 above.
2. Southey papers 12/12/1848, a 27 page protest from Beersheba.
3. O.R.S. 37/67, 1/1/1849. See Freeman's points Bas.Rec. 1/317. Bas.Rec. 1/490 Hoffman poohpoohed the idea that Moshesh was afraid of 900 Korannas.
4. O.R.S. 31/183, 32/286, 11/10/1849; Bas.Rec. 1/286; O.R.S. 1.

where land was claimed by both Boers and Natives he directed the Land Commission to investigate.[1] This procedure was re-affirmed in notices of January and April 1850, but the Boers soon showed their hand in a memorial to the High Commissioner.[2] The Resident upheld the rights of farmers who had improved their land and had been obliged to leave by force or threats, but he was unsympathetic towards those Boers who in his opinion had really forfeited their lands and desired to recover them in right of former occupation. Similarly he did not encourage others who were not satisfied with a moderate extent of land around their old homesteads, which they had abandoned for some cause or other, and who now wanted an extension of their farms at the expense or even inclusion of native kraals situate some considerable distance away. Charles Halse supported the memorial but Warden declined to break faith with Moshesh by approving of any such attempt of the Boers to get rid of the Natives.[3] As the Land Commission was constituted he felt that in nine cases out of ten the Boers would be favoured to the detriment of the Natives and he therefore suggested to the High Commissioner that a full investigation and adjustment of disputed claims should be undertaken by Vowe and some liberal minded Burghers.[4] Sir H. Smith endorsed the Resident's views and directed him to appoint such a Commission: "Adhere firmly to the understanding with Moshesh. The natives are the original proprietors of these lands and cannot be lightly ejected".[5]

Judging by Vowe's correspondence all was far from well in the Caledon River district. One of the problems that faced the administration was the presence of the freebooter Poshuli who had established himself in its south-eastern corner during the Seventh Kaffir War. Ever since his arrival this Chief had committed depredations and encroached upon the Boers.[6] On the eve of the Proclamation of Sovereignty Major Warden met Poshuli and ordered him to remove his people when their crops were harvested, but the Chief stayed on with impunity though the order was repeated early in 1848.[7] Once the boundary lines had been approved however Poshuli and a kindred spirit Letelle in the Koesbergen were included in the Caledon River district on the same footing as British subjects and therefore could not be lightly moved against their will. Now some two years later Vowe began to despair as thefts had multiplied at an enormous rate and were so adroitly managed that the thieves could not be detected though they were always traced in the direction of Poshuli's kraals.[8] Even the Rev.J.P. Bertram of the Wesleyan station at the Wittebergen south of the Orange had complained on this score.[9]

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1. O.R.S. 37/116 Jan.1850: see also Bas.Rec. 1/315, 18/8/1850. 2. Bas.Rec.1/307, 4/4/1850. 3. O.R.S. 37/183, 18/7/1850 and Bas.Rec. 1/315, 18/8/1850. 4. O.R.S. 5/75, 25/8/1850; Bas.Rec. 1/319 and Letter Book. "Boers appear to have been hardly dealt with but were prayer granted natives would have just cause to complain". Smith did what he considered best - compare O.R.S. 12/4/1849 re Dantzer and Goliad "No boer is to be moved against his will". Bas. Rec. 1/321, 5/9/1850; O.R.S. 36/143. 6. Southey papers, H.Weber deposes to Vowe 31/5/1849: Vowe 15/12/1849, "The Friend" 2/9/1850. Bas.Rec. 1/145, 21/8/1847 and 1/147, 25/9/1847. See pp. 32-3 above. 7. O.R.S. 37/183, 18/7/1850. Halse in "The Friend" 6/11/51. 8, C.O.1120, 26/6/1849, Letter Book 6/11/1850. 9. C.O.1122, 12/2/1849 - Bertram wrote from Mamastone that Letsie had married wives from these tribes and was using these people as a defensive line hence the missionary advocated a settlement at Buffelsvlei, later Aliwal North, as a check.

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In response to the Civil Commissioner's reports Major Warden proceeded early in 1850 to the Koesbergen country to meet Poshuli but the latter kept him waiting in vain at Field-Cornet Weber's farm for several days, whereupon Vowe's commando of over a hundred Boers seized 1,500 head of cattle and stormed the chief's position at Vechtkop. Poshuli's people came by invitation to the Major's camp and recovered their stock but the Chief declined to do so and his cattle totalling 182, less 30 identified as stolen head, were retained to defray the expenses of the patrol.[1] During this episode Moshesh adopted a correctly neutral attitude for Poshuli lived outside his jurisdiction and Warden took the trouble to explain what had happened notifying him that "all Basutos who may be residing without your line of boundary are amenable to the chief in whose country sunh Basutos take up their abode". Acting upon information shortly after his return to Bloemfontein that Field-Cornet Weber had fled from his farm because Poshuli had threatened to murder his family and that Letelle was assembling a commando in collusion with him, the British Resident caused Vowe to warn the former Chief that if he carried out his threat he would be driven out of the country and also to instruct Letelle to disband and disperse the Natives congregated at his kraal.[2]

The Civil Commissioner, who would have liked to see the last of Poshuli, commented significantly enough upon the marked disinclination of the burghers of the Koesbergen to patrol the boundary and on Field-Cornet v.d.Walt's insistence that the magistrate had no power to call out a burgher force. He referred also to the prevalence of unsettling rumours circulated by interested and dissatisfied persons.[3] Major Warden endeavoured to re-assure him that nothing very serious was to be apprehended from the handful of Basutos within his district and cheerfully expressed the opinion that two-thirds of the Boer inhabitants would readily turn out against any tribe crossing the boundary line with hostile intentions. Warden explained to Vowe that no law existed to compel the burghers to turn out but that as the tenure of land included burgher service he proposed to recommend forfeiture of land to the High Commissioner for refusal to do duty and he authorized the Civil Commissioner to call out a force if the Land Commission were insulted.[2] As the Koesbergen farmers seemed confident that Poshuli was preparing to go to war with the British Government and testified that he had recently fortified Vechtkop and blocked up the footpaths leading to the summit, Warden asked the Chief for an explanation and added that if he gave no trouble his lands would be secured to him.[4] To Colonel Garvock the British Resident submitted his belief that extravagant statements were deliberately uttered by Boers with the worst motive- It is rather significant that some of these were the cattle of the father of Moshesh and Poshuli who made use of the grazing - Bas.Rec. 1/508.

1. Letter Book 6/2/1850 and Bas. Rec. 1/300. Theal's reference VII. p.304.

2. O.R.S. 37/131-133, 27/2/1850 and Letter Book.

3. O.R.S. 37/139, 12/3/1850. Vowe wrote that Boers with claims from the Colony outstanding against them did not like being forced by law to pay their debts! v.d.Walt annoyed because the Govt. had control of the sale of erven whilst Snyman had been reprimanded for his negotiations with Moshesh re the site of the new village behind Warden's back. See p.382 below.

4. Letter Book 1 and 6/5/1850. Warden felt he was not justified in sending troops as Poshuli was perhaps trying to prevent his horses from straying.

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motive of bringing Poshuli's people into collision with the Government in the hope of obtaining additional farms by the ejectment of the Natives from the Koesbergen. He expressed regret that Vowe should give such ready credence to every idle report since Poshuli was peaceably disposed and the Boers had nothing to fear.[1] The leopard cannot change his spots however and Halse's contention "Poshuli is no chief, substitute the letter 't' in place of 'c' and you have his character", continued to be vindicated.[2] In May 1850 Poshuli left the neighbourhood with the cattle of two Boers, Viljoen and Joubert, but the next month submitted to punishment and asked to keep his place. Major Warden accepted this expression of contrition through the channel of the Rev.S. Rolland and confirmed his previous statement that in terms of the agreement between Moshesh and the Government Poshuli's people should retain the lands they held on 3rd Feb. 1848, except in a few instances where the Boers had been driven away, and would reside within the line subject to British law.[3] Some modification of the boundary seemed called for along the lines either of Casalis' suggestions or of Southey's but instead Poshuli was allowed to remain beyond the authority of Moshesh and also to be a thorny wedge in the flesh of the Boers of the Caledon River district..

Taking advantage of this comparative peace in the middle of 1850, the British Resident visited the north-eastern frontier to investigate complaints of farmers and natives against Sikonyela and also to improve the relations between Molitsane and Moroko which had become strained and embittered by recent horse-stealing - "What are your boundary lines worth", challenged Cameron, "if they are thus to be disregarded and will not your authority sink into contempt if the limits you have assigned to the respective tribes are not sacredly and resolutely maintained?"[4] At a meeting on the 9th May at Merumetsu Molitsane accepted Major Warden's ruling that the Bataung should make good the Barolong losses, and the two Chiefs parted "good friends again".[5] Molitsane had formerly had no independent footing at Mekuatling and according to Daumas, the Bataung missionary, the Resident contemplated moving the tribe to country about the Vaal River. Major Warden proposed to the High Commissioner however that as Gert Taaibosch and his Korannas had not yet returned from the country of Jan Bloem and had no intention, according to his information, of re-occupying the lands allotted to them, Molitsane's wishes might be met and some additional territory provided there for the Bataung tribe.[6] Thus the Bataung wedge was advanced and the friction increased on the return of Gert Taaibosch in due course. The British Resident had not managed

1. O.R.S. 37/160, 5/5/1850. Southey papers 4/5/1850. O.R.S. 37/139, Vowe - -to- little doubt Koesbergen farmers were tampering with natives but proof difficult.
2. O.R.S. 37/183, 18/7/1850. "The Friend" 6/1/1851. Poshuli blackmails farmers. O.R.S. 32/289, 8/8/1850 re Halse's remarks Garvock wrote that "Poshuli would not appear to deserve much consideration". "The Governor requests Major Warden to take care no injustice is done". Bas. Rec. 1/315, 18/8/1850 Warden admitted that Poshuli had been a troublesome person but explained - "There are many land speculators in the country and in the Caledon district Mr. Charles Halse takes the lead". 3. O.R.S. 1 and Bas. Rec. 1/311, 24/6/1850. Letter Book 27/6/1850 and Bas. Rec. 1/311, 312.
4. "The Friend" 15/7/1850 reasonable quiet but thefts inevitable. O.R.S. 34/211, 9/2/1850; Bas. Rec. 1/300-7, Cameron. O.R.S. 34/143 and 144, 18/1/1850 Daumas. Cameron to Warden Bas.Rec.1/301. 5. O.R.S. 37/168, 27/5/1850; Bas.Rec. 1/309: Enc. D.95, 6/6/1850. C.O. 1406. 6. O.R.S. 34/176, 13/6/1850. See pages 12, 185, 191, 194 above.

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to meet Sikonyela and as he had to return from this visit to Merumetsu and to the Vaal River district in time for the second session of the Council at Bloemfontein on the 1st June, he invited the Mantatee Chief to see him there.

Sikonyela meanwhile seemed to be qualifying as "Public Enemy No. 1", brought about by the force of circumstances upon a naturally warlike disposition. First of all he had fallen foul of the Chief Witze a recent immigrant from beyond the Vaal who had thereupon complained to the Natal Government.[1] Witze's Natives occupying the country at the source of the Caledon and other parts under the Drakensberg were themselves rather prone to petty thieving, not unlike Poshuli's followers in the south, and would not believe that the farmers were under Government protection or in the words of Bester that "the Government and the Boers are one".[2] Southey advised Warden to look into the matter but he did not find the opportunity to investigate this complaint or those of the Wittebergen farmers against the Mantatees and consequently the people remained unsettled and always on the qui vive.[3] During June Daumas sought the advice of Biddulph on account of the continual losses of horses and cattle carried into Sikonyela's country and the Civil Commissioner must have recommended the Bataung to keep their hands clean for the missionary replied that Molitsane was returning to the Boers cattle taken by the Basuto.[4] Then in August the British Resident administered a sharp rebuke to the Mantatee Chief for his recent attacks upon Natives near the Rhenoster River and upon the petty Chief Kali on the borders of Harrismith which had resulted in much loss of life and stock: "You no longer deserve to be called a Chief, you and your people are becoming freebooters and the only disturbers of peace we now have within the Sovereignty".[5] Major Warden required him to make a speedy restoration of the spoils, and requested the permission of the High Commissioner to use a military force to stop the Chief's outrageous proceedings.[6] Finally within a few days the Mantatees perpetrated an inroad upon Bataung along the Sand River and Warden informed Molitsane forthwith that he was merely awaiting the Governor's orders before setting out.[7] Without any delay Sir Harry Smith approved and specified what troops were to be employed, including the calling out of a commando under Bester as well as a requisition upon "such Native chiefs to aid as he (Warden) may deem requisite".[8]

Unfortunately before Warden's expedition could start Molitsane's Bataung got beyond restraint and believing that the Fingoes of Umpukani were associated with the Mantatees attacked this village, violating the sanctity of the mission station, which in common with all others had been placed by Proclamation under the special protection

1. Letter Book 24/2/1850. O.R.S. 38/97, 22/1/1852, Capt. Struben R.M. at Ladismith to Assistant Commissioners. -of- 2. O.R.S. 37/168, 27/5/1850: Bas. Rec. 1/309; C.O.1406, Enc. D.95, 6/6/1850. 3. Letter Book 12/4/1850 Warden's intention to see Sikonyela re complaints. 4. O.R.S. 34/176, 13/6/1850: 34/177, 24/6/1850: 34/178, 6/7/1850. 5. Bas. Rec. 1/314, 7/8/1850. "The Friend" 22/7/1850 and 12/8/1850. O.R.S. 37/192 Biddulph to Garvock "Some of the Wittebergen farmers are annoyed and alarmed by the proceedings of Sikonyela who has turned out quite a robber, destroying small native kraals and sweeping off cattle". 6. Bas.Rec. 1/314, 11/8/1850. 7. Bas.Rec. 1/528. 8. Bas.Rec. 1/318, 22/8/1850 provided "the cause and necessity still exist" and "humanity and well judged forbearance be fully observed". Bas.Rec. 1/320, 1/9/1850 and Letter Book.

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of the Government.[1] Instead therefore of proceeding to Sikonyela's village of Imperani Major Warden went to Umpukani where Capt. Bates and the troops arrived on the 17th Sept. accompanied by a few hundred Barolongs, Korannas, Fingos and Platberg Bastards as well as by the poor muster of 35 Burghers under Commandant Wessels. Here at the urgent request of Moroko and Gert Taaibosch, who had made his re-appearance, the Major interviewed the Mantatee Chief. Sikonyela appeared fully penitent and after hearing his story and the evidence of one Piet Slabbert the Resident felt that the reports of Biddulph and Bester had been exaggerated and fined him 300 head of cattle. Strange to say Warden then granted the Mantatee Chief's request to join the advance on Mekuatling, where Molitsane was backed by about 200 of Gert Lynx's Korannas from the Vaal River, and Capt. Bates was instructed to seize at least 3,000 head of cattle in order to provide compensation for the Fingoes and to cover the cost of the expedition. Incidentally in spite of the Governor's caution Warden fully intended crossing the Basuto line to recover the cattle should they be located there and Moshesh decline to give them up.[2] So far the Basuto had received no official intimation of the nature of these operations as the British Resident feared to have his plans frustrated, but when Moperi sent a message from Mshuane desiring his people to be spared Major Warden gave the required assurance. At the same time he saw fit to mention that he had ordered the Griquas and the Boers to hold themselves in readiness since "it is said that all of you save your brother Moshesh and two of his Raad wish for war".[3]

Shortly after dawn on the 20th Sept. 1850 Capt. Bates approached the Mekuatling range and sent forward the Native force under the Chiefs Moroko, Sikonyela and Gert Taaibosch with the military in support. The Barolongs got into difficulties but a "pretty" charge of the Cape Corps headed by Capt. Bramley and six rounds from the guns took the heart out of all resistance and by midday nearly 3,500 head of cattle, ten waggons belonging to Lynx's Korannas and 50 lbs. of gunpowder were taken. At a conference the following day attended by the officers and the missionary, F. Daumas, Major Warden warned Molitsane that a recurrence of such trouble would entail the loss of his country to the Fingoes. The Chief expressed contrition and undertook to keep the peace in future and, further, as news had just come to hand of a Bataung raid upon the Barolong, Molitsane promised Moroko that ample redress would be given.[4] 1,600 head or about half the captured cattle were given to the Fingoes at Merumetsu and Umpukani including

1. Bas. Rec. 1/321, 8/9/1850. Incidentally Cameron was the first to inform Warden. "The Friend" 9/9/1850. D.R.S. 31/232 and Bas. Rec. 1/508 Jan.1852. D.R.S.34/142 and Bas. Rec. 1/528. 2. Bas. Rec. 1/322, 18/9/1850. D.R.S. 37/199, 17/9/1850 Capt. Bates' report to Major Bienkinsopp. See Theal VII p.305. Instead of Kali losing 800 head of cattle and 1,200 sheep - Bas. Rec. 1/314 and Letter Book 11/8/1850 - he lost only 100 cattle while Sikonyela's people lost their horses and "actually sustained a greater loss", Bas. Rec. 1/322. See Smith's insistence on "a strong commando of farmers" p.186 above. 3. Br.Rdt. 3 and Bas. Rec. 1/323, 20/9/1850: Bas.Rec. 1/326, 24/9/1850. Bas. Rec. 1/346, 22/10/1850 Warden to Arbousset.
4. Br.Rdt. 3, 24/9/1850 and Bas.Rec. 1/327

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including a few neighbouring kraals and portions of the remainder were granted to the several Chiefs, among whom Sikonyela himself received 250 head![1] It is difficult to suggest what other course could have been adopted than to compensate the sufferers in this way but to reward Moroko, Taaibosch and especially the Mantatees for their services in the same manner was doubly mischievous since a Chief whose cattle went towards increasing the herds of another would watch every opportunity of recompensing himself at the expense of the sharers in the spoil while the latter also would recommend the rooting out of other Chiefs as long as they expected to profit by the result.

The British Resident's troubles were only just beginning. Confirmation now reached him of several attacks upon Barolong cattle posts by the Baramokheli of Moseme, who acknowledged Moshesh as their head although they resided within territory allotted to Moroko, and also by Bataung under Molitsane's son in reprisal, it was surmised, for Moroko's part in aiding the Government. The Barolong Chief claimed to be the poorer by 3,800 head of cattle and 800 horses which, he reported, had been taken into Moshesh's country and Major Warden immediately insisted upon the Basuto Chief's assisting in their recovery.[2] Moshesh had not without some justification resented the Resident's remarks to Moperi and also his late surprise proceedings against Molitsane which "caused the greatest anxiety among my people who seeing you joined by men of tribes who are declared enemies to us, lost all confidence and naturally prepared to defend themselves".[3] Warden's precaution in keeping the Basuto Chief in the dark had therefore proved only partially successful for although he had forestalled the dispersal of Molitsane's spoils his secrecy had created uncertainty and a pretext for acts of retaliation.[4] In view of Moshesh's great difficulty in maintaining absolute control over his sons and followers on an extensive frontier, of which the Chief himself was apologetically aware, Warden's rejoinder was needlessly provocative: "I should indeed be grieved to find you involved in a war with Government, the result would be the break up of your people as a nation"![5]

Warden's handling of this affair continued to leave much to be desired and exposes him to the added charge of prejudice against the Basuto, whatever the measure of their guilt, for instead of conducting an inquiry in loco without delay and hearing both sides the British Resident returned to Bloemfontein where he publicly announced his policy in "The Friend" and his determination to stand by Moroko.[6] He threatened that "should Moshesh not give instant and full satisfaction for these unwarrantable aggressions-

1. Bas.Rec.1/328, 29/9/1850; Br.Rdt.3. Operations approved O.R.S.36/145, 3/10/1850 and Bas.Rec. 1/334; 1/344, 10/10/1850. The Native force included about 360 Barolongs and 400 Mantatees, "The Friend" 23/9/1850. Capt.Bates gave the burgher levy at 50 - O.R.S.37/199, 17/9/1850 - and expected 50 more the next day. No further details are available. Cdt.Wessels and 35 from Winburg were there but no mention is made of Fd.-Ct.Pick and the Wittebergen Boers though perhaps they made up the difference between 35 and 50. Warden expected 100 burghers near Imperani Bas.Rec.1/328, 8/9/1850. The captured cattle were in low condition owing to the long drought and some had to be left on the road whilst many others were slaughtered as rations for the Native force. The balance were sent to Winburg and Bloemfontein to defray the cost of the expedition. O.R.S.31/225 in Bulnet's handwriting - "Sikonyela and Taaibosch were displeased with the speedy termination of hostilities". 2. Bas.Rec.1/324, 22/9/1850. Bas.Rec.1/326, 24/9/1850. "The Friend" 30/9/1850. 3. Bas.Rec.1/324, 23/9/1850. 4. Bas.Rec.1/472, 25/11/1851; O.R.S.34/232 and O.R.S.40, Cameron wrote "It was very significantly said should you help Major Warden the moment he falls upon Molitsane you will see what shall befall you". 5. Bas.Rec.1/324, 24/9/1850. Bas.Rec.1/346, 22/4/1850; Br.Rdt. 3 Warden to Arbousset. 6. Bas.Rec.1/329; O.R.S. 34/219.

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aggressions by those acknowledging his authority" he would proceed at once to deal with the robbers and then intimated that he was about to set out for Thaba 'Nchu "to enquire in person into these circumstances"! At the same time Major Warden asked Adam Kok to despatch 200 men to Thaba 'Nchu as he felt Moshesh was not sincere, and wrote to Moroko "Tell your people their cause is a just one, and will therefore be met with Government support". / Hitherto the Major had never called in question Moshesh's own love of peace and had even assured the High Commissioner that he had no cause to doubt Moshesh's honesty or that he would assist in the restoration of the stolen stock, but henceforward he began mistakenly to allow suspicions and thinly veiled threats to creep into his letters to the Basuto Chief in the belief that Moshesh's public professions of peace were the reverse of his private intentions and also that the Government and its allies could easily crush the Basuto in case of trouble - two fatal errors of judgment.[2]

Unfortunately Moshesh and the Basuto had also been prejudged by public opinion generally. The unsettled condition of the tribes had seriously diminished the supply of wheat and the price of Kaffir corn on the Bloemfontein market had risen from 7/6d to £1 per muid, for Basutoland was the principal granary and the wagon drivers were afraid to go there. "The Friend" felt that if the Sovereignty was to be maintained in a manner befitting the honour of the Crown the authorities were bound to interfere and put an end to the existing state of affairs to the Eastward. Its Editor acknowledged that the difficulties of the British Resident's position were greater than persons at a distance would imagine - "He knows that he must keep the tribes quiet, the Government being so pledged" - yet went on to maintain that "all the Basuto must retire from the pasturage west of the Caledon River" ... "the recent conduct of Molitzane's and Moshesh's people towards Moroko and Carolus Baatje is not to be confined to these chiefs". "It is unmistakeable as against the British Government". He considered that the Basuto Chief's lack of control or admission that members of his family were troublesome evinced much lamentable weakness, but as yet he failed to realise, just as Warden less excusably seemed to be doing, that Moshesh nevertheless exercised the main restraining influence along the Caledon lands and that his confidence should not be heedlessly lost.[3]

During the first week of October the Resident paid a brief visit to Thaba 'Nchu to hear the statements of the Barolongs in the atmosphere of Cameron's vigorous partisanship.[4] Impressed no doubt by "the fears entertained by the Barolong people that the Chief Moshesh" was "bent upon their destruction" and having had no word from the Basuto Chief, Warden quickly sent a sharp reminder in which he doubted

1. Bas. Rec. 1/330, 29/9/1850; and O.R.S. 34/220. Br.Rdt. 3, 28/9/1850. -Moshesh's-
2. Bas. Rec. 1/326, 24/9/1850. Bas.Rec. 1/329, 29/9/1850; Br.Rdt.3.
3. "The Friend", 7,14,21/10/1850. The Editor made capital out of Moshesh's admission that "even some of my family ... should have attempted to disturb that peace", Bas. Rec. 1/324, 23/9/1850. Bas.Rec. 1/322, 30/9/1850 Moshesh admitted to Stuart "I would desire to restrain my people but late events have caused my task to be most difficult". The Basuto called the European and Native supporters of the Government the "Bamajoor", "The Friend" 1/3/1852.
4. O.R.S. 17, O.R.S. 34/73; Bas.Rec. 1/334-6, 3/10/1850: Moroko's statement. Br. Rdt. 3, O.R.S. 34/71; Bas.Rec.1/337, 5/10/1850: Warden to Secretary, High Commissioner.

Moshesh's sincerity and warned him of the consequences of harbouring Barolong property in his territory: "the evidence before me and your silence make me say that your people are aiding the plunderers of the Barolong tribe. Depend upon it, Chief Moshesh, that however strong you may imagine yourself to be there is a stronger hand ready and able to punish the wicked doings of a people ten times more powerful than the Basutos". / As it happened Moshesh had been making some preliminary inquiries of the Bamoseme and his report reached Bloemfontein the day after the Resident left.[2] From the accounts submitted in due course by both sides there seems little doubt that the Barolongs were not the immediate aggressors on this particular occasion, though they certainly helped to fan the flames. Nevertheless in the subsequent correspondence the Basuto Chief had really the better of the exchanges owing to the Major's palpable predilection for Moroko's cause. As soon as he received the Barolong statement from Warden and even before hearing the further defence of his people Moshesh promptly replied that he had again commanded those who had gone to the help of the Bataung to hand over the spoils to the latter for restoration to the Barolong. He also agreed to include the stock removed by the Baramokheli, whose principal men he had summoned to give an explanation and meant to call to account if they had deceived him.[3] Moshesh not unnaturally refused to accept the responsibility for the actions of Molitsane which had had such repercussions and for which the Bataung Chief had personally promised to make amends at Mekuatling: "I still think you do me an injustice by constantly calling in doubt my good faith. Every circumstance at variance with your wishes in which I am (as often only thought to be) a party, you at once attribute to a desire on my part of continuing troubles from which no one suffers more than myself. You do not know what difficulties I have to encounter ... I pray you not to accuse me of boasting of my strength, I never supposed myself so strong as you say I do. I sought the alliance of the British Government because I knew myself to be weak".[4]

The British Resident however had already returned to Bloemfontein and posted an astounding indictment of Moshesh to the High Commissioner. He was "disposed to believe that two such weak tribes as the Bataung and Baramokheli" would never have acted as they had "without some promise of support from the Basuto" and declared that Moshesh was "already too powerful" and despite all his "plausible" protestations of peace might "well be presumed" to be "at the root of" all the recent trouble with the object of deterring others from aiding the Government in future. He asserted that the Basuto had become "exceeding rich in cattle and horses" and possessed "more firearms than all the other tribes in the Sovereignty put together" and that this had made them "proud and insolent towards their neighbours". The Major considered that were such a state of affairs to be tolerated all Sir Harry's work beyond the Orange would soon be undone: "the time I imagine is not distant when it will be necessary to place the Basuto people under some restraint".[5] The outlook at the moment certainly appeared rather unpromising for reports had been received of an attack by -Letelle-

1. Br. Rdt. 3; Bas.Rec. 1/333; O.R.S. 34/74, 2/10/1850.
2. O.R.S. 1; Bas. Rec. 1/330; O.R.S. 34/72, 30/9/1850. 3. Br.Rdt.3; Bas.Rec.1/336; O.R.S. 34/75, 4/10/1850. Moroko's statement, O.R.S. 34/73, 3/10/1850.
4. O.R.S. 1; Bas. Rec. 1/339; O.R.S. 34/79, 8/10/1850 "They (the Baramokheli) excused themselves by saying 'we were taken by surprise and were made to understand that it was a general war of the Major, of Moroko, and of Sikonyela against Molitsane and the Basutos, the alarm was general, we had no time to ask you Moshesh what we had to do, and thus we rushed on the Barolongs".
5. Br. Rdt. 3; O.R.S. 34/71; Bas.Rec. 1/337, 5/10/1850: Warden to the Secretary, High Commissioner. Bluebook XII p. 44 Select Committee on Kaffir Tribes printed 2/8/1851. Mr.Freeman's evidence 6/6/1851: "It was with great difficulty he (Moshesh) could restrain his men from fighting. I believe him to be a man of peace".

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Letelle upon a kraal under April in the Caledon River district and of further victimisation of the Platberg Bastards by Basuto, followed by the renewal of horse and cattle stealing from the border farmers. Fortunately the long continued drought and the lack of fit horses precluded any rash movement against Moshesh in the event of the Barolong property not being restored forthwith.[1] Warden contrasted these unsettled conditions with "the happy state of order that reigns in British Kaffraria" and suggested the introduction of a similar system of government supported by a Native police force to be financed by a tax on the Boers which he fondly believed they would willingly bear. The High Commissioner thereupon called for an estimate of the expense of rationing such a body of men 100 strong, although he did not know how the funds were to be obtained.[2] Nothing materialised, however, as the dogs of war were shortly unleashed once more on the Eastern Frontier of the Cape Colony where the Kaffir Police themselves deserted almost to a man.[3]

The question of the restoration of the Barolong stock occupied the forefront of Native affairs for many months to come and was never settled to the satisfaction of the aggrieved parties: it became a running sore in the relations between the Resident and Moroko on the one side and the Basuto on the other. After admitting again that some of his people whether Baramokheli or others had made common cause with the Bataung without his sanction, Moshesh repeated that Molitsane had to "settle the matter for them" though he would render this Chief what assistance he could.[4] As the Bamoseme repudiated Moroko's charges and desired an interview with a Barolong deputation the Basuto Chief invited the Resident to bring one to Thaba Bosigo. Warden however declined to meet Moshesh until the Barolong had been indemnified and a fine of 500 head paid:"I continue to view the attack on Moroko as an indirect insult on the British Government ...Now what countenance have the Bataung and Baramokheli received from the Great Basuto chief? All that is at present known is that a refuge is given in the Basuto country to the cattle, and horses carried off from Moroko".[5] Evidently much disappointed at Warden's refusal Moshesh replied that he was attending as best he could to the restitution of Moroko's cattle despite "no ordinary difficulties", such as the dispersion of the people involved, and asked Warden to be patient accordingly.[6] On the strength of this Major Warden repeated his belief to the High Commissioner that Moshesh would effect a restoration of the greater part of the stock, yet he stressed the importance of insisting upon payment being made in full to the Barolong Chief as expected by him, in this way demonstrating to the Natives generally that those supporting-

1. O.R.S.1; O.R.S.34/78; Bas.Rec.1/341, 8/10/1850 Carolus Baatje to Warden. Bas.Rec.1/346, 18/10/1850 re Sephton's horses. O.R.S.34/83, 18/10/1850, Gert Pretorius' statement re Basuto determination to wage war. O.R.S. 37/200, "all their country is now full of beacons" etc. O.R.S. 31/242, 18/11/1850. P.Erasmus declared to Vowe that he saw 1,500 mounted and armed Basutos, also Letsie, the two Letelles and Kaffirs from Koesberg and Beersheba ready to fight Major Warden for taking their ground. Br.Rdt.3, 6/10/1850, Kok to wait till rains had fallen. Br.Rdt.3; O.R.S.34/76 reference to long drought. Also Bas.Rec. 1/347; Br.Rdt.3; O.R.S.34/82, 27/10/1850.
2. Br.Rdt.3; Bas.Rec.1/338, 5/10/1850; Smith's directions. "They must be infantry tho' I cannot buy horses, even if I can pay the infantry". 3. Theal VII p.93. 4.O.R.S. 1; O.R.S.34/80; Bas.Rec.1/342, 6/10/1850. 5. Bas.Rec. 1/344, Br.Rdt.3; O.R.S.34/81, 11/10/1850. Note "The Friend" similar comment p. 248 above. After all Moshesh had gone to meet the Major more than once! 6. Bas.Rec. 1/345, 18/10/1850.

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supporting the Government would not be the losers thereby, for which reason he had endorsed Moroko's rejection of a small instalment.[1] Once more the Resident not only introduced his doubts about Moshesh's ability to restrain his sons, petty Chiefs and their followers, who in the opinion of his Boer informants were spoiling for a trial of strength, but also airily assured the High Commissioner that the Basuto people could if necessary be humbled with ease and at little cost to the Government: "The Griquas, Barolongs, Mantatis and Korannas under Taaibosch, with a small British power as a support, would in a few days overrun the whole of Basutoland" - an opinion that was apparently shared by Major Elenkinsopp.[2] In any case no action could be taken until after the rains had come.

Nothing that the Basuto Chief said or did during the concluding months of 1850 evoked any appreciation from the British Resident or modified his convictions. Soon Major Warden informed Col. Garvock that the country had become tranquil again and when news came to hand from the missionaries, Dyke and Daumas, that Moshesh and Molitsane had caused some stock to be handed over to Carolus Baatje at Platberg and David Raliye at Mekuatling for delivery to Moroko, he merily conceded that it was convenient owing to the want of grass to allow more time for the collection of all the Barolong cattle.[3] Though this might have been considered as evidence, if not conclusive proof, of Moshesh's desire for a peaceful issue, Warden remained obdurate and sceptical: "It is needless for me to mention to His Excellency, who is so well acquainted with native character throughout the land, that in regard to promises for the restoration of cattle not much reliance is to be placed on them". At the same time he fully suspected that the two Chiefs meant the instalment, even though it fell short of "a sixth part" of the Barolong loss, to be regarded as a final settlement - "such being the Bechuana practice in such matters" - so that Moroko's refusal to take delivery a few days later was actually done with his concurrence.[4] The Resident had now finally convinced himself that coercive measures would be necessary, so much so that he once more created a paper commando comprising a Native force of 2,000 men, 300 Boers and the Government troops of the Sovereignty supplemented by others which he hoped Sir H. Smith would send up: "I cannot believe that the Bataung and Baramokheli would have gone the lengths they have without receiving some promise of support from the Basuto chief". Warden imagined that the Basuto would be deprived of their "chief strength" on the outbreak of a war with the Government, for he anticipated a general exodus of the Fingoes from Basutoland in such an event, and on this assumption he outlined a scheme for placing 2,000 families of these people at Platberg to serve in conjunction with the Bastards as a check upon future Basuto aggrandisement and as a substitute for a regular police force.[5] -Meanwhile-

1. O.R.S. 34/76; Br.Rdt.3; Bas.Rec. 1/345, 13/10/1850 - "but this chief very properly declined receiving so small an instalment". In same strain to Moroko Br.Rdt.3, 12/10/1850. 2. O.R.S. 34/82; Br.Rdt.3; Bas.Rec. 1/347, 27/10/1850. O.R.S.6, 25/11/1850, Elenkinsopp to Smith, "Number of men that Moshesh can bring into the field overrated". 3. O.R.S. 37/202, 3/11/1850. More than half Sephton's horses had been returned. Bas. Rec. 1/348 and Letter Book 10/11/1850 "Government stands pledged to see justice done to the Barolong people". O.R.S. 37/205, 10/11/1850, The spring supplying Bloemfontein held out well. In 1849 Warden had with the assistance of the military constructed a dam above the fountain capable of holding a year's supply.
5. Bas.Rec. 1/349 and Letter Book 18/11/1850.4.Bas.Rec.1/351; Br.Rdt. 3, 27/12/1850.

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Meanwhile events were fast approaching a crisis on the Eastern Frontier of the Cape Colony. Rumours persisted that the Kaffirs meant to wage another war and significantly enough most of the Kaffir servants were leaving the Colony. Indeed for some time Umlanjeni, a new Makana, the prophet and tool of the Gaika Sandile, had been fostering an agitation that soon spread to Kreli beyond the Kei and even to Basutoland. After a brief visit to Kaffraria the too sanguine Sir Harry decided to return to Cape Town when no rising followed immediately upon the issue of a proclamation deposing Sandile and appointing Charles Brownlee in his stead - a course of action which "The Friend" recommended should be copied in Basutoland after abruptly concluding that Moshesh had "resolved to sit still" on Moroko's rejection of the instalment.[1] Actually messengers of the Basuto Chief had already informed Warden that an outbreak was expected in Kaffraria and impressed on him that Moshesh was "altogether a Government man".[2] The presence of Sir H. Smith there had soon become general knowledge and the Sovereignty tribes wondered whether the Governor would cross the Orange. Moshesh must have been no exception and evidently did not desire to miss him entirely for Casalis arrived at Port Elizabeth in mid-November with the intention of soliciting an audience.[3] The missionary's immediate business concerned the establishment of another mission station in the Koesberg in place of the existing one which was considered utterly unfit, and for this purpose he desired the expropriation of de Winnaar's farm nearby as requested two and a half years back. As Sir Harry took ship at Algoa Bay after only a couple of hours' stay Casalis realised the impropriety of delaying him and handed a statement to Col. Garvock instead. Sir Harry Smith declined to move de Winnaar.[4]

The High Commissioner had no sooner reached Cape Town than serious news caused him to leave again for the Frontier, where he remained campaigning against the Kaffirs for the next sixteen months until superseded by Sir George Cathcart. The British Resident was in consequence left very much to his own devices. Before his departure Sir Harry advised Warden to keep pressing Moshesh for the stock and to induce Casalis on his return to Thaba Bosigo to influence Moshesh to that end, by explaining to the missionary what would follow should the Chief default.[5] Influenced no doubt by the fact that the country had not received twelve hours rain during the past half year and was very parched, Warden gave the Basuto Chief till the 1st February to deliver

1. O.R.S. 37/205, 10/11/1850: addenda Bas.Rec. 1/349. Southey papers, 23/12/1850 - the Godlonton, Southey Papers 8,12/10/1850, W. Southey to R. Southey. Theal VII p.86. The chiefs and great men had not liked losing their influence and revenue, not to mention the ceded territory, and the witchdoctors had not been happy under Sir H. Smith's arrangements at the end of the War of the Axe. In the circumstances the Governor took ship for the Buffalo mouth in October and interviewed the chiefs at Kingwilliamstown. The studied absence of the leading Gaika Chiefs however really portended trouble. "The Friend" 25/11/1850 quoted Col. Lawrence of the Punjab as in the habit of saying "If you find the natives contumacious, first punish then forgive them". Walker p.259.

2. O.R.S. 37/205; Bas.Rec.1/349, 10/11/1850. 3. O.R.S. 37/206-7, 19/11/1850.

4. Bas.Rec. 1/171-2; O.R.S. 37/208-9. See p.163 above. As de Winnaar was surrounded by Native kraals Casalis claimed that private should yield to public interest. See Bas.Rec. 1/556, 7/3/1852. O.R.S. 36/149, 31/3/1851 Garvock to Casalis "Governor regrets it is out of his power to meet the request, the more especially as Moshesh's wishes would appear to be interfered with if Mr. Winnaar was displaced from his farm".

5. Bas.Rec.1/351 also Letter Book 18/11/1850, he refused to entertain Warden's plea regarding the Fingoes until question of restoration of cattle by Moshesh had been settled.

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the Barolong stock and the fine of 500 head to Bloemfontein. After reassuring Moroko and cautioning him to restrain his people, the Resident proceeded to Griqualand to ascertain how many men the Chiefs Waterboer, Adam and Cornelis Kok could put into the field.[1] At the same time an ordinance of the Council was promulgated in terms of which a fine not exceeding £250 with confiscation of goods, or, in default, 12 months' imprisonment, would in future be imposed upon anyone convicted of selling, bartering or otherwise disposing of fire-arms or gunpowder to any Native Chief within the Sovereignty or to any subject of such Native Chief.[2]

Despite the belief of Warden and "the Friend of the Sovereignty" to the contrary, the opening months of 1851 provided more illustrations of the Basuto Chief's desire for peace and of his personal efforts to that end. Within a few weeks of Moroko's refusal of the body of cattle forwarded in November by Moseme under pressure from Moshesh the number collected had been increased by subscription to over 2,000 head.[3] The Rev.T.Arbousset explained to the Resident that these had been sent to graze at Thaba Patsoa where in view of the drought he hoped Warden and the Barolong Chief would take delivery after first having them counted.[4] Major Warden however overlooked that a bird in the hand is worth two in the bush when he notified the missionary in reply that Moroko wanted the return of all those cattle as well as the horses and sheep actually stolen, or their value in cash, and could not be blamed for declining "the refuse of Basutoland".[5] As if this were not enough the Resident further jeopardised whatever prospects there were of a better settlement by allowing himself at this juncture to become involved in Colonial Native affairs with such loss of prestige to the Government forces that he was really obliged to accept the offer which he had just turned down and which the Basuto Chief had patiently repeated in the meantime.[6]

The circumstances were briefly these. Upon the outbreak of the 8th Kaffir War the Tambookies living under the petty captains Stuurman and Jantje in the Koesbergen part of the Caledon River district fell under suspicion of aiding their blood relations in the Colony and Vowe instructed Field-Cornet Weber to bring them to Smithfield for the purpose of locating them further away from the border.[7] A wiser course might have been first to place these people under closer observation but presumably the Civil Commissioner had ample and conclusive evidence against them otherwise his action must be regarded as needlessly precipitate and provocative. The Government patrol of over -fifty-

1. Bas.Rec. 1/351, 27/12/1850; Letter Book and Br.Rdt3. Warden to Moroko Br.Rdt.3, 1/1/1851, Letter Book 15/12/1850. 2. Govt.Notices, Bas.Rec. 1/352, 20/1/1851.
3. O.R.S. 31/25, Bas.Rec. 1/489/15/1/1852, J.P.Hoffman: "I am not ashamed to say I sent 8 from my own herd, as a friend of Moshesh". "The Friend" 4/11/1850. (Theal VII p. 306) held that Moshesh while talking of peace was busy collecting provisions and forces at his capital and was endeavouring to avoid coercive measures by the British Government by sending in small driblets. 4. Bas.Rec. 1/353, 20/1/1851 also Bas.Rec. 1/509 and 523. Moshesh told W.Sephton, who saw some, to apprise Warden "The Friend" 6/1/1851. 5. Br.Rdt. 3; Bas.Rec. 1/355, 26/1/1851. "The Friend", 2/12/1850. O.R.S. 34/39-41, 27/11/1850 for return of stock, Allison found only 147 of 800 horses missing but cattle increased to 4,900. 6. Bas.Rec. 1/362, 1/3/1851.
7. Bas.Rec. 1/355-7, Govt. Notice 30/1/1851 and Halse 28/1/1851. Theal VII.p.89-92.

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fifty Boers and Fingoes found the Tambookies on the 27th January moving further up the Orange and called upon them to stop and parley whereupon, according to Charles Halse, a prime mover in this episode, the latter replied by opening fire. In the ensuing fight the patrol seized about 800 head of cattle but then ran out of ammunition and the Tambookies recovered their stock to the discomfiture of the burghers whose casualties included the loss of one man killed and the Field-Cornet wounded. As soon as the British Resident was informed he left with a detachment of the Cape M. R. Corps and the 45th Regiment for the Koesbergen after publishing a statement in "The Friend" for the enlightenment of the public and after despatching a letter of explanation to Moshesh that the expedition was directed solely against these Tambookies.[1] A mixed force of Boers, Griquas and Fingoes was also assembled to aid the military. After Poshuli had directed the Government troops to the Tambookie position Major Donovan advanced to the attack early on the 14th February and completely scattered the enemy in the course of some ten hours' fighting in rugged country.[2] The Resident accepted Poshuli's assistance as a sign of his friendship and also as proof that the Basuto supported the Government, yet evidence was subsequently advanced that the freebooter had first of all tried in vain to persuade old Letelle, his son Lebenya and Mohala to attack Warden. The Tambookie Chiefs and at least thirty followers were killed and 200 head of cattle, or all that had not previously been sent across the Orange, were captured at the severe cost of four Europeans, two Griquas and two Fingoes slain.[3]

All might yet have ended satisfactorily had not an appeal for help been brought across the Orange from missionary Bertram on the ground that the Colonial Tambookies, who could be observed massing in humdreds on the opposite bank, were surrounding his Fingo station at Kamastone. Major Warden had every opportunity for calm reflection as a few days elapsed before the river proved fordable but by neglecting to reserve his decision pending the receipt of instructions from the Commander-in-Chief and by removing the Sovereignty's principal means of defence beyond its borders he assumed what Sir Harry Smith labelled later "a most unwarranted responsibility".[4] Warden's lapse was all the more culpable as he had been in a similar position five years previously during the War of the Axe when he also made an unauthorised excursion against the Tambookies across the river with ignominious results and brought upon himself such a severe condemnation from Governor Pottinger that the memory of it

1. Bas.Rec.1/355-6, 30/1/1851. G.R.S. 38/1, 1/2/1851. "The Friend" 3/2/1851. -ought- Warden's action seems to have been rather precipitate in view of his own words, "The Tambookies ... on this side of the Orange River do not exceed 500 families. They lived most peaceably till now, and I regret the necessity that seems to exist for their expulsion beyond the limits of the Sovereignty". The bartering of the captured Tambookie children by the Boers provoked frequent reprisals thereafter - vide Hoffman G.R.S.31/25,26; Bas.Rec. 1/488, 497. ~~See p.246 above.~~ G.R.S. 31/225, as a result of the poor response in August 1850 - see p.246 above. Warden issued a circular to the R.M. and C.C. authorising the imposition of a fine of £20 for a refusal to turn out and confiscation on a second refusal. 2. Bas.Rec.1/358, 15/2/1851; C.O.1456, D.53, 8/3/1851; B.B.XI. "The Friend" 24/2/1851; G.R.S. 38/4, Govt.Notice 24/2/1851. 3. G.R.S. 38/3; Bas.Rec. 1/362, 2/3/1851. 4. Bas.Rec. 1/378; G.R.S. 38/4, 30/3/1851 and Letter Book - Smith's marginal note. Br.Rdt. 4, 13/3/1851 and 15/4/51 crossing disapproved; 8/3/51 presence of troops indispensable in G.R.S.

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ought to have cautioned him on this occasion. In any case "He, that passing by meddleth with a matter not belonging to him, is as a man that taketh a dog by the ears".[1] On the 18th February then in consequence of earnest representations by the Civil Commissioner of the Albert district, Mr. Cole, and the recommendation of the British Resident, Major Donovan crossed the Orange with the troops and auxiliaries to assist the local burgher levy, whilst Warden himself followed with the Sovereignty Boers who refused to cross without the Resident. Adam Kok asserted that he was ready at any time to answer the call of the Resident within the Sovereignty but not out of it and positively refused to cross the Orange/even in this instance through fear of creating a precedent.[2]

Instead of carrying out his undertaking to send forward the Fingoes against the Tambookies and without informing Major Donovan, Mr. Cole imprudently proceeded with a body of 120 burghers and a few English volunteers to seek an interview with Morosi at his kraal as this Chief appeared to be supporting the Tambookies. In the face of an unexpected attack here the burghers took panic and abandoned the Englishmen of whom nine lost their lives whereupon the troops and the guns were rushed forward to save the situation. In consequence of this set-back and the repulse of the Fingoes by the Tambookies flushed with their success over the Boers, Warden left Major Donovan at Kamastone to prevent an invasion of the Native reserve country and possibly of Burghersdorp, until the collection of a substantial burgher force had been effected by Mr. Cole.[3] The muddled conduct of these operations against the Tambookies and Morosi's Baphuti, with whom the Basuto were related and naturally sympathised, not only lowered the prestige of the Europeans whose losses had been exaggerated far and wide but also brought fresh troubles upon the Sovereignty administration.[4]

On his return to the Residency Major Warden felt "both vexed and disgusted" to find such false reports current at Thaba Bosigo touching himself and the recent Commando and at once despatched an account of what had actually happened to Moshesh.[5] He trusted that the Basuto Chief would co-operate against the insurgent Tambookies, and hand over the cattle collected for Moroko at Thaba 'Nchu on the 18th March. Without a hitch Moroko duly received 780 former Barolong cattle and 1523 inferior Basuto cattle including many bull calves.[7] Warden had climbed down so that it could not be said thereafter "that the Government had provoked a war with a tribe whose Chief was prepared to make any sacrifice for the maintenance of peace".[6] He explained to Moshesh that he had accepted the stock on account and expressed his disappointment with what was nothing less than adding insult to injury to Moroko especially after -six-

1. See p.39 above. 2. "The Friend" 3/3/1851 and 10/3/1851; Letter Book and O.R.S. 38/3, 2/3/1851. 3. O.R.S. 38/2, 25/2/1851, Donovan to Garvock.
4. Coupled with the disaster in the Boomah Pass and the massacres at the military villages along the Tyumie. 5. Bas.Rec. 1/363, 6/3/1851; Br.Rdt 2. "The Friend", 10/3/1851. 6. Letter Book 25/3/1851.
7. Letter Book; Bas. Rec. 1/378, 30/3/1851. O.R.S. 34/42, 20/3/1851 plus a few horses, sheep and goats.

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six months of waiting. / The British Resident adhered to his viewpoint that the Government was bound to make good Moroko's loss in such manner as might be found convenient but the methods he pursued offered no respite to Moshesh.

The recovery of Moroko's cattle had unquestionably demanded the exercise of all the Basuto Chief's influence yet there were limits beyond which even he could not go as for instance to show his friendship for the Government by helping against its enemies the Tambookies at Warden's request.[2] Moshesh had followed the recent operations very closely since there were many ties between the Basutos and their neighbours over whom the Basuto Chief also held certain pretensions. He voiced immediate disapproval of Poshuli's part in treacherously strangling the captured Tambookie Chiefs and on hearing that his brother had been given their cattle he asked Warden to take them back "that thus my hands may be washed from any fault in this".[3] When the troops crossed the Orange and moved towards the country occupied by Morosi, Moshesh appealed to Warden to make a distinction between this Chief and the Tambookies lest the Basuto might become involved and added that he had also urged the Chief of the Baphuti not to join the enemies of the Queen. Subsequently the Basuto Chief received Morosi's fabrication that the fighting had commenced as a result of Cole's aggression and this greatly exasperated the Basutos. In these circumstances Moshesh desired Warden to use his influence to prevent a renewal of hostilities against Morosi and when the Resident replied that this rested with the Colonial authorities the Basuto Chief addressed himself accordingly to the Civil Commissioner of Albert actually asserting that Morosi was one of his subjects and that the Baphuti's cause and his own were inseparable.[4] Neither plea availed very much. The High Commissioner definitely repudiated any authority claimed by Moshesh to the south of the Orange and emphasized that Morosi was subject to the laws of the Colony.[5] In the meantime, just as the troops were intending to re-cross the Orange in terms of Sir Harry's orders, the Tambookies and Morosi's people assisted by the Basuto captains Mohali and Seperi attempted to remove all the Fingo cattle, but Major Donovan caught them in open country and routed them with severe loss.[6]

The Tambookie affair and the successful operations of the Commando of old Commandant Gideon Joubert of Colesberg, which burnt Morosi's village and in the words of Daumas had the very bad effect of inciting the Natives to revenge, seemed to be a signal-

1. Bas.Rec. 1/366, 19/3/1851; Br.Rdt. 2. O.R.S. 34/42, 221, 20/3/1851. Bas.Rec. 1/472; O.R.S. 34/222, 25/11/1851, Cameron described it as "adding insult to knavery" and that "the countenances of the Basuto sent with the cattle indicated on the day of payment a rancour of feeling, a settled revenge which belied all their peaceful professions. It was easy for anyone at all acquainted with native character to perceive that war was determined". 2. O.R.S. 34/180, 16/10/1850 re Moshesh's promise to return stock taken by Bataung and Baramokheli, Daumas had told Biddulph that he doubted whether Moshesh would "have the power to do so". 3. Bas.Rec. 1/360, 19/2/1851 and Bas.Rec. 1/361, 21/2/1851. O.R.S. 31/241, 18/3/1851. 4. Bas.Rec. 1/367, 20/3/1851. 5. Bas.Rec. 1/396, 15/4/1851. 6. Bas.Rec. 1/395, 6/4/1851; O.R.S. 38/4. "The Friend" 7/4/1851; Letter Book 4/5/1851; O.R.S. 31/241 Moshesh prohibited Letsie from helping Morosi. Cory V. p. 372-4: Theal VII, 307.

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signal for the rekindling of old smouldering animosities along the whole length of the Caledon lands.[1] In the south many burghers of the Caledon River district either went into laager as the outcome of the "great confusion" caused by Basuto "mischief" or, like the Collins family, left for less troubled regions.[2] In the north the Korannas and Mantatees on the one hand and the Batoung and Basuto on the other began "parading" again. Both sides denied responsibility for the renewal of these disturbances nevertheless the Resident and the Editor of "The Friend" crossed swords on the subject![3] The people of the different Chiefs had with the rare intervals of restraint already noted been robbing and killing one another for some years, all in their turn being the more guilty to-day and the less to blame to-morrow! The admission of their territorial independence had evidently stiffened the backs of the Chiefs who had formerly occupied their lands on sufferance, whilst the British Resident considered it most fortunate for the Sovereignty that so many of these were opposed to the growing power of the Basuto Chief.[4]

It was the rumoured attack of Taaibosch upon Molitsane that prompted "The Friend's" first strictures and began the breach between its Editor and the British Resident: "the Korannas under Taaibosch have no ostensible mode of subsistence but by thieving" and "if ever a man deserved to be most soundly thrashed, it is Gert Taaibosch and whilst he resides in the Sovereignty he will take every opportunity of harassing his native neighbours".[5] The British Resident immediately took up the challenge of "such uncalled for and offensive language" about a Chief who had not only kept his people from interfering with the property of the farmers but had also been ever ready to turn out at the call of the Government, as for instance during the previous September in chastising those responsible for the Umpukani massacre and the destruction of missionary premises there. After that episode Gert Taaibosch had again withdrawn temporarily from Merumetsu to the country of Jan Bloem to avoid more bloodshed. The Koranna captain claimed to be afraid to re-occupy his lands on the ground that the Lighoyas of Mabetla, one of Molitsane's Chiefs, had taken possession of them and since his return from the Vaal River he had resided either with Sikonyela or Moroko.[6] In March 1851 Taaibosch apparently attempted to induce Sikonyela to accompany him to Merumetsu as he feared an attack from Molitsane, but Biddulph suspecting the opposite met them and experienced "infinite difficulty" in dissuading Sikonyela. The magistrate found the countryside at that time deserted as far as

1. O.R.S. 34/184, 6/6/1851 Daumas to Biddulph. Bas.Rec.1/397, 6/5/1851, Moshesh to Joubert. Letter Book 30/3/1851 Warden: "Moshesh writes to me 'The late conflict with Morosi and your people has surprised and exasperated the Basutos especially those more closely connected with Morosi'". 2. Bas.Rec. 1/377, 25/3/1851, Moshesh to Vowe. Letter Book 25/3/1851. "Free Statia" p.13. O.R.S.34/183, 14/4/1851, Daumas to Burnet, just visited Thaba Bosigo and heard report from Vowe that not less than 117 horses stolen. "The Friend" 31/3/1851 - Vowe sent express to Colesberg for £200 worth of ammunition. 3. "The Friend" 13/1/1851: and 1/3/1852: 7/4/1851 rec. "parding". 4. Bas.Rec. 1/400, 18/5/1851. 5. "The Friend"; 24/2/1851: 24/3/1851: 31/3/1851. The Editor did not fully appreciate Taaibosch's position when he remarked:- "In any case what was he doing with a commando some 200 miles away from his cattle or his proper location near Jan Bloem's - simply to make mischief". "The Friend" 25/8/1851 the Editor persisted "Taaibosch had come from his usual residence down the Vaal River and was in the neighbourhood of Molitsane on no errand of peace". 6. Letter Book, 18/5/1851; Bas.Rec.1/398; CO.1412, Enc.D, 99, 15/6/1851. See pp. 195, 246 above.

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Mekuatling in anticipation of a Koranna-Mantatee attack and, as Moperi and Molitsane said that Gert Taaibosch might come back to his country, Biddulph considered the Koranna Chief was uttering falsehoods and required him to return quietly. A few days afterwards Taaibosch visited Biddulph at Winburg to persuade him of the great danger from Molitsane and, as the Magistrate appeared unconvinced, he rejected a present of a leg of fresh beef and went sulkily away.[1] No question arose of either Taaibosch or Molitsane being guilty of trespass or theft as far as the Winburg farmers were concerned. In the one case reported in February, Daumas, the Bataung missionary who was on very friendly terms with Biddulph, explained to the Magistrate of Winburg that it was not Molitsane who was responsible for a hunting party's disturbing Boers, but Paulus Moperi who happened to be joined by a few Bataung.[2] "Your postscript", continued Warden, "may be highly gratifying to the Basuto chiefs and their people but what will Adam Kok, Waterboer, Moroko, Sikonyela and Jan Bloem say when they learn how the services of their friend Gert Taaibosch have been requited? The chiefs I have named, including Gert Taaibosch, I must tell you, Mr. Editor, are the staunch friends of Government and that an affront given to any is felt, more or less, by all of them. In times like the present when rebellion stinks along the Frontier of the Colony and devilish acts are almost countenanced by a depraved and prostitute press I little expected that the Editor of a Journal styled "The Friend of the Orange River Sovereignty" would resort to so sure a mode of alienating the hitherto native adherents of Government and leading them to become its enemies".[3]

In Basutoland Moshesh was doing his best to restrain his exasperated people. During the next month, April, 1851 a great national meeting held at Thaba Bosigo was followed by a crop of rumours to the effect that the Basuto were clamouring for the expulsion of the missionaries, that yellow cattle had been killed by direction of Umlanjeni in preparation for war and that Letsie had destroyed all his of that colour. Though he admitted that he had nothing more than hearsay evidence to go upon and that Moshesh was too much alive to the welfare of himself and his people to sanction a rupture with the Government, the British Resident published a notice in "The Friend" that he had 3,000 men from the Chiefs, the troops, and the Burghers available if necessary to deal with the Basutos.[4] Unquestionably a strong party in favour of war existed in Basutoland and feeling was running high, so much so that Moshesh appealed to the meeting to distinguish between the Europeans in general and the missionaries and to listen rather to the advice of the latter, their long tried benefactors, than to the false prophet Umlanjeni whose pretensions he ridiculed.[5]

The recurrence of "incidents" was not long delayed. At the end of April a body of Natives attacked Field-Cornet Cornelis' lagger in the Caledon River district and -successfully-

1. O.R.S. 31/225. 2. O.R.S. 34/181. Feb.1851 - "Won't you come here for a rest? We have fine grapes and late peaches". See also Bas.Rec. 1/382.
3. "The Friend" 31/3/1851. The breach was never repaired. "The Friend" 1/3/1852, "The Kaffirs of the Sovereignty have been trying to extinguish or subdue each other after their own fashion, whilst we like another Don Quixote have tried our hands at reconciliation, in attempting which we have made certain "children" pets and treated others as naughty. The pets have always desired to have the Government at their elbows - not for the purpose we verily believe of protection against unprovoked aggression but to make faces at and tease their neighbours, taking refuge in retaliation under the petticoats of Government".
4. Govt. notice in "The Friend" 21/4/1851. The troops returned to Bloemfontein on 30/4/1851. 5. O.R.S. 31/232; Bas.Rec. 1/513, Casalis.

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successfully defying their pursuers entered Basutoland with their booty.[1] Early in May Bester reported that Witze had without provocation practically wiped out a party of Native newcomers within a few miles of Harrismith, carrying off their women and children and nearly 4,000 cattle and sheep whereupon Warden recommended to the High Commissioner that this petty Chief of Moshesh should be expelled from the Vaal River district.[2] Then Commandant Wessels of Winburg forwarded a letter from the farmers residing on Molitsane's boundary, which revealed that Taaibosch's Korannas had at last come to blows with Molitsane and his protégé, Mabetla's Lighoyas. Taaibosch had taken the law into his own hands and punished the Lighoyas for their audacity in occupying his territory. The fight had taken place on J.Koekemoer's farm on the 8th May and the Koranna Chief removed a few hundred head as compensation for property stolen by the Lighoyas on his recent visit to Winburg.[3] That night the Bataung under Molitsane's son assisted by Gert Lynx's Korannas fell upon unsuspecting Barolong cattle posts carrying off several hundred head and butchering many people, whilst the Baramokheli attacked a party of Barolongs who had been across the Caledon to purchase corn.[4] These events coming hot upon one another galvanised Major Warden into action. He called upon Moshesh to give full satisfaction for these attacks on the Barolong and required Adam Kok to proceed to Thaba 'Nchu as soon as possible lest the "panic stricken" Barolongs should retire upon Bloemfontein. He instructed Burnet in Biddulph's absence on circuit to conduct a preliminary investigation and requested Daumas, who had alleged that Barolongs were implicated with Taaibosch, to inform Molitsane that a full inquiry would be held. To this end Warden issued a circular notice to all the Chiefs to attend a meeting at Bloemfontein on the 4th June.[5]

Although disposed to accept that Taaibosch had gone beyond all bounds in attacking Molitsane, the British Resident could not bring himself to believe that Moroko would ever sanction such action: "Indeed I have such high opinions of this chief's character that I cannot give a ready ear to any accusations against him".[6] Taaibosch denied that any Barolongs assisted him and it is unlikely that Moroko or his petty Chiefs would have failed to forewarn their people if they had been privy to the expedition. In the schoolroom at Mekuatling moreover Molitsane admitted to Burnet that he had sent his people and cattle into what he claimed was the unoccupied territory of Taaibosch. He explained that this had been done to avoid collisions on the other side of his country where, he said, four petty Barolong Chiefs had established cattle posts since the previous summer with the result that their stock had-

1. Letter Book, Warden to Vowe 4/5/1851. Bas.Rec.1/400, 18/5/1851. Bas.Rec. 1/402, 1/6/1851; Br.Rdt.5. 2. Letter Book and Bas.Rec. 1/398, 18/5/1851; C.O.1412, Enc.D.99, 5/6/1851. "The Friend" 2/6/1851. 3. O.R.S. 34/204-5. Letter Book 18/5/1851. Bas.Rec. 1/406 - 17 killed. 4. "The Friend" 12/5/1851 and 30/6/1851. Letter Book and Bas.Rec. 1/397, 11/5/1851. O.R.S. 34/34, on the morning of 9th May Bataung removed 114 horses, 2,971 cattle, 324 sheep, 255 goats, having killed 20 herds and wounded 5. 5. Bas.Rec. 1/397, 17/5/1851. 6. Br. Rdt. 3, 12/5/1851.

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had been constantly grazing on his land in spite of his protests.[1] The Bataung Chief added that Barolongs did accompany Taaibosch and Daumas wrote later to Biddulph justifying Molitsane's attack on Moroko on the ground also that as the Barolong Chief had sheltered Taaibosch in his territory he was responsible for him. On the other hand he naively dismissed the presence of Gert Lynx and his Korannas among the Bataung with the remark that he was an old friend of Molitsane.[2]

Meanwhile along the upper Modder River, between Thaba 'Nchu and the Caledon, the storm brewed as May advanced with the ever widening ravages of Basuto commandos. The Boers formed laagers for mutual protection and Commandant Erasmus' patrol, sent out on Warden's instructions to observe Basuto movements, narrowly escaped capture by a strong Native force.[3] Carolus Baatje, captain of the Platberg Bastards, complained of the loss of 500 head of cattle removed late one afternoon towards the kraal of Paulus Moperi, Moshesh's brother, and sent again to Bloemfontein for arms and ammunition. The Barolongs had been obliged to abandon their gardens and corn crops to the Basuto and Baramokheli who launched an attack so near to Thaba 'Nchu on the 26th that missionary Cameron despatched his family post-haste to Bloemfontein and Warden ordered a detachment of troops to the support of Moroko's capital.[4]

The British Resident concluded from these acts of aggression that the Basuto tribe had "at last determined on war". Sharing the view of the other Chiefs that the Basuto Chief would never openly declare himself the enemy of any tribe, preferring to use the Bataung as stalking-horses to disturb the peace and to harass the Barolong into submission to his will, the Major also agreed with them that the sooner Moshesh and his sons were humbled the better for the country.[5] As for Moshesh the intransigence of his sons and the force of circumstances beyond his control had combined to bring about the overthrow of the policy he had consistently followed of recent years in the best interests of his people. Two letters of the 2nd June addressed by him to the Barolong Chief and the Resident respectively put his position in a nutshell.[6] He admitted to Moroko that "war must in the end be unprofitable to all parties" and protested that he had not authorized any inroad but that his son Nehemiah had "contrived to escape" at the second attempt and his brother Gideone and Joshua, sent to intercept the young man, had "come in contact" with the Barolongs. To Warden the Basuto Chief replied that he could not possibly leave home for the inquiry at Bloem-fontein-

1. O.R.S. 34/207, 17/5/1851. O.R.S. 31/225 - loose papers re Winburg commando in Burnet's handwriting. 2. O.R.S. 34/187, 28/5/1851. 3. "The Friend" 2/6/1851, O.R.S.1; Bas.Rec. 1/401, 26 and 29/5/1851. 4. O.R.S. 17; Bas.Rec. 1/401; Br. Rdt. 5, 1/6/1851. Bas.Rec. 1/400, 26/5/1851 Cameron's s.o.s. "If you mean to help Moroko there is no time to lose". Moshesh's son Nehemiah took French leave and Joshua, the chief warrior, avowedly sent to recall him eventually co-operated with him. 5. Bas. Rec. 1/400, 18/5/1851. Bas.Rec. 1/402, Warden mentioned that Moshesh within the past six months had "made two attempts to bring over the Barolong tribe to his views and urged Moroko to throw off all Government interference". O.R.S. 26, 4/6/1851, Vowe forwards deposition that Basuto/fully bent on war with the British Government. 6. Bas.Rec. 1/403-4.

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fontein in the existing confusion especially as this would become worse confounded in his absence, sentiments which were echoed by Molitsane who feared a more devastating raid by the Mantatees and Korannas than on the last occasion he had attended a conference, besides, his missionary, Daumas, maintained that he was merely acting on the defensive and had no intention of making war on anyone.[1] Moshesh frankly confessed that the cause of the recent disturbances, in so far as the Basutos were concerned, was none other than the system of boundary lines which had deprived his people of their lands and infringed upon the rights of their Chiefs contrary to the declaration of the High Commissioner - "Hence their discontent, which is general". The operations against the Tambookies in the Caledon River district still rankled, for Moshesh instanced his disapproval of the Major's treatment of his brother Poshuli "as an auxiliary independent of me". He appealed to the Resident "to return my brother to me, lest he be some day the victim of his conduct or at least give me the wives and children who are held captive at Posuli's, that I may give them back to the Tambookies who are clamorous on that point .... and hold me responsible".

The meeting of the 4th June, 1851 proved to be a fiasco in the absence of all the Chiefs except Moroko and Taaibosch who incidentally took this opportunity to air their explanations of recent events.[2] Major Warden had not expected any favourable results but felt that it would "shew to the world that before drawing the sword" he had afforded the Chiefs a chance of inquiring into their late proceedings.[3] He pointedly reproved the Basuto Chief for his belatedly laying the blame on "the limit system" and fairly charged the Basuto and the Bataung with being the only people to make encroachments by erecting huts and making gardens on the lands of other tribes.[4] He also enumerated various occasions on which the Basuto had violated his boundary arrangements at the expense of the Barolongs and the European inhabitants of the Sovereignty, but he kept "the door open" for an "amicable" settlement by inviting the Basuto Chief to meet him at Platberg later in the month.[5] In any case the Resident had already determined on his line of action and issued orders for the calling out of 300 burghers and levies from Adam Kok, Sikonyela and Taaibosch with which force, plus the troops and the Barolongs, he intended proceeding to Platberg to obtain satisfaction from Moshesh and Molitsane.[6] So obsessed was the Major with his championship of Moroko's cause and his conviction that the combined Chiefs would soon crush the Basuto "in spite of what the French missionaries say" that he discounted altogether

1. O.R.S. 34/188. 2. Minutes O.R.S. 34/209; Bas.Rec. 1/405, 4/6/1851. "The Friend" 25/8/1851 and 15/9/1851 in Dutch; C.O.1414, Enc.D. 153, 3/9/1851.
3. Br. Rdt.3, 25/5/1851 to Hove. 4. Southey papers 15/10/1851 Smith to Southey "Moshesh desiring a Boundary line and then rejecting whatever was proposed to him is most inconsistent and shews him to be a diplomatique intriguer".
5. Br.Rdt.3; Bas.Rec.1/408, 8/6/1851, Warden charged the French missionaries with attempting to make Moshesh paramount Chief of the Sovereignty. He mentioned Basutos helping Morosi and Tambookie. The Resident wrote also that the country for Carolus Baatje would be defined and this Moshesh regarded as a threat to deprive him of nearly all the land that remained to him on the other side of the Caledon - Bas.Rec. 1/514. 6. Br.Rdt.5; Bas.Rec.1/401, 1/6/1851. Letter Book 18/5/1851 Warden expressed the fear that unless he intervened Moroko might join what would appear to the Barolongs the stronger party of Moshesh and Molitsane.

the stark staring realities of his situation.[1] In view of the poor response to his calls for burgher service in the past Warden had no reason to expect any better turn out on this occasion, and should not have disregarded the High Commissioner's previous instructions.[2] Only in May he had caused a special notice to be inserted in the Government Gazette reminding the Boers that they held their lands on the express condition of defending Her Majesty and her allies when required, and he had not only confiscated the farms of two owners who had absconded to evade burgher duty but had also fined others who preferred to pay the £20 prescribed rather than be "shot by the Kaffirs".[3] The Resident had indeed noted the similar apathy and lukewarmness of the "Colonial Dutch farmer in the present emergency in British Kaffraria", and had even expressed the opinion that the Government could only depend on the troops and the English settlers both in the Sovereignty and in the Colony! Apart from the fact too that no material aid could be expected from the Colony the time was not opportune for the conduct of punitive operations as the long drought had not broken and the country lay in the grip of a severe winter.[4]

The plans of Major Warden were not in the least modified by the pertinent comment in the columns of "The Friend" during this period.[5] The Editor did not quarrel with the Resident's system in principle but more than hinted that the steps Warden took to enforce it were neither sound nor unprejudiced. The paper maintained that the expedition undertaken by the British Resident in conjunction with Moroko during the previous August had caused all the subsequent trouble for the Major had been apprised of what would happen should the Barolongs leave home and that therefore he had become answerable for everything that might occur by calling out Moroko, who had either to help or forfeit any claim to protection. In his opinion had Moroko stayed his cattle would not have been touched.[6] Of course it is easy and a temptation for lookers on, who are not called upon to act and are not responsible for the practical result to indulge in speculation but there was much to be commended in parts of what "The Friend" had to say both prior to and during the month of June 1851.[7] The Editor wanted to know why, if the British Government considered itself called upon to maintain law and order between the Native Chiefs, the first as well as the last to violate the peace should not be punished. He made the significant observation moreover that there

1. Letter Book 4/5/1851. 2. O.R.S. 31/225: as a result of the poor response in August 1850 - see p.254 footnote - Warden issued Kommando brieven for the Tambookie operations with a circular for R.M. and C.Cs. including penalties but with little effect. See Smith's instructions pp. 186 and 245 above. 3. "The Friend" 19/5/1851 were- Two Boers J.Loggenberg and M.Nieuwenhuizen gone beyond the Vaal. Letter Book 4/5/1851 to Vowe. Many Boers considered it was the duty of the Government troops to trace spoors and recover cattle. 4. "The Friend" 23/6/1851 - harassing for farmers to be called upon during this season of the year. 5. "The Friend" 10/3/1851 condemning practice of unrestricted hunting of game by Natives and insolent Barolong hunting parties, and also 30/6/1851: O.R.S. 38/5, 27/4/1851. "The Friend" 24/3/1851 for Notice and 31/3/1851 re Moroko's agent in Bloemfontein, evidently an agent to buy coffee and sugar and sell Kaffir corn at salary £50p.a. Incidentally the paper suggested the placing of English magistrates in every Native district according to the practice in India. 6. "The Friend" 3/2/1851 and 1/9/1851. See p.248 above. 7. Compare Cathcart's minute in Correspondence p.214.

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were not a few who, having "no precise ideas" of the relations subsisting between the Government and the Native tribes, objected to any interference so long as the disturbances were confined within the Native boundaries.[1]

The results of the Commando circulars sent out by Major Warden clearly demonstrated the need for his taking stock of the situation anew. Commandant Wessels of Winburg received his orders by express on the 2nd June and at once issued instructions to his Field-Cornets Cilliers, Fick, Venter, Wessels, Greyling and van Rooyen to assemble (for burgher duty) at Winburg on the 7th with one wagon and from 20 to 25 men each. In spite however of the warning attached that a fine of £20 would be imposed on defaulters the Winburg Commando mustered less than forty strong. A deputation comprising Field-Cornets Greyling and van Rooyen thereupon waited on Warden who authorized them to call upon the burghers on pain of forfeiture to be at Thaba 'Nchu on the 24th. On Field-Cornet Jurie Wessels' reporting later that several had refused and that the Major's notice would be ineffective, Biddulph summoned and fined the delinquents Botes, du Plessis, Froneman, Erasmus and du Prees, "all notorious anti-Government boers". In due course when the Winburg Commando went out to meet the Resident, Field-Cornet Cilliers of the Wittebergen brought only one man and that his own son, Field-Cornet Fick who had obtained eleven at the first call had none and fought at Viervoet ultimately as an officer without men, whilst Field-Cornet Venter reported no better a disposition in his ward and that none would go.[2]

In the Caledon River district even the loyalist Boers showed an understandable repugnance to join the Resident's martial enterprise but were prepared to act on the frontier of their own district.[3] Though he felt that the sooner the disaffected Boers in that district were got rid of the better and was not disturbed by their threats to trek, Warden intimated to Vowe that it might not be prudent, what with the rebellion in British Kaffraria, to carry matters beyond the point of giving burghers who refused duty the option of a fine or the transmission of their cases to Bloemfontein and thence to the High Commissioner with the recommendation of confiscation.[4] Subsequently Major Warden singled out Commandant Snyman, Hans Smit, the recipient of a farm in Basutoland from Moshesh for services rendered and J.P. Hoffman as parties who had done "much mischief" in thwarting his measures. Hoffman had taken exception to Field-Cornet Landman's circular recalling the Boers to the Smithfield laager and requiring them to hold themselves in readiness for burgher duty and had demanded the

1. "The Friend" 9/6/1851. O.R.S.38/75, Br.Rdt.5, 24/11/1851; add.Bas.Rec. -reasons- 1/469 Warden: "Moshesh has this paper, Bloemfontein Gazette, regularly read to him and must be highly gratified at listening to what the Editor and some others have to say about the great Basuto Chief". No doubt the Resident had these in mind when he confessed to Vowe that he was an advocate of stringent measures towards an ungrateful people such as two-thirds of the Boers they had to deal with. Br.Rdt.3, 25/5/1851.
2. O.R.S. 31/225. O.R.S. 33, 15/6/1851, Biddulph's summons against J.A.du Plessis for refusing to do Burgher duty in defence of Her Majesty and her allies during Sept. 1850 and June 1851 in terms of the Proclamations 3/2/1848 and 8/3/1848, the Notice of the British Resident 10/6/1851 and the Resident Magistrate 3/6/1851. 3. See also "The Friend" 21/7/1851. 4. Br.Rdt. 3, 25/5/1851.

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reasons of the local authorities for supposing that the Basutos wished to make an inroad. Commandant Snyman and he apparently had an audience with Warden on the 16th but their plea for a friendly settlement proved fruitless and Snyman was actually suspended by the Resident who appointed Burger Smit to be Commandant in his stead.[1]

In Bloemfontein district about forty Boers turned up including the two Commandants and eight Fieldcornets, and Warden sent the latter back to their wards to raise more men by stressing the consequences of refusal. "The Friend" claimed, either in extenuation or in justification, that the Burghers would be the first to fight should Moshesh or any other Chief "make war with the Sovereignty" but that if called out to put down every petty broil between Native Chiefs without being made acquainted with the reason they would rather leave the Sovereignty and seek a quieter abode. The paper asserted furthermore that at the Proclamation of Sovereignty the Boers had taken the oath of allegiance and sworn not to fight against the Government or its allies and pointed out that, as Moshesh was an ally of the British Government and had never been proclaimed a rebel, the Boer would "be forced to break his oath" if he went on commando against that Chief. Besides in the Editor's opinion a couple of hundred British cavalry were really required, to take the place of the Cape Corps, as well as an efficient complement of artillery.[2] The inhabitants of Bloemfontein town on the other hand held a meeting in the school room on the 4th June and resolved to aid the Government whenever the troops should take the field by forming a Town Guard of two corps, cavalry and infantry, for which they drafted regulations and elected their own officers. The Resident expressed his thanks to these "eighty loyal men" and "true sons of the Mother country" in an official notice. In the low state of the Sovereignty funds Warden could not guarantee pay but undertook to provide the few muskets required as well as forty rounds per man.[3]

Neither Adam Kok nor any of his Raad had attended the meeting of the 4th June at the request of the Resident and as no Griqua force had put in an appearance Warden sent a further reminder to the captain before leaving on the 17th with Major Donovan

1. Circular dated Smithfield 31/5/1851, in "The Friend" 29/9/1851. Hoffman suggested the following motives of Warden: 1. to instil needless terror in the Boers. 2. to urge Basuto to commit thefts and acts of hostility. 3. to deter Moshesh and Molitsane from attending the meeting on 4th June so that Moroko and Taaibosch being alone might say what they wished. 4. to more easily command the boers in laager to go and fight against Moshesh!! Addenda Bas.Rec.1/428; Br.Rdt5; O.R.S.38/12, 14/8/1851; Enc.C.O.1413, D.138, C.O.1456. Warden, "From one ward alone in the Caledon district I received a memorial signed by 58 burghers praying that another commandant might be appointed in place of Mr. Snyman". "The Friend" 14/8/1851 says they wanted G.H.v.d.Walt as Commandant in addition to Snyman. O.R.S. 31/169, 15/3/1852 Commandant J.T.Snyman protested to Sir H.Smith. Said that he had been ordered out (1) In Jan. against Tambookies but would not act on offensive till arrival of the British Resident as he could not understand their guilt: told he was too slow and would not do as he was required: (2) On 1st June 1851 to get 150 men against Moshesh but asked to be excused as he was amazed since Moshesh had been asked to attend a friendly meeting: (3) again on 7th June but asked Warden to hold inquiry and not condemn Moshesh unheard. "On 10th July Vowe wrote that my resignation was accepted. Halse has Vowe under his thumb". Visit to Warden, O.R.S. 31/25, 15/1/1852; Bas.Rec. 1/493. 2. "The Friend" 16/6/1851, 23/6/1851. Bas.Rec. 1/410; Br.Rdt.5, 16/6/1851. 3. Br.Rdt. 3, 6/6/1851. "The Friend", 9/6/1851: Of the Bloemfontein Yeomanry Corps H.Lowen was Capt.; W.Dawson, late 45th Regt. Lieutenant and Adjutant. Of Bloemfontein Volunteers Mr.G.Harris was capt; J.Donaldson Lt; H. Timeny Adjutant.

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and the troops for Platberg via Thaba 'Nchu.[1] Report from the South had cast doubt on the loyalty and co-operation of the Griquas but Warden did not question Adam Kok's fidelity and attributed whatever contrary feeling there might be to "some designing whitefaced men" and to "the same causes" at work among the Griquas as had produced the recent rebellion of the Kat River Hottentot settlers and the defection of the Hottentot soldiers of the Cape Mounted Rifles in the Colony.[2]

Despite the above inadequate support from the Boers and the absence of the Griquas the Resident was impatient to be up and doing. He was satisfied that the force Major Donovan would have of 2,500 comprising the troops and the Native levies would be quite sufficient to deal with the Basutos should the reparations he proposed to demand not be forthcoming.[3] Besides further delay might be interpreted as a sign of weakness and timidity by the Batsung and the Basuto who continued their depredations upon the Barolongs and upon the farmers and Fingos of the Caledon River district. Field-Cornet Swanepoel had just lost 200 sheep in one such raid and had been dangerously wounded in the pursuit. The Fingos had been deprived of nearly all their cattle but showed their mettle in a recent affray, and Thomas Bailie, who had been actively engaged against the Tambookies on both sides the Orange since January, was appointed to organise them in expelling the Basuto from the Caledon River district. As usual Moshesh personally disapproved of such goings on of his people and requested the Rev. D. Keck of Beersheba not only to notify the culprits residing on his station that immediate restitution had to be made but also to pass on the same directions to the Rev.L.Cochet in the Koesbergen.[4] Naturally in keeping with his past policy the Basuto Chief aimed at the ultimate absorption of the Fingos and did not want them "eaten up".

The British Resident's arbitrary and imprudent conduct is further established by his failure to consult the Legislative Council of the Sovereignty and also by a study of his correspondence with the High Commissioner during June 1851. Admittedly Sir Harry endorsed Warden's intention to hold the meeting on the 4th June and to punish the disturbers of the peace by calling out the burghers, native levies and the Griquas, but his authorization of this hostile measure was indubitably founded on the expectation that these forces, especially the Boers, would rally in strength to the support of the Resident.[5] The High Commissioner's subsequent instructions also dispel any possible doubt on this score - "write, come to the point with Moshesh, and if you

1. Br.Rdt. 3, 26/5/1851 and 16/6/1851 to Kok: O.R.S. 38/7. "The Friend" 23/6/1851.
2. Br.Rdt. 5; Bas.Rec. 1/410, 16/6/1851 to Garvock. Colesberg Civil Commissioner's letters 1851 Piet Draay to Rawstorne 15/5/1851 - "Adam Kok went to assist Major Warden against the Tambookies and now away to Vaal River to settle some dispute! Boers along the Riet River and in Adam Kok's country gave the excuse for not turning out that they were afraid to leave their families exposed to the Griquas. 3. Br.Rdt. 5; Bas.Rec. 1/410, 16/6/1851. 4. "The Friend" 21/7/1851, 9/6/1851 and 23/6/1851.
5. Bas. Rec. 1/398, 18/5/1851. Br.Rdt. 4; Bas.Rec. 1/407, 4/6/1851; O.R.S. 31/177; Enc. C.O.1412, D.99, 5/6/1851, C.O.1456. O.R.S. 31/178; Bas.Rec. 1/411, 17/6/1851; 32/163; 36/152. Bas.Rec. 1/434, 6/8/1851. 2. B.Rdt.6; Bas.Rec.1/421, 6/7/1851.

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you have sufficient force attack him at once if necessary".[1] As we have seen however Major Warden had already assured himself that Major Donovan had at his command a force "fully ample" to carry through triumphantly all his designs independently of aid from the burghers. Sir Harry indeed accused Moshesh of connivance with the restless Kreli and the rebel Sandile and as a mark of his disapproval spoke in parenthesis of Moroko as the paramount Native Chief of the Sovereignty. On the other hand he felt that the Basuto Chief was "a good savage", in contrast with the "mere savage" Molitsane who was guided only by selfwill, and "in his heart a strong advocate of peace" though unfortunately under the control of his "turbulent, restless" sons, especially Nehemiah.[2] In the midst of his campaigning in Kaffraria the High Commissioner naturally hoped, as appears from his first despatch on the subject to Earl Grey, that there would be no necessity to resort to physical force and that the unsettled state of the Natives would be met in the first instance by moderate measures.[3] After all, the Resident had just acknowledged that he knew Sir Harry was "most anxious to avoid an open rupture with any of the Tribes" in the Sovereignty and interspersed in the latter's letters to him were such sentiments as "Peace is or ought to be the great object of the world".[4]

The Government forces reached the Wesleyan mission station of Platberg on the 20th June. The first clash of arms occurred soon afterwards when Sikonyela was intercepted on his return home. The Mantatee Chief had just visited Bloemfontein and hearing that Molitsane intended to waylay him had been supplied by Warden with an escort of 80 Natives who kept the Bataung and Moperi's Basuto at bay from a small kopje till the next day when a strong detachment of C.M.R. and Natives supported by one six pounder gun came to the rescue.[5] Immediately on his arrival at Platberg Major Warden invited Moshesh to an interview.[6] Two days later Casalis and Dyke put in an appearance with Stephanus, a son of Moshesh, and explained that the Basuto Chief greatly desired peace and would endeavour to make reparation but that he was either afraid to leave Thaba Bosigo or prevented by his people from meeting the Resident. As nothing came of their undertaking to do their best to persuade Moshesh to accompany them to Warden the latter made a final demand upon the Chief on the 25th for the delivery on or before the 4th July of 6,000 head of good cattle and 300 horses representing the total of fines imposed, compensation for damage done and property -stolen-

1. O.R.S. 31/179; Bas.Rec. 1/413; O.R.S. 32/164, 21/6/1851. Bas.Rec. 1/410; Br.Rdt. 3, 9/6/1851. Cp. p.186 above. Warden had already marched. Bas.Rec. 1/429, 22/7/1851, Memo of Smith refers to Warden's inadequate resources and the insufficiency of a single gun at Viervoet. 2. Bas.Rec. 1/411, 17/6/1851; O.R.S. 31/178. Godlonton Correspondence, Smith 17/6/1851 - "but his son Nehemiah educated in Cape Town under the auspices of Philip and Co. abounds in the turpitude of the youth of the age". Bas.Rec.1/412, 17/6/1851 Smith to Grey. Bas.Rec.1/439; O.R.S. 36/166, 1/9/1851 Smith to Southey. 3. C.O.1456, D.99, 5/6/1851: Encs.C.O.1412.
4. Bas.Rec. 1/400, 18/5/1851 and Bas.Rec. 1/407; O.R.S. 31/177, 4/6/1851.
5. Br.Rdt.6; Bas.Rec.1/414, 27/6/1851: Bas.Rec.1/420, 4/7/1851. O.R.S. 38/12, 14/7/1851 addenda Bas.Rec. 1/428, Three Boers from beyond the Vaal joined Molitsane and Gert Lynx - one was shot by Cdt.Erasmus' party. "The Friend" 30/6/1851 said foot soldiers useless, cavalry wanted, and even the one gun was drawn by oxen! 6.Br.Rdt. 5; Bas.Rec. 1/413, 21/6/1851.

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stolen on specified occasions.[1] Later in the year when Moshesh attempted to justify his avoidance of Warden on the ground that the latter intended to intimidate him and to deny him a fair and patient hearing, the Resident explained that he had actually offered to meet the Chief on the Caledon attended by only two officers and had told the missionaries that he would gladly forego half a year's salary to effect some kind of settlement.[2]

Whether the Basuto Chief meant to meet the demands made upon him or not the Resident had made up his mind to fall upon Moshesh's tool Molitsane and put an end to his murderous forays upon his present neighbours by driving him into Basutoland. On the 28th June the better to effect this and also to assist Sikonyela in rejoining his people so that they might co-operate in the future operations, the Resident's force proceeded to Viervoet seriously encumbered with 90 wagons, 600 women and children and thousands of cattle of the Platberg Bastards and Fingos who feared to remain behind.[3] In the course of this movement the advance guard was fired upon and a Fingo sentry wounded that evening. It was here the next day that the last contingent arrived of nearly 200 Griquas under Adam Kok bringing the total forces to less than one half of the 3,000 men originally expected. There were no Mantatees present and merely a hundred Korannas and Fingos whilst only one third of the 350 burghers ordered out had joined.[4] Apart from their known reluctance to turn out some Boers must have been deterred at the last moment by the despicable activities of renegade Boers, such as one v.d.Colff, who was suspected of horse and cattle theft and of fabricating and circulating threatening letters from Moshesh and Pretorius with the object of intimidating both the loyalist Boers and the Native allies.[5]

On Sunday the 29th June the British Resident addressed the assembled Chiefs and captains namely, Moroko, Sikonyela, Gert Taaibosch, Carolus Baatje, Lepui's son Hendrik, David Dantzer, Goliad, Adam Kok and his late secretary Hendrik Hendriks and Springbok a captain under Jan Bloem.[6] Before a sympathetic audience Major Warden recapitulated the various losses of life and property perpetrated by the Bataung and the Basuto at the expense of their "peaceful neighbours" and gave his opinion that "the only chance" of terminating this was for "the weak nations to combine" even against "the powerful chief Moshesh". Each Chief and captain had his say. They -agreed-

1. Br. Rdt. 5; Bas.Rec. 1/413, 25/6/1851. Bas.Rec. 1/458, 20/10/1851.
2. O.R.S. 17; Bas.Rec. 1/457, 13/10/1851, Moshesh. O.R.S. 38/75; Bas.Rec.1/469, 24/11/1851, Warden. Bas.Rec.1/515 Casalis confirms this offer.
3. Br.Rdt.5; Bas. Rec. 1/415, 27/6/1851. Southey papers 20/10/1851, Warden. "The Friend" 30/6/1851, When Molitzane's commando attacked Barolong reapers on 26th June, 12 lives were lost.
4. Bas.Rec. 1/401; Br. Rdt. 5, 1/6/1851. Bas.Rec. 1/420, 4/7/1851. Bas.Rec. 1/421; Br.Rdt. 5, 6/7/1851. The Rev.Mr. Giddy and a couple of Englishmen remained at the mission station Platberg. "The Friend" 8/9/1851 Warden expected 200 Boers from Bloemfontein and 200 from Winburg, 200 Griquas, 800 each from Sikonyela and Moroko, 400 Korannas, 600 Fingos (totalling 3,350 exclusive of the troops).
5. O.R.S. 31/225; O.R.S. 17; Bas.Rec.1/412, 19/6/1851, Moshesh to Wessels - a forgery in Durnet's eyes; another (Pretorius to Sikonyela) in Warden's eyes. "The Friend" 11/8/1851. One also sent to Adam Kok.
6. Bas.Rec. 1/415-20; Br. Rdt.2; O.R.S. 17; "The Friend" 25/8/1851 and 22/9/1851 in Dutch; C.O.1414, Enc. D. 153, 3/9/1851.

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agreed with Sikonyela upon the inoffensiveness of Moroko whose "only enemy" were "the wildebeests and blesboks" and insisted that Molitsane be driven out of the country. Adam Kok alone lacked zeal for he feared to lose the cattle belonging to his people in Basutoland. He remarked that all the Chiefs were "unanimous as to the course to be pursued" and he saw and heard "nothing but war". The decision was taken to commence operations against the Bataung Chief the following dawn though all must have known from Sikonyela's experience that the Basuto were in the neighbourhood and ready to support Molitsane.

The engagement began at 9 a.m. on Monday, 30th June, soon after the Government forces moved out to attack the enemy on Viervoet mountain and lasted till 5 p.m. / Captain Bates' detachment in charge of a six-pounder gun first of all covered the successful ascent by one division, comprising mainly Barolongs, via one of two practicable passes and then about noon supported the second division in its ascent of the other pass round the northern point of the mountain, some ten miles from the camp. Having effected this Capt. Bates was about to return when he found himself obstructed between two kopjes by bodies of Bataung and Korannas about 500 strong who had taken up positions among the rocks on his left and in a ravine on his right. He decided to make a dash through although he was outnumbered by more than five to one. The handful of Griquas and non-Europeans of the C.M.R. (Cape Corps) gave way in some confusion but the steadiness of their Ensign Somerset and of Erwee and his fifty burghers assisted by the occasional use of grape-shot from the six-pounder under Lieut. Singer and his twelve gunners saw them safely through to the camp whereupon the enemy withdrew. Some eighty Griquas had been sent with ammunition for the Cape Corps but instead of joining Capt. Bates' detachment, which was placed in jeopardy by their suspicious conduct, they took up a position a few miles off and remained there until the fighting was over. Meanwhile two Basuto commandos under Moperi and Molapo had gained the summit of the plateau and surprised the Barolongs who had remained there after capturing some 3,000 head of cattle and were asleep or in a state of stupefaction from regaling themselves on Kaffir beer plundered from the huts. Much carnage ensued among the intoxicated Barolongs, many of whom were driven over the precipitous sides, and those who escaped owed their lives to the gallant stand of Commandant Erasmus and his party of Boers who had observed the Basuto onslaught. In the evening the Bataung and Basuto commandos retired on Platberg, having suffered as severely as the auxiliaries

1. Donovan's report Enc. C.O.1412, D.128, 22/7/1851. C.O.1456. O.R.S.38/12; -of- Br.Rdt. 5; Br.Rdt. 3; addenda Bas.Rec. 1/428, 14/7/1851; Enc.C.O.1413, D.138, 8/8/1850, C.O.1456. "The Friend" 7/7/1851. Bas.Rec. 1/423; O.R.S. 36/164 gives a general account by Casalis. Letsie, the eldest son of Moshesh, was evidently in command of the Basuto forces. The missionary made no specific mention of the Basuto losses. "The Friend" 16/2/1852 "but for the coolness and bravery and admirable tactics of Capt. Bates and Lt.Singer the affair of Viervoet would have proved a wholesale butchery or disgraceful defeat".

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of the Government forces whose main casualties were among the Barolong lost on Viervoet mountain.[1] At the same time it was deemed advisable for Warden's motley array to make a backward movement to Thaba 'Nchu to await the Burgher levies previously expected, seeing that the Griquas had shown that they could not be relied upon and that the force was badly encumbered by nearly 100 wagons containing the Platberg people. Major Donovan broke camp the next day and covered the retreat.[2] Such was the "disgraceful rebuff" at Viervoet.[3]

An idea of what went on in the minds of the enemy was revealed by the Winburg storekeeper, Schnehage's servant Kalooi, a subject of Mabetla, who brought the news of the fight to Winburg.[4] According to his statement there was some dispute among the Chiefs as to their line of action. Gert Lynx with his 60 Korannas from across the Vaal had advocated an attack upon Thaba 'Nchu but Molitsane and Moshesh had opposed such a step. The Bataung Chief had seemed inclined to flee over the Caledon to Moshesh, but although the Korannas dissuaded him, still he was personally not present at the fighting. The Basuto Chief had not got all his men and on being pressed to make war against his wish had surrendered the matter to his sons who were "much for war". Molitsane also had rejected v.d.Colff's advice to attack the Major's camp at Platberg whereupon v.d.Colff and Gert Lynx with 30 of his Korannas had left before the engagement at Viervoet, probably to launch the campaign of cattle and horse thieving from the loyalist Boers.[5] After the fight Moshesh's sons Molapo and Nehemiah came to Molitsane with the proposal to assault Major Warden's camp that night but he refused as his horses were too tired, besides many of his people would do nothing more and had fled! "You have always complained that we do not come and help you, now how is it?" Moreover Moperi had been hurt by a fall from his horse and so the attack did not materialise the next day. Kalooi added that the Basuto had accumulated a great quantity of gunpowder from the Boer smouses and the English and that their whole aim was to root out Moroko and destroy his town. They apparently expected much from the Boers and Tambookies but had no plan to attack Bloemfontein or Winburg unless the Boers from across the Vaal river joined them and there would be no such intention so long as the Native servants were dispersed among the farmers.[6]

1. O.R.S. 32/166. For accounts of Viervoet see Theal VII.p.310 and Cory V.p.419. Moroko lost two brothers and 136 followers. Theal put the enemy losses at 16! Among the troops and the burghers the only casualties were two men slightly wounded: Br. Rdt.5 and Bas.Rec.1/421, 6/7/1851. Theal evidently took Casalis' statement who referred to the Bataung/Bates encounter Bas.Rec.1/424. 2. Southey papers 20/10/1851, Warden. 3. "The Friend" 16/2/1852. 4. O.R.S. 31/225 Daumas advised the Bataung not to kill Warden if his force was beaten and he was taken prisoner. 5. Fd.-Ct. van Rooyen lost 20 horses on the 26th June. 6. Bas.Rec. 2/69, 20/9/1853, Warden, "I altogether deny having rashly or hastily engaged in a war with Moshesh, it having been proved beyond the possibility of contradiction that he was the aggressor ... my visit to Platberg in June 1851 was intended to be conciliatory being desirous only to see Moshesh restore the stolen property of Emigrant Boers and of our native allies, at the same time to endeavour to prevent further bloodshed. On the high road we were intercepted by an armed force of Basuto and H.M's. troops wantonly fired upon. Thus not I but Moshesh engaged rashly and hastily in this war".

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Chapter X.

In the doldrums.

The check at Viervoet and the knowledge that the Basuto had joined battle merely confirmed the British Resident in his determination to give "permanent quiet" to the country. He wrote of the necessity of at once putting down the common enemy of the white man, adding that "the year 1851 must decide the mastery between the white and the coloured races, both here and in the Colony"./ He noted that his troops and levies in the field could not cope with the "10,000 fighting men" of the combined Basuto and Bataung tribes with any chance of success in "so intricate a country" and straightway took steps to supplement Major Donovan's force at Thaba 'Nchu. His confidence that he would have 3,000 Natives and 300 Boers in camp on the 20th July is remarkable in view of his own admissions that the farmers at a distance from the boundary appeared as apathetic as "nine-tenths" of the Colonial Boers, that the conduct of the Griquas was suspicious and that they were not to be depended on until they had exchanged shots with the enemy.[2] "Both the Boers and the Griquas", he erroneously observed to the High Commissioner, "are fortunately so far involved that they cannot retreat, and Moshesh must give up the hope of gaining them over to his side". In both these respects Major Warden was slow to be finally disillusioned. In the meantime Sikonyela had escaped back home to assemble his followers, Adam Kok had returned to Philippolis to fetch more men and Warden had issued orders anew to the Commandants and Field-Cornets to call out the Burghers again.[3] With these measures Sir H. Smith expressed agreement but reiterated his warning that the initiative should not be taken without every prospect of success.[4] He reminded Major Warden that four months' provisions should always be kept stored in Bloemfontein and gave instructions that all six pounder guns should be used in future and that the volunteer Town Guard should man the Queen's Fort when the troops took the field. In his despatch to the Secretary of State the High Commissioner explained that the condition of affairs in the Sovereignty was not as satisfactory as he could desire.[5] Furthermore with his strong sense of responsibility Sir Harry Smith no doubt felt that in these circumstances he could not honestly promulgate the Letters Patent which had but lately arrived from England.[6]

The Basuto and the Bataung were known to be in considerable strength between Mekuatling and Thaba Bosigo, and the British Resident proposed to assemble such a force as could strike a decisive blow in that quarter, and, having taken Molitsane's mountain, drive the enemy across the Caledon and then attack Moshesh's mountain. For

1. Br.Rdt. 5; Bas. Rec. 1/421, 6/7/1851; C.O.1412, Enc.D.128. 2. O.R.S. -this- 38/12; Br.Rdt. 5, 14/7/1851; addenda to Bas.Rec. 1/428. Warden commented on the tardiness of Adam Kok in calling out his people and on their suspicious conduct at Viervoet. 3. Br. Rdt. 5, 6/7/1851; addenda to Bas. Rec. 1/421.
4. Bas. Rec. 1/429, 22/7/1851. Godlonton Correspondence, 23/7/1851, "Warden and Donovan have distinguished, the one as Minister for Foreign Affairs, the other shown all the abilities from Julius Caesar to General Somerset!!!" Smith's comment.
5. C.O.1456, D.128, 22/7/1851. 6. See p. 235 above. Had he done so the subsequent abandonment could not have been effected so easily.

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this purpose he required Vowe to call out 150 Burghers of the Caledon River district to be at Moroko's town on the 20th July with the promise of one third of the cattle and horses captured.[1] These orders were duly issued to Commandant Burger Smit, as well as to Thomas Bailie and his Fingos for the purpose of releasing the hundreds of Fingos among Letsie's Basutos, but met with no success as the farmers and Fingos remained averse to serving away from their own frontier and to joining the camp at Thaba 'Nchu.[2] As it was many had been in laager for some months and the inhabitants of Smithfield slept in the church with a sentry posted at Vowe's house to guard the powder.[3] Capt. Bailie had recently been engaged in expelling Basutos, including the people of the two Letelles, from the Caledon district and Seperi, not liking these active operations in his neighbourhood, had fled to the rear of Mohali abandoning his corn to the Fingos, who had been plundered of everything by these two Chiefs. Significantly enough all the Basuto prisoners taken were found to be wearing the charms of the Kaffir prophet Umlanjeni attached to their pouches.[4] Though he wisely turned down the Civil Commissioner's suggestion that they should attack simultaneously at two points Warden still hoped to proceed with his plan of campaign against Molitsane if his other calls met with a ready response and asked Vowe to have his men at Platberg mission station on the 26th preparatory to the advance on Thaba Bosigo.[5] Somewhat belatedly the Major began to show an appreciation of the pros and cons of his military enterprise, and perceived that any further reverse at the hands of a foe outnumbering him by "four to one" would create an unfavourable impression upon the Boers and the friendly Natives and would prove disastrous to the Sovereignty administration.

The response in the districts of Winburg and Bloemfontein provided further disappointments. Field-Cornet Fick handed in a letter defining the attitude of 47 inhabitants of his ward that they would be endangering their boundary and property by fighting against Moshesh over his line. These Boers of the Wittebergen felt obliged to protect their own families but offered to act with the Government to resist any invasion of the Sovereignty by Moshesh. Fifty burghers between the Vet and the Sand presented a memorial claiming a better acquaintence with the natives' wild nature and requesting that the affair be left to their investigation and settlement.[6] The memorialists asserted that they would feel in duty bound to defend their country if they found that the Natives were really at enmity with them, but if not, their conscience would be a bar to their going on commando. During July the district of Winburg from the Modder River heights to the Sand River and from the Wittebergen to the

1. So unpopular was the service contemplated that the burghers not only disdained the prospect of gain held out to them but also disregarded the threat of confiscation of property; for the Winburgers perceived that should they share in the cattle, for each one so obtained they would probably lose a dozen. Br. Rdt. 5, 7/7/1851.
2. Br. Rdt. 2, 11/7/1851. 3. "The Friend" 4/8/1851. 4. "The Friend" 21/7/1851.
5. Br. Rdt. 3, 17/7/1851. 6. O.R.S. 31/225, 10/7/1851 and 19/7/1851.

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the Vaal had become almost entirely deserted, and the few loyal people who had not joined the disaffected across the Sand River to save their flocks were living in laagers or helping to garrison Winburg village, the loyal outpost of that part of the Sovereignty. By the 20th, out of the 1,000 able-bodied men available in Bloemfontein district only 75, half of whom decamped three nights later, appeared for burgher duty in the capital. This must have been a cold douche to Warden, who had expected a larger rally, seeing that in the first flush after the butchery of the Barolongs at Viervoet the Basuto had driven away the unprotected Boer families along the upper Modder River, sweeping off the stock of Sephton, van Wyk, Lombard, G. Pretorius and Abram Botman, whose son was killed and one daughter badly wounded.[1]

On the 20th July therefore the Resident was obliged to take stock of his position. Adhering to his standpoint that the Sovereignty had been "unavoidably plunged into" war with Moshesh and Molitsane whose line of conduct during the past six months had "plainly" preseged "an open rupture", Warden contended that this could not have been averted until such time as help could arrive from the Colony, for he had had no choice but to espouse "the good cause of the weaker chiefs" without further delay.[2] He remained resolute to prosecute the war, being firmly assured that if only one-third of the Boers could be induced to join the Native forces already available, the struggle would be terminated within a month. In the meantime, as his calls upon the Boers had not yet met with success, the Major sweepingly described two-thirds of them as decided rebels at heart and resigned himself to acting on the defensive pending the arrival of further assistance. To this end he issued a third call to the burghers, including an admonitory notice to each proprietor of a farm, to assemble on the 1st August and also sent a request to the Lt.-Governor of Natal to despatch a body of 1,000 Fingos for service against the Basuto.[3]

As each day passed, however, the apathy of the mass of the burgher population to the Resident's policy became more marked, whilst a few Boers were not content with passive resistance, but either assiduously circulated forged letters and false reports or openly fostered acts of violence. One such letter allegedly signed by Andries Pretorius was delivered by three Boers to Sikonyela. It asserted that the Boer leader was advancing with 800 men and threatened the Mantatees with extermination if they moved to the help of the Government against Moshesh and Molitsane. The

1. O.R.S. 36/155, 6/8/1851, Garvock to Warden: "Field-Cornet Erasmus has addressed a letter on behalf of a farmer Daniel Bothma, sentenced for theft to two years hard labour, for clemency in consequence of destitute state of his family. If a pardon can be consistently granted, the Governor will not object". O.R.S. 38/14; Br.Rdt. 3 and 5; Bas.Rec. 1/428, 20/7/1851. "The Friend" 1/3/1852. O.R.S. 38/12; C.O.1413 Enc. D.138: Warden hoped this incident would bring them in against the common enemy. 2. O.R.S. 38/12, 14/7/1851. Bas.Rec. 1/429; Br.Rdt. 5, 20/7/1851. 3. Br. Rdt. 3 and 5; Bas.Rec. 1/429, 20/7/1851. O.R.S. 38/14, 20/7/1851; addenda Bas.Rec. 1/428. O.R.S. 38/30, 10/8/1851; C.O.1414, Enc.D.153, 3/9/1851: also reply from Natal 3/8/1851, Bas. Rec. 1/432. "The Friend" 25/8/1851, Major Warden arrogates to himself the power of suspending the existing laws of property ..."

-result-

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result was that Sikonyela held back his contingent although assured by Warden that the letter was a forgery.[1] Then a report that a commando of Transvaal Boers had entered the Sovereignty so effectively discouraged the Griquas that Adam Kok reached Bloemfontein from the south with only a third of his followers, fifty of them having also turned back. About this time too the Koranna Captain Gert Lynx succeeded in recruiting 200 Natives from beyond the Vaal and had been observed returning to Molitsane's country accompanied by some Boers.[2] Indeed Warden reported later that many Transvaal Boers had entered the Sovereignty making no secret of their intention to join the Koranna and Batsung and he believed that more would have done so had they not been busy subjugating a Native tribe beyond the Vaal.[3]

On the 26th July Major Warden presided over an emergency meeting of such members of the Council as could be readily got together, namely the Magistrates Biddulph and Stuart and the burgher representatives van Rensburg and Erwee of Winburg and Bloemfontein respectively, to consider what course to pursue regarding a proposition emanating from Winburg, that negotiations should be opened with Molitsane independently of the Government.[4] Since the check at Viervoet the loyal inhabitants of Winburg had been exposed to the depredations of this enemy barely four hours away and they had begun to despair of ever receiving protection, especially as the troops were purposely retained at Thaba 'Nchu to prevent the Barolong from falling an easy prey to the Basuto.[5] They were disturbed too by news of the poor turn-out for burgher duty at Bloemfontein. Warden refused pointblank to entertain the Winburg proposal, but neither of the official members supported him, for the majority of the Council favoured a cessation of hostilities. The administration was clearly on the defensive. Major Donovan had reported that it would be unwise and very hazardous to take the offensive against so powerful an enemy without a strong burgher force and Stuart maintained also that Adam Kok could not be trusted.[6] In an appeal to Sir Harry for succour the Griqua Chief certainly showed little enthusiasm. He wrote that a whole regiment would not be too much to send.[7] On the other hand the Resident now placed "the greatest reliance" on Adam Kok and continued to keep in touch with his Native allies until such time as the arrival of the Natal force would make possible a renewal

1. O.R.S. 38/13, 22/6/1851 was meant for circulation before Viervoet but was delivered only afterwards. Br.Rdt. 3, 17/7/1851, Enc. C.O.1413, D.138 C.O.1456. See p. 267 above. 2. Br. Rdt. 3&5, 20/7/1851; addenda Bas. Rec. 1/428 Enc. C.O.1413. Seven Boers were seen. 3. Br. Rdt. 3; O.R.S. 38/17 addenda Bas. Rec. 1/431, 27/7/1851 Enc. C.O.1413, D.148, 20/8/1851; also B.B.XIII.1.110. 4. Br.Rdt.3, 10/8/1851; O.R.S. 38/30, Enc.C.O.1414, D.153, 3/9/1851 C.O.1456; also B.B.XIII.1.122. "The Friend" 28/7/1851. 5. O.R.S. 31/225 Adam Kok mentioned that the Barolong were reduced by famine to eating old karosses. O.R.S.34/1, 17/8/1851 C.Bezuidenhout 62, H. Havergaar 88, C.Grobbelaar 89, total 239 head taken from laager near Leeuwkop: 34/2, 2/3/1852 J.Poultney lost 112 in July 1851 and 50 during 1850: 34/13 B.Richter lost 54 horses, 150 sheep and cattle worth £1,440 - Owen endorsed 'not correct, to be inquired into': 34/17-18 July 1851 claim for £870 19 6d, O.R.S. 34/27-28, Van Wyk lost £213 stock taken on 3/7/1851 by Africa: 34/19 P.Erasmus lost 60 cattle, 300 horses through trekking about and staying in laagers: 34/20, 3/8/1851 W.Mulligan's herd took 198 head to W.Sephton's farm, lot stolen by Basuto: 34/26, 29/11/1851 W.C.Bouwer lost 3,826 Rds taken from farm in July, 1851. 6. Encs.C.O.1413, D.148, 20/8/1851, C.O.1456. 7. O.R.S. 38/15; Br.Rdt. 3, 27/7/1851, Kok thought the Zulus would greatly assist.

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of military operations against the Basuto.

From the evidence available it would appear that Moshesh had been temporarily eclipsed or brushed aside by the war party and played no leading rôle in the recent resort to force and to baiting of the loyal Boers living along the eastern reaches of the Sovereignty.[1] It would have been inconsistent with his past policy and contrary to his best interests either openly to defy or deliberately to embarrass the Sovereignty administration. Apart from his reluctance to run the risk of war with the British Government, the Basuto Chief had no intention of attacking the principal barrier between his people and their natural enemy, the Boer. Had he been conversant with the conditions of Earl Grey's reluctant approval of Sir H. Smith's State beyond the Orange, Moshesh might have felt impelled to resist at all costs the wishes of the war party, for by indulging their lust for booty and desire for territorial aggrandisement his sons and brothers imperilled the very existence of the Sovereignty and, as subsequent events proved, of much of the land already guaranteed to them by the Warden line.

The procedure followed by the Basuto towards the Boers of the Caledon River district after Viervoet is shown by the experiences of one Jacob Durand who lived below Jammersberg Drift.[2] This burgher stated to Vowe that two men, Carl Hyberar and Robert Wilson, came from Thaba Bosigo to advise him, and others presumably, to move into Basutoland and that when he made for Smithfield instead he was pounced upon by a body of Basuto who carried off his cattle. He went in after them and upon acknowledging Moshesh as Chief he was allowed to return to his farm with part of his cattle. While at Morija Durand saw the missionary Arbousset write a letter at Letsie's behest to Jan Olivier for circulation among the Boers. In this letter Moshesh's son regretted that the Basuto had stolen a number of cattle and horses from the Boers and offered to make restoration to those owners who had not taken part in the recent hostilities should they come or send for them. Letsie explained that strict orders had been given to the Basuto not to molest these Boers in any way so long as they maintained peaceful relations, for "Father has always been unwilling to quarrel with anyone". According to Durand, in the event of a Commando being sent against the Basuto Letsie meant to attack Thaba 'Nchu with a powerful reserve force operating in the rear of Warden and also to set Morosi upon the Fingos.[3]

The Boers of the Bloemfontein district were screened somewhat by the troops at Thaba 'Nchu but those at Winburg were most exposed of all to the robber bands of -Basuto-

1. O.R.S. 34/190, 28/1/1852 Daumas to Burnet. See p. 342 below.
2. O.R.S. 38/8, 24/7/1851; Enc.C.O.1413, D.148, 20/8/1851. "The Friend" 11/8/1851.
3. O.R.S. 17; Bas. Rec. 1/427, 12/7/1851; Enc.C.O.1413, D.148, 20/8/1851. In "The Friend" 18/8/1851 appeared a Government Notice including a statement under oath by Henry Halse that F.Maeder Asst. P.M.S. missionary at Morija admitted letters were in circulation and that no Boers who had fought against Basutos could recover cattle on application to Moshesh or Letsie. "The Friend" 27/10/1851 Maeder said he was visiting his daughters at Carmel Institution and that the man accompanying him had such a letter from Molètsane and of Beersheba. See also Hoffman & Cronje in "Friend" 1/9/1851

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Basuto and Batsung. Sixty-four landowners of the district memorialised the High Commissioner upon their grave predicament and asked him to despatch a force to the Sovereignty or to establish a strong military post at Winburg as the only means of preserving the land from "total desolation".[1] In spite of three calls not many more than 50 Boers had responded and these were in such danger of being "rooted out" because of their loyalty that if no assistance were forthcoming they were ready to leave the district. Separate appeals for help were addressed to the High Commissioner by Commandant M.Wessels, G.Meyer, J.F.Janse van Rensburg and the Rev.D. van Velden, all of whom described the wretched state of Winburg, dorp and district, and complained of the hundreds of cattle and horses driven off into Molitsane's country.[2] Wessels sounded very despondent, having heard it was the intention of this Chief to destroy Winburg and lamented that the position was worse than in 1848 for both Kaffirs and Boers were against the loyalists. Van Rensburg explained how he had failed to get aid from the Resident and how some of the 50 to 100 loyal families had been reduced to beggary by the nightly robberies. He reminded Sir Harry of his promise of the 9th Sept 1848 that when military assistance was required at Winburg the troops would be there in three days. "Nous nous trouvons ici dans la plus grande misère" wrote the minister Van Velden, "et le danger d'être tous massacrés est imminemment grand ... comme dans les rues de Paris en 1848".

At the beginning of August the Resident decided to postpone the Commando indefinitely, for his third call had merely brought together the lowest muster at Bloemfontein and Major Donovan still declined to take the offensive without a large burgher force. Warden attributed the marked apathy and the falling off in numbers to the victimisation of loyal Boers and to the ready credence given to reports and circulars distributed by the Basuto and their agents.[3] Deputations from the Riet River Boers, however, offered in common with many others, to turn out after the first rains had fallen and Warden considered that, "if there be faith in the promises of Boers", Donovan would then have a good burgher force.[4] In a Government Notice Extraordinary of the 5th therefore the Resident formally denounced the people of Moshesh and Molitsane as enemies for having "wantonly rushed into hostilities with Her Majesty's Forces ... instead of submitting to the very easy terms imposed upon them" for their past acts of aggression and he also directed all the male inhabitants of the Sovereignty liable to military service to enrol at once pending the proclamation of Martial Law by Sir H. Smith.[5] Meanwhile the troops were required

1. O.R.S. 31/225, O.R.S. 38/19, 31/7/1851; Enc. C.O.1414, D.153, 3/9/1851. -to-
2.-O.R.S. 38/22, 2/8/1851 for Wessels: O.R.S. 38/24, 2/8/1851 for van Rensburg: O.R.S. 38/21, 2/8/1851 for van Velden: O.R.S. 31/225, 4/8/1851 for Meyer who said that during the past week 360 cattle and 130 horses had been carried off. "The Friend" 18/8/1851 Linde reported recovery of 40 ex 47 of his valuable horses and mares (he and Vermaak later signed an agreement with Moshesh) and remarked that his life would have been in danger had not the lower grades of Natives been restrained by their Chiefs and influential men. Molitsane could not wholly prevent them from stealing.
3. Br.Rdt.3; Bas.Rec. 1/431, 27/7/1851. "The Friend" 14/7/1851. 4. Br.Rdt.3, 3/8/1851.
5. O.R.S. 36/52; "The Friend" 11 and 18/8/1851: Warden charged them with attacking Sikonyela when under escort, attacking the advance guard before Viervoet and subsequent forays on Boers and Barolongs.

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to remain at Thaba 'Nchu to protect the Barolong and such patrolling of the frontier as could be undertaken devolved upon volunteer Boers whilst, in addition, Capt. Bailie's Fingos operated under Vowe's command in the Caledon River district.[1] The Resident asked Major Donovan to provide three oxen daily towards the support of the exiled Platberg Bastards who were in a very distressed state, and he courted more unpopularity by declaring all parts of the country in the Bloemfontein district not in the immediate occupation of the owners to be thrown open to these homeless Natives for grazing their cattle and also by closing all pounds against such trespass.[5] As a final cast the Resident wrote to the Mantatee Chief, to the Magistrate of Vaal River district and to the Batlapin Chief Mahura describing what he had done and assuring them that any aid they could render would be welcome. Sikonyela was urged to continue harassing the Basuto and Bataung with the promise of whatever ammunition he could collect at the camp at Thaba 'Nchu.[2] To make doubly sure of obtaining in due time all the assistance possible Major Warden deputed Capt. Adam Kok to visit the Chief Mahura as well as Jan Bloem, Waterboer and other Chiefs along the western border of the Sovereignty.[6]

The Winburg loyalists were very disgruntled on hearing what had been decided. In answer to the Resident's third call sixty of them had assembled at Leeuwspruit, where, after waiting a couple of days, they received the disappointing news from Warden that the operations had been abandoned for the time being. They accordingly returned to Winburg very indignant that troops should have been afforded to Moroko and not to themselves especially as they had responded to all three calls and as Sir H. Smith had solemnly pledged in 1848 that military protection would be available within three days.[3] As Biddulph remarked later it would have been politic on Warden's part had he gone in person, even if alone, to explain the position to them. Then, too, although the Resident had not acceded to the memorial seeking leave to negotiate with the Bataung direct he had promised to discuss the matter at the next rendezvous of the Commando, and nine of the memorialists had followed the burghers from Klipplaat drift on the Vet River to Leeuwspruit in the hope of seeing him.[4] Winburg was full of grumbling and despairing people and as a safety valve for their feelings Biddulph held a public meeting in the church to consider what should be done to preserve life and property. Since Viervoet the town had kept a nightly guard posted as if it were in a state of siege and many of the most respectable, loyal and influential burghers,

1. Br.Rdt. 3 and 5, 5/8/1851. There were about 500 destitute Platberg Bastards. O.R.S. 38/26; Br. Rdt. 3 and 5, 3/8/1851; Bas. Rec. 1/432. -reported- 2. Br.Rdt.5, 4/8/1851 Warden undertook to send Gert Taaibosch to Sikonyela's aid. Bester hoped to recruit a force of Klip River Boers. 3. Br. Rdt. 3, 4/8/1851. The burghers had been in the field for 16 days at a stretch in inclement weather. O.R.S. 38/27, 7/8/1851; Enc. C.O.1414, D.153, 3/9/1851. O.R.S. 38/29 Warden to Biddulph "Unless troops sent to Thaba Nchu should have had whole Barolong tribe in this (Bloemfontein) district and the Boers thrown into alarm". Same to Smith. O.R.S. 38/30; Br. Rdt. 5, 10/8/1851.
4. O.R.S. 31/225. 5. Govt. Notice in "The Friend" 7/7/1851. 6. B.Rdt. 3,4/8/1851, Warden to Waterboer, C.L.W. Land Court Exhibit 393.

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reported the Magistrate, were afraid to volunteer lest they should be victimised if the troops were withheld. Field-Cornet Greyling stated that they had not forsaken the Government but that it had forsaken them, and he contended that as it could not support them there was no alternative but to open conciliatory negotiations with Molitsane, whose wish for peace had just been conveyed by Daumas to Van Velden.[1] These loyal people had no quarrel with the Bataung Chief but owing to their support of Warden's policy they had suffered severe losses of horses and cattle at the hands of the Natives and had also been subjected to "rancorous abuse" by the disaffected Boers. Moreover Van Rensburg had publicly stated on his return from the Council meeting that the Major would welcome their seizing any opening for negotiation provided he was not made a party or the Government compromised thereby.[2]

In defending these proceedings, which Warden stigmatized as an attempt to set aside British supremacy, Biddulph explained that those present at the meeting contemplated no disrespectful steps against the Government and expressed as loyal British subjects their full confidence in himself and the Council.[3] They were primarily concerned with obtaining a guarantee from Molitsane that plundering should cease and, when the Magistrate proposed that a deputation should wait upon the Resident, they objected that they might "all be massacred in the meantime". Biddulph was so impressed by the need for troops that he decided to avail himself at once of the High Commissioner's circular of the 18th January, 1849, authorizing direct communication in matters of pressing political importance. That only a strong British force could save the Sovereignty was also the view of the Winburg pioneer, G.H.Meyer, who protested to Sir H. Smith that the weakness of the British power in the Sovereignty daily increased the strength of the disaffected party and that the help expected from Natal would be quite insufficient. He had no illusions upon the cause of the strife with the Natives and emphatically laid the sole responsibility at the door of Moshesh and Molitsane: "Wat heeft den opperhooften Moshes en Molotzanie tot oorlogt aangevoerd, den eenen geef Majoor Warden de schuld daarvan, den andere dit en de derde wederom wat anders, dit zyn alle gissingen of verdichzels van niets wetende lieden, wy de oudste inwoonderen des land die alles van den beginne noukeurig heef gade geslegen weet de oorzaak daar van allen. Neen, niets heef hun tot den oorlogt aangevoerd dan Hoogmoed, toen wy, de Emigranten, in dit land kwamen waren de Kaffers arm en was toen vreedzaam en werkzaam. Doch nu zy zeer Ryk zyn in Vee en bysonder in Paarden en vuurwapenen heef den hoogmoed hun vervoerd om de geheele Heerschappy des lands te hebben".[4]

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1. O.R.S. 32/77, 32/55 Biddulph to Warden 7/8/1851. Africa to Biddulph 13/8/1851, Africa: "He took Van Velden's letter to Daumas and while at Molitsane's kraal saw his master, J. Naude's horses. While there four Boers came and recovered part of their losses as they were Pretorius' men. Molitsane said Naude could have his back if he were a Pretorius man, but not if a Warden man; that many boers counselled him to wage war on the British Government". 2. O.R.S. 38/40, 16/8/1851 - they insisted Biddulph should take the chair - no minutes were kept, no resolutions formally put and carried. 3. O.R.S. 38/28. "The Friend" 22/9/1851, O.R.S. 38/29, Warden replied. Br. Rdt. 3, 9/8/1851 - memo of Warden re "illegal proceedings of Winburgers". Warden regretted that Biddulph presided instead of lodging a formal protest. Smith spoke of the extraordinary procedure of an officer of the Crown but decided to await events before passing judgment upon Biddulph, 26/8/1851. All above are enclosures to D.153, 3/9/1851, C.O.1414. 4. O.R.S. 17; Bas. Rec. 1/437, 16/8/1851; O.R.S. 38/47; Enc. D.153, 3/9/1851, C.O.1414. Meyer indicted both Chief and people.

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The agitated comments of Biddulph at this time must not all be accepted too readily at their face value, for, like Warden, he showed a disposition when panicky to condemn the Boers en masse for his own shortcomings and those of the administration.[1] In his direct appeal to Col. Garvock for military protection the Magistrate of Winburg observed that the call of the Resident upon the Boers to perform burgher duty against the Basuto had aroused the inveterate hatred that nine-tenths of them bore towards the British Government and he was apprehensive of their open hostility. He suggested that, once restitution had been obtained without the assistance of the Boers, the matter should be considered of calling them out thenceforward only to defend the Sovereignty and not to quell disturbances between Native Chiefs, of which he felt there would never be an end. Biddulph described the principal agitators as vile enough to adopt the course of the Kat River Hottentots and join the Native tribes against the Government. He exclaimed that their inveterate hatred of the Wessels family and all who had invited Sir H. Smith to establish British supremacy in those parts was such that they would rejoice to see them and every other loyal man in the Sovereignty put to death, and that they would infinitely prefer living, not under, but side by side with a black prince to yielding obedience to a government totally opposed to their ideas of liberty. And yet Biddulph prefaced his appeal with the admission "To say that the Boers are actually in open rebellion against the Queen's authority is more than any overt act of theirs at present justifies me in stating". That the Magistrate's pungent animadversions were somewhat exaggerated may be concluded from the remarks addressed a few weeks later to the Governor by the Rev.D. van Velden. The minister wrote very unfavourably of Biddulph, alleging that Winburg was making no progress under him and that he had not the confidence of the people. He asserted that when Biddulph said that everybody who refused to assist the Government was a rebel 'il est menteur'. He wanted a man 'pieux et sage' as Magistrate of Winburg. Sir H. Smith noted that the matters he touched upon must have been bad otherwise a gentleman of his holy calling would not have felt called upon to attack his magistrate and his neighbour.[2]

Conditions in the Winburg district had not been improved by a band of Gert Lynx's Korannas and other Natives, who, although insignificant of themselves, had become formidable robbers under the inspiration of a notorious freebooter, Adrian van der Colff, and a few outcast Boers.[3] 'Too bad a man even for his countrymen beyond the enough of sedition and robbery but dare not arrest parties. A Zulu maid came to claim her liberty from me but was forcibly taken away to-day by her former master claiming her as his slave". Biddulph wrote that the people of Gert Lynx and Molitsane were quite intoxicated with the success of their forays upon the helpless farmers.

1. O.R.S. 38/38, 23/8/1851. O.R.S. 32/56. O.R.S.38/27, 7/8/1851, "I have proof-Veal-
2. O.R.S.38/65, 7/10/1851 Van Velden condemned the surface of the thoroughfares on his arrival "surtout au soir on ne peut marcher qu'en grand danger de se casser le cou".
3. O.R.S. 38/106, 22/2/1852 Owen to Smith. O.R.S. 33 minutes: J.Pieterse gives the de la Reys as associates of v.d.Colff. "The Friend" 20/10/1851 states v.d.Colff had been repeatedly incarcerated in Colonial gaols and recently escaped from the one at Mooi River. v.d.Colff signed himself as General and administrator of the Basuto nation!

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Vaal River to countenance', v.d. Colff had actually demanded £2,000 blackmail from the officers of Winburg in return for security from plunder and he was known to be responsible for the robberies in that neighbourhood.[1] During the latter half of 1851 he frequently passed from Molitsane's country to Vaal River driving his booty of horses and cattle with impunity through the midst of Sand River farmers who either connived at such forays at the expense of loyalists or had 'not the moral courage to stop him'.[2] The lot of the loyalist Winburger thus became increasingly difficult. Commandant M. Wessels again wrote to the Governor, assessing his own losses and those of his Field-Cornets van Rooyen, de Villiers, Fick at 300 horses and 600 cattle and lamenting their ruin. He asked for assistance and protested that he had told Biddulph some months ago that the Boers were unwilling to fight against the Basuto.[3] In answer to a further memorial from Meyer and others the Resident could merely express his grief at their losses with the hope that no one would be the ultimate loser. Any arrangement with the enemy he ruled out of the question, but assured them that the troops daily expected from Natal had been ordered to stay at Winburg.[4]

The disaffected Boers generally adopted the line of passive resistance as a more effective means of frustrating and paralysing the Government than their long roers had been at Boomplaats. They did not understand the need for Warden's policy and its enforcement especially during that inclement season, and some had moved beyond the Sand River for safety's sake, whilst those who stood firm decided, like many loyalists, to preserve their lives and property from emboldened Native raiders by putting themselves in personal communication with the Chiefs of the Bataung and Basuto.[5] Field-Cornet J. Fick recorded that it was "bekenne voor de algemeen van deze distrikt genaamd de Wittebergen" that provisional Field-Cornet Fourie had made it known far and wide that the Magistrate of Winburg had ordered them all to fend for themselves and also that Commandant Wessels had devised means of safety with Paulus Moperi.[6] Accordingly even principals pleaded later that they had acted "echter met geene andere oogmerk of vooruitzigten ... dan om veiligheid te verkrygen ... en als getrouwe Britsche onderdanen blyven volharden...."[7] Some few irreconcilables boldly resumed their former subversive activities by attempting to intrigue with Moshesh and to get up a party to call in help from the Boers across the Vaal, to which end they also entered into correspondence with Pretorius.

-The-

1. v.d.Colff's ultimatum dated 11/8/1851 gave the Commandant and burgher officers till the 15th to pay, Enc.C.O.1414, D.153, 3/9/1851. The threatened attack was referred to in O.R.S.38/38, 23/8/1851. Br.Rdt.5, 20/7/1851; addendum Bas.Rec.1/428. O.R.S. 16/8/1852 J.H.Schutte, J.P. says that Molitsane and the Koranna captain Frans Viljoen were dissuaded from attacking Winburg by Senekal, Pieterse and Smit. O.R.S. 33/ 25/11/1852, A.Smit and C.v.d.Heever claimed to have saved Winburg from a "Bloedbad". 2. O.R.S. 38/40, 16/8/1851. O.R.S. 38/41; O.R.S. 31/225. 3. O.R.S. 38/34, 16/8/1851 Enc.C.O.1414, D.153, 3/9/1851. See p.51 above. O.R.S. 38/38: The Wessels family (21) lost 148 horses, 569 cattle according to Biddulph. 4. O.R.S. 33/133, 26/8/1851 Warden's reply to Meyer's memorial 15/8/1851. 5. O.R.S. 31/40, 18/12/1851 Memorial of 60 odd Wittebergen boers asserted that as the British Govt. gave no protection they approached Moshesh and Pretorius. 6. O.R.S. 31/122, 154, 14/8/1851. O.R.S. 33, 10/7/1851. 7. O.R.S. 33, 25/11/1852 - they were seeking a remission of fines! See 5. 8. O.R.S. 31/225; O.R.S. 38/38, O.R.S. 33/46 Minutes of appearances before H.M.Asst.Com.Owen - A.Smit, F.Senekal, C.v.d.Heever, N.J.Grobbelaar sign admission of sedition (& with J.D.Cilliers) were fined £100 each which they paid, O.R.S. 38/106, 22/2/1852. Repaid in 1854: O.R.S. 33 account of fines. O.R.S.33/61, 1/3/1852. Cilliers.

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The great bulk of the Wittebergen farmers, Field-Cornet Fick informed Biddulph, were against the Government, entertained v.d.Colff and held conversations with the Native Chiefs, who assured them of their safety and friendship and asked them to disavow British rule. Fick reported also that a party of these Boers actually set out to instigate Sikonyela against the Government but took fright and returned.[1] Fortified by the safe arrival of gunpowder and lead at Imperani, the Mantatee Chief resumed his patrols and placed his 1,000 men at the disposal of the Government, being of opinion that he was competent to deal with Moshesh without the disaffected Boers.[2] Fick himself lost many horses and cattle and had an unenviable task as the representative of law and order in those parts, yet he showed courage and cunning in dealing with v.d.Colff and the Natives. On one occasion Sikonyela sent help to Fick in the shape of 160 men whom the Field-Cornet returned till further notice with directions to steal the horses of the rebel Boers and also to shoot the Kaffir raiders whenever opportunity offered.[1] The "welbekende rustverstoorder en paardedief" v.d Colff denounced Field-Cornet Fick and actually attempted with a large following of Koranna to capture and shoot him.[3] The danger from v.d. Colff and the Chiefs once loomed so threatening that Fick was forced to fence and pretend that he sought their pardon for obeying his orders as s British officer and that he was on the point of throwing up his commission.[4] This loyal burgher had, however, previously intimated to the Magistrate of Winburg that even if compelled to give up his post he would continue to serve him as long as he lived.[1]

The High Commissioner was still too tied to the Eastern Frontier to intervene in person beyond the Orange River. He meant nevertheless to have the situation there fully investigated as soon as opportunity offered and also to lead an army against the Basuto if their acts of aggression continued, for large reinforcements were due from England.[5] Major Warden was asked to make this clear to Moshesh.[6] Sir H. Smith's memoranda accordingly recapitulated previous instructions that the Resident had to act on the defensive "having in view the providing (of) means for carrying on the offensive measures in contemplation" and even permitted the latter to abandon Thaba 'Nchu if the safety of the Queen's Fort at Bloemfontein became endangered, though such withdrawal was "to be regarded as an extreme measure".[7] In the meantime he authorized

1. O.R.S. 38/32, 12 and 15/8/1851. O.R.S. 31/123, 153, 18/8/1851, v.d.Colff from the Donkerberg. 2. Br.Rdt. 2, 18/8/1851 J.T.Daniel to Biddulph. O.R.S. 38/53; Br.Rdt.5, 31/8/1851. 3. O.R.S. 38/40, 16/8/1851. O.R.S. 33 Minutes of appearances before H.M. Asst.Com. Owen give the details. 4. O.R.S. 33, Encs. to D.C.Grant's memorial: Fick to v.d.Colff 19, 22/8/1851 also O.R.S. 31/124-8, 155, 157-9. Fick to Moshesh 22/8/1851, Fick to Jacobs 23/8/1851: Schutte to Fick 22/8/1851 - those who do not sign paper brought by Smit, Senekal and Pieterse will be killed. Sign for me, no alternative to save my wife and children from bloodshed. Fick to Jacobs 23/8/1851 also O.R.S. 31/131, 160. O.R.S. 33 Minutes of appearances 24/2/1852 - 15/3/1852. Jan Fick was not likely to forget the indignities and injuries inflicted upon him and probably never forgave Senekal and his fellows or the Chiefs Moshesh and Molitsane and their people. See Burnet p. 231. 5. C.O. 1456, D.138, 8/8/1851 Smith to Grey. 6. Bas.Rec. 1/434, 6/8/1851. Br.Rdt. 3, 24/8/1851. See Cory V. 380 re troops sent out.
7. O.R.S. 31/180; Bas. Rec. 1/435, 12/8/1851. Br. Rdt. 4, 18/8/1851.

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the Resident to raise a corps of a few hundred Griquas and Fingos and station them at Moroko's town. He also wrote to Adam Kok urging him to aid Major Warden and reminding him that "one of the great objects" of the Proclamation of the Orange River Sovereignty was the protection of his rights and those of his people.[1] Sir Harry sympathized with Van Rensburg and Meyer in their predicament and admitted that their remarks were very just and sensible: "it is lamentable to see the burghers whom I have endeavoured to serve so perfectly apathetic in their own defence, so indifferent to the general welfare and so regardless of the terms on which they hold their lands". To the member for Winburg he held out the near prospect of military aid to restore order and obedience, whilst he assured Meyer later that preparations to that end were already in hand.[2]

The formation of a corps of Griquas was ruled out by the British Resident as impracticable. He explained that the Boers had so instilled into Adam Kok's people the notion that the Government would never rest content until it had made soldiers of them that the mere hint of such a proposal would alarm them.[3] However he repeated his firm conviction that the Griqua captain could be depended upon despite opinions to the contrary and forwarded to the High Commissioner an appeal to Adam Kok by Willem Uithaalder from the fastnesses of the Amatolas, where he had taken refuge, together with Kok's reply. The rebel Hottentot leader complained that the coloured people were being oppressed and ruined by "irregular laws" such as the vagrant laws in "a land which we as natives may justly claim as our motherland". "Beloved", he continued, "rise manfully and unanimously as a nation and children of one house to engage yourselves in this important work - a work which concerns your mother country, for not a single person of colour wherever he may be can escape this law. Trust therefore in the Lord (whose character is known to be unfriendly to injustice) and undertake your work and he will give us prosperity".[4] Kok had replied some two months later unequivocally condemning Uithaalder's desperate venture and declining to pass his message on to Waterboer, Pretorius or Moshesh as requested: "By your rebellion", he wrote "you will impress a strong prejudice on the minds of all thinking persons against the character, rights and claims of the coloured races ... Any complaints we may have against the English Government we intend to bring forward in an honourable and just way by letters and memorials and we feel a confident hope that justice will be done us".[5] The Governor pointed out, in a footnote to Warden's despatch, that it was in Adam Kok's interest to remain loyal because of the £400 a year which he received from the British Government. In his official memorandum he remarked that it was not clear why Kok's "very good reply" had not been given to the bearer of Uithaalder's letter at the time![6]

It would be a mistake to suppose that Moshesh's champions, the French missionaries, had been idle or silent since Viervoet. Shortly after that engagement they drew up a protest in which only Basuto interests, apart from an avowed solicitude for the

1. O.R.S. 38/15. Enc. C.O.1413, D.148, 20/8/1851. See also Bas.Rec.1/440 -progress- and 441, 2/9/1851 and 3/9/1851 respectively. The Natives were to receive sixpence a day and rations. 2. O.R.S. 38/24; Bas.Rec. 1/441, 3/9/1851. 3. O.R.S. 38/53; add. Bas.Rec. 1/439, 31/8/1851, Enc. C.O.1414, D.160, 18/9/1851. "The Friend" 10/8/1851 stated that the rumour that the Government meant to make soldiers of the Boers was the forerunner of Boomplaats. In opening every Circuit Court, the judge, Sir J.Wylde explained that all the Proclamations expected was that they should defend themselves. 4. O.R.S. 38/48 and 49, 29/8/1851 and 11/6/1851 Uithaalder added "We have wholly excluded the English Government in our present war because the Government has no fault about this war". 5. O.R.S. 38/50, 27/8/1851. 6. Bas.Rec. 1/448, 16/9/1851.

progress of their mission, appeared to weigh with them and in which they included the hint that a proper commission "might perhaps still save all".[1] This document was submitted by Casalis and his confrères to Mr. Syme, the agent of the Paris Missionary Society, for his advice as to whether it should be published. This gentleman thereupon sought the opinion of the Rev. A. Faure and the Rev. H. Rutherford, who not without reason counselled against such a step, and a copy was sent instead to the Governor at Kingwilliamstown.[2] Somewhat surprised and indignant Sir H. Smith at once requested his former secretary to leave his magisterial post at Swellendam and repair to Cape Town for the purpose of making copies of all letters and papers bearing on the charges preferred in the "Blessed Missionaries' statement".[3] By claiming that the Proclamation of Sovereignty had brought confusion to the land in the place of its former Utopian condition, that limits had been made in the very centre of the territory of Moshesh contrary to solemn promises, that the Chief would have had no objection to meeting the British Resident personally and that he had been placed on a level with chieftains whom he had received in the land, including two with only a few hundred followers, they unquestionably distorted the facts and also revealed a partisanship worthy of the Rev. J. Cameron of Thaba 'Nchu.

The French missionaries ascribed their representations to the prospect of "nothing less than irretrievable ruin" facing "this ill-fated land" and of the Natives lapsing again into barbarism, but Southey suggested that "the fear of retaliation" had induced them to make an impression favourable to Moshesh "at the expense of justice".[4] Southey found ample refutation of their sweeping assertions in their past correspondence with the British authorities and he was able to quote the words of Casalis and Moshesh as proof that they understood the spirit of the High Commissioner's arrangements, particularly that the Native tribes should remain in occupation of their lands as at the beginning of 1848.[5] He attributed all the difficulties and troubles to the "bad faith" of Moshesh in pushing his people into the lands of Sikonyela and forcing the Boers off their farms in the Caledon River district subsequent to his undertaking of the 10th March, 1846, and more especially since the Proclamation of Sovereignty. Perhaps he would have been more correct had he charged the Basuto Chief with weakness and inability to control his sons and followers. The High Commissioner's former secretary recalled how Moshesh had avoided meeting him and had later accepted Warden's

1. O.R.S. 36/164; Bas.Rec. 1/422-7, 8/7/1851 Complaint of agent -modification- P.M.S. 21/8/1851 also in Southey Papers. 2. O.R.S. 36/159-163.
3. O.R.S. 36/165; Bas.Rec. 1/439, 1/9/1851. These copies are to be found scattered among the volumes of Sir G.Clerk's papers, also in Southey Papers. Southey Papers 18/10/1851 Smith thanks Southey for the documents - "Moshesh is the aggressor". Southey Papers 20/10/1851 Warden was busy having documents copied, including Moshesh's, letter agreeing to the boundary line laid down west of the Caledon. O.R.S. 32/116, 20/10/1851 Warden transmits documents required to Garvock.
4. O.R.S. 36/166; Bas.Rec. 1/453, 7/10/1851.
5. Bas.Rec. 1/170-2, 28/4/1848; C.O. 1094 and O.R.S. 37/208.

The French missionaries spoilt their case by exaggeration.

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modification of his (Southey's) proposed line to the advantage of the Basuto. It is significant moreover that Casalis should have chosen to overlook the former uncertain condition of affairs, the very real fears of Basuto and others and the good reasons they all had had for welcoming Sir H. Smith's measures and how he had personally asked the latter to place some restraint upon the Boers and had also appealed to Warden to intervene against Sikonyela.[1] Altogether it would appear that Southey saw some justification for Meyer's estimate of the Basuto.

Sir H. Smith had good cause to be concerned at that anxious period about the probable repercussions of any protest from such a reputable group as the French missionaries.[2] The outbreak of another Kaffir War on the Eastern Frontier of the Cape Colony had again placed the Imperial Government under fire and the news of Warden's "precipitate and ill advised" proceedings culminating in Viervoet would shortly be broken to the Secretary of State. In a leading article "The Times" had no doubt that the "hardy" Sir Harry would ultimately rout the Kaffirs and establish the foundations of a lasting peace in British Kaffraria, but in view of its caustic comments upon the increased expenditure involved there further commitments were not likely to be tolerated in the Sovereignty: "It is delightful, doubtless to regulate in an office in Downing Street the domestic affairs of the Antipodes, but the people of England must remember that they purchase this intellectual treat for a few heaven born statesmen by a needless annual outlay of some two millions, with an occasional bonus of another two millions as the cost of a Caffre War". The paper insisted that the war had to be defrayed out of the Colonial Treasury - in spite of remarking that the Colony had not been provided "with the machinery for raising the requisite taxes and bringing public opinion to bear on the conduct of hostilities"![3]

Similar views found expression in the Commons where for instance reference was made to the grumbling about the spending of £200,000 on Education when millions were being thrown away.[4] Sir W. Molesworth, who was once more in the van of the critics, contended that the money lavished upon the Cape would adequately cover the military expense of all stations required by Imperial naval policy. He moved that expenditure on account of the Colonies should be restricted to military stations or convict settlements and that the Colonies except for these cases should be freed from Imperial interference in their internal affairs: "The last Kaffir War, with a bill of two millions, set us all thinking about representative institutions for the Cape of Good Hope; and I have no doubt that the present Kaffir War, with another bill of two millions, will convert us all into Lycurguses and Solons so far as that colony is concerned".[5] He again attacked the High Commissioner who "harangued the Kaffirs in speeches full of bombast and rhodomontade with a mixture of religion or rather of blasphemy beginning with a curse and ending with a prayer, much after the fashion of a mock oration of a trooper of Cromwell". Though an Opposition motion "that one or more Commissioners should be appointed with instructions to proceed to South -Africa-

1. C.O.1095, 164-5; O.R.S. 17; O.R.S. 34/151; Bas.Rec. 1/180, 5/10/1848. Bas. Rec. 1/179, 11/9/1848. O.R.S. 36/165. O.R.S. 26; Bas.Rec. 1/185, 16/10/1848. O.R.S. 1; Bas. Rec. 1/339-41, 8/10/1850. O.R.S. 1. 18/9/1848. 2. Southey Papers, 1/9/1851 Garvock spoke of the "sad mess" Warden had made - 9/8/1851. Southey Papers Garvock no doubt echoes the views of his chief - the protest stigmatised them as "a regular set of rascals". 3. "The Times" 7/3/1851: Bell and Morrell Select Documents p. 519. 4. The member for Montrose, Mr. Hume, Hansard LXXIV p.1169 et seq.10/3/1851. 5. Hansard CXV/51 p.1364 et seq. 10/4/1851. See also Molesworth's Selected Speeches p.384. For previous attack of Molesworth on Smith see p. 62 above.

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Africa to inquire and report as to the best mode of adjusting the relations between Britain and the Kaffir tribes" was defeated, the subject had assumed such prominence that the Prime Minister, Lord John Russell, himself had a motion introduced and passed for the appointment of a Select Committee "to inquire into the relation between this country and the Kaffir and other tribes on our South African frontier".[1] "The Friend" concluded from this that the Parliamentary Committee would not confine its inquiry to the affairs of the Cape Colony and was ominously reminded of its predecessor of 1835 - "a packed Committee notoriously led by those who were inimical to colonial interests which resulted in giving up to the Kaffirs the whole of the ceded territory". The paper observed therefore that even if the Sovereignty were viewed simply as Molesworth's great desert it offered nevertheless "a home to thousands of our crowded and impoverished fellow subjects" and that it was "the broad open highway" into the interior of Africa.[2]

Whatever the criticism inside or outside Parliament the Secretary of State, Earl Grey, meant to give all reasonable support to the High Commissioner both in the Colony and in the Sovereignty. He recognized the problem inherent in the occupation of land along a frontier where the Natives were generally the aggressors ("but are they irreclaimable?") and where the white people would not submit to being plundered, and he considered it "the duty of this country (Britain) and a duty which it is bound by the most sacred obligations not to shrink from performing to endeavour to work out this result instead of deserting the responsibility we have voluntarily undertaken by acquiring dominion and settling a large body of British settlers in Southern Africa".[3] The rebellion of the Kat River settlers and the defection of some of the Hottentot soldiers of the Cape Mounted Rifles and the Kaffir Police had indeed complicated matters along the Eastern Frontier and given him "very great concern", but he insisted upon the complete subjection and unconditional surrender of the Natives before the termination of hostilities.[4] He realised that the Colonial Treasury could not bear the expenses of the Kaffir War and re-assured Sir H. Smith that he would recommend the Imperial Parliament to make a grant.[5] Furthermore as the Governor and High Commissioner had his hands full with the task of bringing the military operations to a successful conclusion, Earl Grey decided to appoint Major W. Hogge and Mr. C.M. Owen as his Assistant Commissioners to work out the details of the territorial settlement and to ensure the future tranquillity of the frontier districts of the Colony. These gentlemen duly reached the Eastern Frontier at the

1. Hansard CXV, 10/4/1851 Adderley, later Lord Norton, introduced the -beginning- motion (p. 1418 et seq.) but Russell's amendment was carried by 129-59, Hansard CXVI, 15/4/1851, p.233 et seq. (Cobden also spoke p.p.226-286). Hansard CXIV for Lord Monteagle's question and Earl Grey's replies in the Lords 6/3/1851, p.1096: and for Lord J.Russell's assurance to Sir de Lacy Evans that with the exception of sending out necessary reinforcements the Government would not incur any expense without laying a statement before the House to enable the House of Commons to judge of its propriety, p.1122, 7/3/1851. On 10/3/1851 Russell read Grey's latest despatch re future expenses which Adderley described as evasive. Hume said Grey's despatches re responsibility for expenditure were applicable to a country which had been given self government and pointed out that the Colonists had not received representative institutions or been placed in a position to protect themselves, p.1169. 2. "The Friend" 21/7/1851.
3. See Howick papers for Memo of Grey, April 1851 quoted in Bell and Morrell p.522. This result-the solution of the problem of frontier defence - the maximum of protection for the colonists with the minimum of expenditure by the Imperial Govt.
4. C.O.1345, D. 628, 13/5/1851. 3. See p.303 below. 5. C.O.1345, D. 629, 13/5/1851.

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beginning of August, whereupon Sir Harry at once recorded his intention, as soon as matters had been "firmly arranged" there, of sending them to the Sovereignty "to investigate the causes of its present disturbed condition".[1]

The Secretary of State's decision was amply justified by further developments in Bloemfontein during August. On the 15th a deputation of some forty burghers of that district respectfully applied to Major Warden for permission to enter into negotiations with the Chief Moshesh, failing help from the Government, for the Basuto had been plundering the farms along the Modder again.[2] Warden refused, as he had a similar application from Winburg earlier in the month, and referred to the unwillingness of their countrymen to turn out, at the same time warning them against the influence of designing men. That same Friday half-a-dozen shopkeepers got up a public meeting without permission, much to Warden's indignation, and repaired to the Government schoolroom where they very coolly turned the schoolmaster and the scholars out of doors.[3] All the resolutions passed challenged the wisdom of the Resident's conduct of relations with the Basuto and the Bataung.[4] His treatment of these tribes had not been based on "principles of equity" and he had been actuated by "strong prejudice ... not to do justice" to them. The Major's policy and methods of compelling farmers to turn out during an unprecedented drought, when horses and cattle were in the worst condition, in order to settle quarrels between the Native Chiefs and his provocation of the Basuto and the Bataung by denouncing them as enemies were also condemned as "imprudent and arbitrary".[5] Finally they called for a postponement of further hostilities as well as a strict investigation and required that in future an Executive council should be set up to assist the British Resident.

An account of the meeting of the 15th August appeared in "The Friend" and the Editor noted that on no previous occasion unless at Nagmaal preachings had the schoolroom been so crowded.[6] Apart from the townspeople there were upwards of sixty farmers present, including the deputation, and all who attended were most forward, said C.E. Fichardt and Essex Harries, two of the prime movers, to sign a memorial to the Governor.[7] The British Resident deemed the proceedings so disreputable and disloyal

1. Bas.Rec. 1/434, 6/8/1851 - Br. Rdt. 4, 18/8/1851 - and Bas. Rec. 1/441, -that- 3/9/1851 to the Resident and the Secretary of State respectively. Bas. Rec. 1/431; O.R.S. 40, 27/7/1851. O.R.S. 38/42, 24/8/1851 Warden "most happy" to learn this. Major Hogge had fought in the Seventh Kaffir War 1846 and been in command later of the Hottentot Corps. Owen had been a superintendent of the Kaffir Police.
2. "The Friend" 25/8/1851 and 22/9/1851. 3. O.R.S. 38/36, 18/8/1851; Br. Rdt. 3 and 5 and add. Bas. Rec. 1/438; Enc. C.O.1414, D.153, 3/9/1851 C.O.1456. For refusal of Winburg application see p. 273 above. 4. "The Friend" 18/8/1851. O.R.S. 32/166, 27/12/1853 Warden commenting on Bluebook presented to Parliament 19/5/1853: designing men of Bloemfontein having at command the only newspaper published in the Sovereignty the Boers were told no law existed to compel burgher duty and that war with Moshesh was unjust in expectation Smith would bring troops and increase the circulation of ready cash. (Failure to get another force may be attributed to some ten or twelve) 5. The issue of Commando brieven before meeting of 4th June; attack begun before expiry of period for delivery of cattle by Moshesh. The imposition of fines; withholding of transfers; confiscation of farms and closing of pounds. 6. "The Friend" 18/8/1851 and 29/9/1851. 7. "The Friend" 3/11/1851, 1/9/1851 and 25/8/1851 for memorial: the Committee to draft it being G.Home, J.Jordan, D.C.Grant, C.E.Fichardt and Linde.

that he interdicted the Editor of "The Friend" from forwarding a single copy of those usually debited against the account of the Government to any Sovereignty functionary, with which order he complied.[1] The forcible views and language aired at the meeting amazed Commandant Piet Erasmus, and he observed to Warden that he had thought Boers only could be rebellious, yet he had just heard Englishmen express themselves in terms not a whit behind the greatest rebel Boer. This loyalist officer reacted in much the same way as Major Warden and feared that, unless an example were made of some of them as a warning to others, there would be an end to all authority, for the Boers would be emboldened to call in question and set at defiance every act of the Government. In that case he would prefer to resign and actually did so soon afterwards.[2]

Relations between the British Resident and "The Friend" had become strained to breaking point especially as the Magistrate of Bloemfontein was suspected of being responsible for most of its articles disapproving of the Government's treatment of Moshesh and Molitsane.[3] Moreover Stuart who was no longer 'persona grata' with the Resident had only recently defied his official notice and opened the Bloemfontein pound in deference to the acting municipal commissioners who wished to prevent damage to the watercourse and the erven.[4] Feelings must have been running pretty high if the head of the Government could report that his position was "turned into ridicule" by a magistrate "disposed at all times to thwart me".[5] Matters were naturally not improved when the Editor of the official organ of the Sovereignty administration continued to publish unfavourable impressions of the British Resident: "Powers diplomatic, executive and autocratic are vested in one who by appointment (as well as by birth, education and understanding) cannot be expected to be capable of fulfilling anything but the duties of a mechanical underling".[6] Warden was compared to the Emperor Domitian "who crossed the Rhine on a pretended expedition against the Chabri and held a triumph in Rome for imaginary conquests".[7] "Who is the British Resident? Major Warden of course nominally such. Who is the Governor? Some say the late missionary at Thaba 'Nchu. Some say Mr. Allison, Clerk to the British Resident".[8]

Such comment from "The Friend" could only have been calculated to bring the authority -of-

1. Letter appears in "The Friend" 29/9/1851. 2. Br. Rdt. 3 and 5, 24/8/1851.
3. "The Friend", 25/8/1851, "As the Port Elizabeth Mercury of Aug.2nd and people locally insinuate that our paper is under the Editorship of the Civil Commissioner of Bloemfontein" the paper denied that Stuart had since the end of April "written or caused to be written or dictated" for publication any article except in his official capacity. Br. Rdt. 2, 27/8/1851; O.R.S. 22, C.U. Stuart admitted he was responsible for nine-tenths of the articles in the press being convinced Moshesh desired peace.
4. Br. Rdt. 3 and 5, 22, 23 and 24/8/1851. Br. Rdt. 5, 16/8/1851, Warden asked Stuart to release the cattle confined, reminding him of the notice and suspending him on a further refusal. The defiant attitude of C.U.Stuart may have precipitated Commandant Erasmus' resignation. Enc. C.O.1414, D.153, 3/9/1851, Add. Mss. Rec. 1/440, 2/9/1851, Smith replied, "I desire more specific charges against the Magistrate, Mr. Stuart. General accusations do not enable me to exercise the authority I possess to curb a spirit of disobedience and a want of co-operation". 5. O.R.S. 38/29, 9/8/1851 Warden to Biddulph. O.R.S. 33/42, 24/8/1851 Warden to Garvock. O.R.S. 36/157, 10/9/1851 Garvock to Warden approving his attitude on the Pound question - "His Excellency only regrets that you do not exercise the authority with which you are armed in a more decided manner. Mr.Stuart having resumed office with your permission will discharge them pending investigation into delay in preparation and rendering of accounts". 6. "The Friend" 25/8/1851. See also Green's description of Warden
7. "The Friend" 8/9/1851. sent to Cathcart. Enc. D. 20/7/1852, C.H.31/3:
8. "The Friend" 6/10/1851. B.B. XV.2.46; footnote 3, p. 138 above.
See pp. 248, 257 and 262 above for the gradual deterioration in the relations between the Resident and "The Friend".

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of the head of the Government into contempt with its readers and the general public.

To the "Friend of the Sovereignty" affairs had become well-nigh hopelessly disorganised and it quoted the old saw that "when things are at their worst there is a prospect of their improving".[1] It had hoped that some sound steps might be taken to restore the peace and stability of which the country had been deprived by the recent "sable drama", and the editorial reverted to this topic in almost every weekly issue. The Editor had been convinced that the Chief Moshesh was opposed to war and that his ablest councillors shared his aversion.[2] That the Government had begun the war and had been effectually checkmated were, he asserted, incontrovertible facts and as it had sown the wind so had it reaped the whirlwind.[3] At the same time he maintained that by proper address the breach might still be healed. Thorough inquiry and reform were needed, as the Sovereignty had outgrown its existing institutions both political and economic. No blame was attached to the High Commissioner, who had been too busy to direct his attention across the Orange; in fact his attempt to stave off the outbreak of the Kaffir War on the Eastern Frontier was held up as an example to be followed. The paper contended that hostilities should not be undertaken "against the declared opinion of the whole community" and that, if burgher duty did exist as in the old Cape Colony, it did not apply to the invasion of the territories of Native Chiefs before they had invaded the British portion of the country. It airily suggested that the Boers might gladly contribute an annual payment to assist the Government in supporting enough troops to prevent a recurrence of the recent humiliating events.[3] The rumour of the impending increase in the strength of the regular forces in Transorangia to 1,500 infantry and 500 cavalry elicited the pronouncement: "Give this province ordinary fair play for five years to come and the Crown of Great Britain will not have reason to undervalue it as one of its brighter gems, neither shall the high official who was instrumental in adding it to that Crown look back with any other feeling than complacency on this act of diplomacy on his part".[4]

In the face of these public resolutions and outspoken criticisms the British Resident could no longer escape the conclusion that the resumption of warlike operations against the Basuto and the Bataung was impracticable without immediate aid from the Colony. Major Donovan required 500 burghers before he would move into enemy country, as he considered the troops that might come from Natal together with

1. "The Friend" 25/8/1851. 2. "The Friend" 18/8/1851. There was no law -the- to prevent trading in gunpowder - "Shopkeepers are receiving from certain farmers Kaffir corn in large quantities and are paying for same with gunpowder and lead which the Boers take for the purpose of further barter. There are always some unprincipled characters always ready to engage in the nefarious traffic. Every licensed dealer of whom there are half-a-dozen in Burghersdorp may, without infringing any law, supply any white man with 10 lbs. each day". Perhaps why Warden armed his allies with muskets and shot. "The Friend" 13/10/1851 Seven wagons had been sent into the Basuto country to fetch meal, mealies and Kaffir corn for the inhabitants of Bloemfontein, "their starveling servants and steeds". These were captured by Bataung but released after three days detention and sent loaded back to the capital... "The Basutos have really taught us a lesson of generosity". Moreover two of the wagons had been taken from the Bataung in 1850 and sold by public auction in Bloemfontein. 3. "The Friend" 25/8/1851. "The Friend" 22/9/1851. 4. "The Friend" 8/9/1851.

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the Native forces Warden could collect quite insufficient for the purpose. Any prospect of assistance from the Boers, however, faded with their removal daily to remoter parts of the territory avowedly in search of pasturage, for the land was drought stricken, but really in Warden's opinion to avoid doing burgher duty, whilst the effect of Moshesh's letters was generally to make them adopt a neutral attitude. In his bitter mood of frustration - "hitherto I have had a large share of influence amongst the Boers to which Mr. Rensburg in public testimony the other day" - the Resident continued to misinterpret their sentiments. He assured the High Commissioner that three-fourths of the Boers were on the verge of rebellion and that the remainder could not be trusted in the absence of a strong military force.[1] A week later, after the first shock of the protest meeting had passed, Major Warden recovered his balance so far as to concede that there were many good and worthy burghers scattered throughout the Sovereignty who fully appreciated the advantages of being under British rule, even though they were mainly unwilling to do burgher duty.[2] By the end of the month he acknowledged at last that, even if a sufficient force were available, the parched up state of the country would not admit of active operations, yet in his indignation that negotiations were in progress between British subjects, the Boers and the enemy and that deputations had waited on Moshesh, he reverted to his favourite vulgar fraction, expressing his belief that the Queen had not in all her wide dominions such a disloyal set of men as two-thirds of the inhabitants of the Sovereignty were known to be.[3]

On the 26th August another public meeting was held in the Government schoolroom, Bloemfontein, by a group of people who wished to dissociate themselves from the opposition displayed to the Government's measures generally and from the imputations cast upon the British Resident's personal conduct of affairs in particular. Their first motion expressing loyalty to the Crown and confidence in the good faith of Warden in his recent proceedings was carried by a bare majority only for Messrs. Grant and Fichardt and their following supported the view that, pending an answer to the memorial from the meeting of the 15th, any other meeting would merely weaken their common object, the restoration of peace. The resolutions passed thereafter embodied in effect the feelings of the meeting of the 15th, with the aspersions upon the Resident omitted.[4] They attributed the humiliating and perilous state of the country, the hostility of the Natives and the devastation of the frontier to the Government's erroneous policy of interference in inter-tribal affairs without an overwhelming force, and they feared that the country would soon be depopulated and -reduced-

1. O.R.S. 38/36; Br. Rdt. 3: add. Bas.Rec. 1/438, 18/8/1851.
2. O.R.S. 38/42, 24/8/1851; Br.Rdt. 3 and 5; add. Bas.Rec. 1/439.
3. O.R.S. 38/53, 31/8/1851 also Br. Rdt. 3 and 5 and addenda Bas. Rec. 1/439.
4. "The Friend" 1/9/1851. There were no farmers present. The majority of the English and the Dutch inhabitants were now opposed to Warden's policy.

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reduced to ruin unless vigorous steps were taken to restore peace. They disapproved of the servitude on landed property, the kind of feudal tenure, which required proprietors to do burgher duty in support of this mistaken system and thereby exposed compliant Boers to victimization and plunder. Finally the meeting of the 26th followed that of the 15th in advocating the appointment of an Executive Council to assist the Resident in memorializing the Governor for relief. An address on the above lines but couched in sympathetic terms and bearing 56 signatures, was presented by the chairman, A.H. Bain, to Major Warden the following day. This proved very gratifying to the Resident, who replied that he would not have acted differently although he desired to secure the good opinion of the public. He insisted that had the Boers responded to his call the war would already have been over.[1]

Major Warden must have been heartened also by the vote of confidence and the resolutions passed a week later at a public meeting of seventy persons held at Smithfield. This meeting attributed the disturbed state of the country mainly to a set of factious demagogues disseminating disloyal opinions and showing their swarthy neighbours an internal division. It approved of Warden's measures and denounced the sentiments expressed at the Bloemfontein meeting of the 15th August as being contrary to the facts, subversive of government and good order as well as tending to strengthen the enemy and to weaken and embarrass the administration. Moreover "The Friend of the Sovereignty" did not escape criticism and the course of politics pursued by the newspaper was adjudged to be at variance with its name and the interests of the Sovereignty.[2] In his address from the chair, which the Resident caused to be published later in the form of a Government Notice, Halse roundly slated Moshesh and the Basuto.[3] He charged Moshesh with letting his people loose upon the Caledon River district to such an extent that not only had thousands of cattle and hundreds of horses been swept off but hundreds of burghers also had been compelled since the beginning of the year to move together for mutual protection abandoning their crops and gardens to the Natives. "Is it possible", he declaimed, "that Moshesh in the zenith of his power is unable to restrain his people and his sons?" Halse quoted -specific-

1. The memorialists sincerely deplored the passive resistance of the burghers to the government. O.R.S. 38/53, Br. Rdt. 5, 31/8/1851 "As soon as rain falls there will be no difficulty in collecting a good native force at least 3,000 strong". See returns O.R.S. 38/57 and 58, Enc. C.O.1414, D.173, 15/10/1851.
2. See "The Friend" 15/9/1851. The resolutions and Halse's letter 3/9/1851 in Br. Rdt. 4. Cameron's letter to Warden 16/8/1851, O.R.S. 1; Bas. Rec. 1/436:"Your cause is preëminently just. The Basutos are the aggressors, not you. Their aggressions have been numerous and aggravated and must be restrained with a strong hand. That Moshesh is a man of peace, while his people are mad for war and have committed themselves repeatedly to it, is pure deception, which should be scouted by every man of sense. A chief must be responsible for his people ... He is bound up with his subjects and their acts are his acts so long at least as he claims to be their head". O.R.S. 38/36, 18/8/1851 Warden forwards Cameron's letter; Enc.C.O.1414, D.153, 3/9/1851. Among those who proposed and seconded resolutions were H.J.Wessels J.P.; H. Joubert, P.Hugo, G.v.d.Walt, Smit, Greyling, Klopper, G.Donovan, J.Poultney, A. Bowden, Holder and O'Reilly.
3. "The Friend" 29/9/1851 and in Dutch 6/10/1851. Collusion with Morosi, Umlanjeni and Gaika Kaffirs alleged.

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specific cases of the plundering of farmers - of Jan Cornelis, upon whose house "a murderous fire had been kept up for hours", of Field-Cornet Swanepoel, who was fired upon and had his arm broken while following the spoor of his sheep, of the murder of Botma's son and also of Aldum's brother-in-law, whose stock was found at Thaba Bosigo. The rest of this indictment continued to pillory the Basuto Chief, the European agents prepared to do his 'dirty work' and those who censured the British Resident.[1] These people Halse had heard urge Major Warden to deal firmly with Moshesh and yet when he did so they deserted him with the plea "we will not interfere in native quarrels". He emphasized that it was Moshesh's policy to sow disunion between the Government, its allies and the burghers since he perceived that if they were unanimous his tribe might be crushed 'in a week'. Finally Halse contrasted the state of affairs in the district with that before the Proclamation of Sovereignty: "Can it be possible that any Christian white man could prefer the despotic government of a black heathen to the mild rule of the British Government ... how long would our property retain its present value if a disgraceful peace were made? Be unanimous, support your Government and let your watchword be Unity is strength - Eendracht maakt macht".[2]

This meeting at Rietpoort (Smithfield) was attended by half-a-dozen dissentients including J.P.Hoffman, who replied towards the end of the month with another meeting at Leeuw Poort beyond the Caledon in exactly that part of the Caledon River District where most robberies had been committed and where the Boers were not noted for conspicuous loyalty. These facts probably explain the nature of the main resolution passed, namely that the pitiable state of the Sovereignty and above all of that district was due firstly to "the way in which to get peace in 1849 Moshesh was obliged to sign the line against the wish and interest of his people", secondly, to Warden's carrying off 150 of Poshuli's cattle in January 1850 and thirdly, to his removal of the Bushmen from their hunting grounds and the distribution of them among certain farmers "from which forced service they have run away and plunder us out of revenge". The Boers had originally pressed for all these measures but despairing now of the expected protection along the frontier by government troops, they no doubt thought that they could retain their holdings more effectively by making their own terms with Moshesh, though there is no indication how they expected to survive thereafter as isolated islands in an ocean of Natives.[3] The nature of J.P.Hoffman's feeling is

1. According to Halse's statement in a Govt. Notice in "The Friend", 18/8/-reflected-1851 Hoffman had a hand in the circulation of Letsie's letters. This brought a denial from Hoffman in "The Friend" 1/9/1851. Later in "The Friend" 8/12/1851 Halse alleged that Hoffman had applied for a warrant against the Basuto for beating him with his own crutches and that when this was refused by Wessels J.P. on the ground that a disturbance might be brought on prematurely thereby, he had replied "Whether a war begin today or to-morrow is of no consequence. War with the Basuto there must and will be". Halse added "if his talents were rightly directed they would or might be a benefit to the district, as they are now prostituted they cannot be but a bane to the country in which he resides." See deposition of Halse C.O.1414, Enc. D.153, 3/9/1851. Aldum's wife was badly injured by Basuto. 2. Br. Rdt. 3 and 5, 11/9/1851 Warden in thanking them for the loyal address mentioned that Sir H. Smith contemplated sending a military force. 3. "The Friend" 27/10/1851 - apparently Vowe was present. William Holder: "About 55 men and a few women politicians, one of them a Mrs.Vossie beat all I ever saw and 15 English present. Meeting took place in a hut about 10' square." According to Holder Hoffman described the finding of masters for the Bushmen as slavery. "The Friend" 24/11/1851 Hoffman denied he spoke of injustice of Govt. taking the land. See pp. 219-220 and 241-243 above.

reflected in a letter of his published in "The Friend" deprecating certain sentiments expressed at the Smithfield meeting. In his opinion there existed a fixed determination to reduce the Natives again to poverty and cannibalism - "Suffice it to say that the French missionaries at Moshesh's required years to unteach the people this hideous cannibalism which Mr. Halse appears delighted to anticipate that the weapons of a civilized government may bring about again - in a week! O England! Say no longer that the Dutch farmers are pre-eminently cruel towards the blacks and suppress them, as the Proclamation of 3rd February 1848 appears to represent". 1

Whatever the views of the Leeuw Poort meeting upon the causes of the war it certainly made the most of an unauthorized attack upon Poshuli on the 11th August by Thomas Baillie and 200 of his Fingos. Some of his Fingos had been murdered by Poshuli's men and Baillie's force assisted by 17 Boers under Jan Cornelis, who had been appointed Field-Cornet subsequent to the loss of his cattle and was naturally in vengeful mood, advanced upon this Chief but cowardly broke and fled, leaving the Fingos on foot to be massacred and allowing sixty odd muskets to fall into Poshuli's hands. Needless to say Commandant B. Smit had immediately dismissed Cornelis on receiving Field-Cornet H. Weber's report of this clash, while Major Warden instructed Civil Commissioner Vowe to appoint a more competent person to command the Fingos, since Baillie had disobeyed his orders to act on the defensive.[2] This meeting accordingly endorsed the resolution passed at the Bloemfontein meeting of the 15th August disapproving of the calling out of the burghers to intervene in the disputes between Moshesh, Molitsane and the other Chiefs. Hoffman and the ex-Commandant J.T. Snyman were deputed to draw up a memorial to the High Commissioner praying for an inquiry into all these matters and expressing the opinion that the greater part of the white population would abandon the Sovereignty unless the Boers were exempted from taking part in inter-tribal differences.[3]

Late in August the prevailing dissatisfaction in the northern Sovereignty threatened to assume menacing proportions. The leaders of the Wittebergen Boers planned to attack Sikonyela owing to the threatening demeanour of his people and also to celebrate the anniversary of Boomplants, the 29th, by intercepting the march of the Natal contingent under Capt. Parish on its way to Winburg.[4] They sent repeated requests to v.d.Colff, the self-styled General-Director of the Basuto nation, to bring a force without delay, for their spies had gained the necessary information.[5] Senekal

1. "The Friend" 29/9/1851. Young Giddy contemptuously referred to the Basuto -played- Doortrekkers (stertriem) and Hoffman asked him under whose protection his father, the missionary at Platberg, had been since Viervoet. W.Giddy's appointment as clerk to the magistrate Mr. Vowe - A.O'Reilly had resigned - was gazetted in "The Friend" 15/9/1851. Also that of Wm.Collins as Registrar Court of Combined Magistrates vice Giddy. O.R.S. 38/8, 21/6/1851: O.R.S. 38/10, 14/7/1851: O.R.S. 26/153, 4, 6/8/1851.
2. O.R.S. 38/37, 21/8/1851. O.R.S. 38/42, 24/8/1851 Addendum Bas.Rec. 1/439. Baillie fled to Buffels Vlei! 3. Bas.Rec. 1/451. "The Friend" 24/11/1851 - the memorial was not signed by the 120 people named. Hoffman wrote the names down himself and explained that Halse did the same with the address to Sir H.Smith at Waterfall in Sept. 1848. 4. O.R.S. 38/52, 30/8/1851. O.R.S. 31/129, 130, 132, 133, 134, 22 - 24/8/1851. 5. O.R.S. 31/116, 138, 27/8/1851 and O.R.S. 38/44. O.R.S. 31/137, 26/8/1851. O.R.S. 38/51, Capt. Parish's letter 21/8/1851 giving details of force, 16 wagons and 1 ammunition wagon. Enc. C.O.1414, D.160, 18/9/1851. O.R.S. 38/44 the request to v.d.Colff mentions 25 wagons by seven of which was a guard. Boers were anxious to know if a cannon was with the troops.

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played a leading rôle, personally negotiating with v.d. Colff and writing to the former Commandant-General that they received no protection from the British Government and reminding him of his oath at Bloemfontein to work for their freedom.[1] A deputation went to Moshesh to seek his aid and attended a council meeting at Thaba Bosigo, with v.d. Colff present, but the Basuto Chief declined to molest the troops.[2] Nothing materialized at this stage, for Fick opened communications with Sikonyela, and Biddulph warned Capt. Parish, who took precautions and allowed no contact with the Boers.

Shortly before the appearance of the Natal force Major Donovan had felt obliged to evacuate Thaba 'Nchu owing to lack of support from the burghers and had fallen back nearer Bloemfontein.[3] The Barolong tribe of about 10,000 souls, somewhat panic-stricken by their casualties at Viervoet and despoiled of much stock, had previously abandoned their town and occupied both banks of the Modder River some three hours on horseback from Bloemfontein, whilst midway between them and the capital were posted 240 Platberg Bastards and Fingos.[4] When Capt. Parish reached Winburg on Sunday the 31st August the British Resident accordingly ordered him to retain his two companies of the 45th Regiment there and to send on the 600 Zulus under Ringler Thomson so that they might enable Moroko's people to re-occupy Thaba 'Nchu and plant their seed corn.[5] In a Government Notice the Resident explained the purpose of this Native force and ordered that the Barolong tribe was not to be molested - "Chief Moroko is an excellent man and an Independent Chief". He announced also that the Governor intended sending a strong military force, as no dependence could be placed on a burgher commando turning out and directed that patrols should comprise not fewer than 200 men and should not pass Moroko's boundaries as the Basuto outnumbered the Barolong by eight to one. According to "The Friend" Warden exclaimed when publicly thanking the Zulus for coming to the assistance of the Sovereignty: "We have a lot of Boers here that are fit for nothing and they are backed by a few Englishmen in this town but thank God only a few. If they tell you anything against Moroko, who is a friend of mine and-

1. O.R.S. 31/134, 136, 24 and 26/8/1851. 2. J.H.Nel, J.H.Steenkamp, D. and J. Pieterse admit this, O.R.S. 33. Burnet states Hans Nel and Isaac Cronje bore the proposal to Moshesh. O.R.S. 38/54, 4/9/1851 Fd.-Ct.J.Klopper to Vowe that he had opened a letter sent by Rolland to him for delivery to Gustavus Voesee. It was dated Donkerberg 29/8/1851 and signed by Moshesh and Letsie who stated that Major Warden had licensed Sikonyela to fall upon inhabitants of Wittebergen and therefore urged the Boers to side with them and take up arms. Letter appeared in "The Friend" 22/9/1851. In "The Friend" 27/10/1851 G.Voesee says letter was signed by v.d.Koiff and the names of Moshesh and Letsie were subjoined for neither could write. Volsee said he went to Moshesh to inquire into the matter and the Chief denied using the words calling upon the Boers "to take up arms and make laagers". Klopper suspected the letter came from the enemy nevertheless "The Friend" observed that he should be severely reprimanded if not dismissed for opening letters. O.R.S. 33, p.43 C.F.d. Heever corresponded with Moshesh urging attack on troops from Natal. Br.Rdt. 3 and 5, 23/9/1851 Warden to Stuart requesting him to summon G.F.Linde and Jan Vermaak, who were present at an interview between Moshesh and the rebellious Boers who tried to persuade the Basuto Chief to give a commando to intercept the troops en route from Harrismith to Winburg, to testify as to what transpired at the meeting and to reveal the names of the Boers so that they might be arrested. 3. O.R.S. 38/36; Br. Rdt. 3, 18/8/1851; add. Bas.Rec. 1/438. "The Friend" 25/8/1851, Capt.Bates had been in the field since 27th May. Br.Rdt.4; O.R.S. 31/181, Smith wrote; "a most laudable desire" of Lt.-Governor of Natal to help Warden. Enc.D.160, 18/9/1851, C.O.1414. O.R.S. 38/51, 27/8/1851, Capt. Parish gave composition of Natal force. 4. O.R.S. 38/53; Bas.Rec. 1/439, 31/8/1851. O.R.S. 38/36; Bas.Rec. 1/438, 18/8/1851 early in Aug. 4,000 cattle etc. were taken in one raid! 5. O.R.S. 31/225. Br.Rdt. 3 and 5, 31/8/1851.

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and a good man, tell them they are liars!" To which the Zulu Chief significantly replied "We thank you not for what we have already received but for what we expect to obtain". / Commandant Thomson's corps left Bloemfontein on the 11th September, but its object was not realized, as the Barolong Chief had no confidence in the Zulus. Moroko's people refused to return to dwellings which they believed had been bewitched by the Basuto with the result later that "The Friend" published a severe condemnation of Warden's "Extraordinary Notice by which the Barolongs and others were brought into the heart of the district of Bloemfontein, the vineyards and orchards of the farmers trodden down and ruined, their pasture as well as that of the Municipality of Bloemfontein, eaten off to the very roots by native stock and those of the Trekkers and traders arrested in their journey by the confusion into which the country had been brought by the doings of your Government, added to the prevailing excessive drought".[2]

Sir Harry Smith duly informed Earl Grey of the "very unsatisfactory character" of affairs beyond the Orange and of his apprehension that most of the burghers were "actuated by a hostile feeling towards the British or indeed any regular government, desiring to live in a state of apathy totally uninterrupted". The efforts of the minority of "many good and loyal men" to assist the Government had proved unavailing. He repeated his intention upon the arrival of reinforcements to send his Assistant Commissioners with troops to the Sovereignty.[3] These officials were to conduct an inquiry on the spot before an attack was launched upon Moshesh. The High Commissioner had previously intimated to the Resident that Major Hogge and Mr. Owen would conduct an investigation as soon as the Eighth Kaffir War had been concluded and made it clear that the paramount authority of the Government would have to be re-established, even by force, should the Basuto Chief not accede to demands upon him. Warden's proposal that the disloyal Boers should be fined £100 for refusing to do Commando duty, or, in default of payment, be deprived of their farms had been promptly rejected by the High Commissioner. He had expressed doubt whether more than a "certain indiscreet party" projected a coalition with Moshesh to attack the Government and had declared that coercion of the Boers was not to be attempted, though any overt act of disloyalty could be properly dealt with according to law.[4]

The presence of the Natal force had enabled the British Resident to make his military dispositions for such time as the drought should last and he confidently wrote to the High Commissioner that there was no immediate need of the troops he

1. Br. Rdt. 3 and 5, 11/9/1851, Natives of Thomson's Natal force to -intended- receive 3 lbs. meat and 6d. each per diem. See "The Friend" 23/9/1851 and 27/10/1851.
2. "The Friend" 15/9/1851; 20, 27/10/1851, 17/11/1851, Br.Rdt. 5, 5/10/1851. Br.Rdt. 3 and 5, 31/8/1851 to Moodie. 3. "The Friend" 3/11/1851. See p. 276 above for Govt. Notice. 3. Bas.Rec. 1/442, 3/9/1851; C.O.1456, D.153. ~~There was to be an inquiry prior to an attack in force upon Moshesh.~~ See p. 285 above. Smith repeated his previous instructions. See p. 280 above. Bas.Rec. 1/434 and 435, 6/8/1851 and 12/8/1851; O.R.S. 31/189: Br. Rdt. 4, 18/8/1851. Bas.Rec. 1/440, 2/9/1851. Bas.Rec. 1/452, 30/9/1851. The maintenance otherwise of large contingents of Natives in the field had to be avoided on the ground of economy. Br.Rdt. 4, 30/9/1851 to economise also in requisitioning of arms, re Warden to Garvock Br.Rdt. 5, 13/9/1851. O.R.S. 38/42; Br. Rdt. 3; add. Bas.Rec. 1/439, 24/8/1851, Warden. O.R.S. 38/53; Br.Rdt. 3; Add. Bas.Rec. 1/439, 31/8/1851, Warden.
4. Bas.Rec. 1/448, 16/9/1851. Actually only two farms were confiscated, O.R.S. 38/64, 5/10/1851.

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intended sending to the Sovereignty.[1] But Warden had scarcely added that the Boers beyond the Vaal seemed determined not to interfere in Sovereignty matters when a somewhat unexpected communication from Pretorius caused him renewed anxiety.[2] This intervention followed shortly after a meeting of some sixty Boers at Isaac Cronje's farm on the Sand River at which a memorial was adopted disavowing British authority and calling in Andries Pretorius as their Administrator-General.[3] A similar decision was taken at another meeting called by Senekal at Jan Jacob's farm, Tafelberg, in the Wittebergen, and agents had thereupon ridden about the country collecting signatures and commandeering horses.[4] In his letter to the British Resident Pretorius offered somewhat vaguely to mediate between the Government and the Chiefs and the burghers

> "om groote onlusten en ongenoegen uit den weg te ruimen ... en ... vreede te herstellen onder dien stammen en inwoonders aldaar". Though he gave the assurance "dat ik met geen andere oogmerken iets onderneeme dan om vreede te herstellen" he

withheld the nature of the "goede verstandhouding met het Britisch Gouvernement" until his arrival.[5] Being uncertain as to what this "extraordinary" letter presaged Warden promptly forwarded it to Smith.

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1. O.R.S. 38/51, 27/8/1851, Capt. Parish gave composition of Natal force as 779 men - 172 of 45th Regiment, 17 C.M.R. and 590 Zulus - with 16 wagons, one carrying ammunition of 41 barrels 500 rounds each. Warden told Parish there were 800 Barolong fighting men yet he said 1,500 to Smith - O.R.S. 38/53. Warden's figures fluctuated: Br. Rdt. 3, 9/8/1851 he gave 11,000; Bas.Rec. 1/444; Br. Rdt. 2,3,5, 13/9/1851 he gave 10,000; Br. Rdt. 5, 5/10/1851 to Donovan he gave 9,000 for the tribe.
2. O.R.S. 38/60; Br. Rdt. 3 and 5; add. Bas. Rec. 1/450, 22/9/1851. The country was so parched as to make military operations out of the question and it was feared that should the drought continue another month half the farmers would be ruined. The drought no doubt intensified the bitterness towards Warden's administration.
5. O.R.S. 31/9; 38/62; Bas.Rec. 1/443, 9/9/1851; R 320/51; "The Friend" 29/9/1851; Grhamstown Journal 11/10/1851; C.O.1414, Enc. D.173, 15/10/1851.
3. See footnote 3 Minutes of appearances before Commission for details in O.R.S. 33. Dirk de Vos a poor schoolmaster among Sand River Boers was forced to write the memorial calling in Pretorius but rode away because he would have nothing to do with signing it. Both P. Venter and A.Smit confessed to forging their sons' signatures. Several signed through fear and pressure. L.v.d.Schyff, P.Naude, J.Pretorius Sr., J.Strydom denied their signatures and said wicked men had signed other men's names falsely. O.R.S. 31/118 over 40 signed from Sand and Vet Rivers.
4. O.R.S. 38/43 list of persons who signed - re payments see O.R.S. 40, 29/2/1852 - 139, several in same families. O.R.S. 33 Philip Kock admits riding about with memorial, though did not sign! O.R.S. 31/119, 121, 160.

Chapter XI.

Relations with the Boers beyond the Vaal.

After the suppression of the rising of 1848 and the restoration of the Sovereignty the Transvaal Boers returned to the Voortrekker ideal of political isolation from their southern neighbours and the object of Pretorius' overture at this critical juncture in Sovereignty affairs was to have the whole question of their future status clearly defined by the British Government. Landdrost H. S. Lombard of Potchefstroom had meted out short shrift to persons beyond the Vaal who had in any way maintained associations with the British South. This policy had followed hard on the heels of the definite instructions issued to him by "Hoof Commandant Potgieter en het publiek van Magaliesberg en Mooi Rivier" to watch closely the dealings of traders proceeding north of 26° S. Latitude and not only to prohibit all traffic in arms and gunpowder with the Natives, who were nowhere allowed to possess guns, but also to debar all British subjects and traders from undertaking hunting expeditions in the Transvaal.[1] One William Thomas, for instance, had been given 24 hours within which to cross the boundary for endeavouring to circulate Southey's notice of October, 1848, and had thereby lost property that he valued at £1,500.[2] Not long afterwards also a letter had been intercepted from one J.S.Koster to Field-Cornet C. Geere inquiring about his farm in the Vaal River district, but because he had mentioned that he and others had always been faithful and loyal subjects Koster had been punished by a fine of 500 Rds in the Court of Landdrost Lombard and had all his goods and chattels attached and sold by public auction.[3] Incidentally Geere reported to Commandant Bester that the Natives continually asked him for assistance and mentioned how a certain Kaffir captain near Mooi River had complained of severe treatment at the hands of Lombard "whose son rides from kraal to kraal beating the natives".[4] On the other hand the representative of the Cape Synod, returning from his visit to the Boer community of the Southern Transvaal early in 1849 and noting the constant references in some of the Colonial newspapers to the warlike intentions of these people, thus summed up the position for the benefit of the High Commissioner: "I do not doubt but that there are among them some turbulent characters but generally speaking I believe they are inclined to peace and that no danger is to be anticipated from that quarter. They have some imaginary ideas of the advantages to be derived from self-government but I believe that if proper men are sent to conduct the affairs of the Sovereignty so that the advantages of a regular government become visible to them many will soon long to

1. R.161/48, Nov.1848. The people of three captains were exempted. See R.175/49 where R.Edwards protested to Commandant Louw Pretorius at Klein Marico against the -have- injustice. 2. O.R.S. 42/57, 2/11/1848. C.O.1095, 163, 19/10/1848. For Lombard's rejection of Southey's notice see p.124 above; also O.R.S. 37/76. C.O.1120, 391-5 gives list of well and ill-disposed remaining in Sovereignty. See p.135 Smith's undertaking to Potgieter not to interfere provided the Boers conducted themselves peacefully, though he emphasized that they were all British subjects. O.R.S.38/147, 1/11/1854, Green to Secretary of State 10/4/1854, B.B.XV. Colesberg Records Vol.53 Letters received Clerk of Peace, Biddulph: "dreadful to contemplate the state of society there now and hereafter" what with the daily accessions of the disaffected and violent. 3. C.O.1119, 349, 17/1/1849; Southey papers, Moffat wrote that Koster had been put in the stocks but escaped. 4. C.O.1119, 351, 17/1/1849, Geere to Bester.

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have similar advantages on the other side Vaal River".[1]

In the main the Boers of the Sovereignty were proof against the attempts made by former rebel leaders to entice them across the Vaal and they resisted as well the efforts of "wicked and designing men" who were ever ready, according to Dr. W. Robertson, to lead astray the minds of the simple and ignorant.[2] Early in 1849 Commandant Jan Jacobs, who was lying with some forty wagons at Commando Drift on the Vaal near its junction with the Valsch, whither he had fled after the abortive rising, issued an appeal to the Boers to follow him away from British rule. A circular letter above his signature claimed that he had interviewed Pretorius, Potgieter and "a Hollander whom the King of Holland has sent on a mission to us" and that a minister from the Synod of Holland would soon be sent among them.[3] This document asserted that the people were all united across the Vaal and promised the Boers independence, their own laws and such protection as they could not enjoy in the Sovereignty: "Let Natal be an example to you, a land which we purchased with our property and blood, and in which the British Government has so oppressed us, even beyond suffering. Ere long we will rejoice but traitors will weep and the traps which they have made for others, they will be taken in themselves. It is better to be poor and free in this part, than to be rich under Government and to become servants to the Blacks". Jacobs's agents assured the Boers that Buhrmann would be able with the aid of Smellekamp from Delagoa Bay to supply them with "churches, coffee and calico" but stressed the need for a quick decision as the drifts along the Vaal would shortly be closed and no one allowed to cross after April.[4]

The British Resident himself had previously passed on to the High Commissioner the opinion of Messrs Faure and Robertson that the farmers beyond the Vaal would never again attempt any opposition to the British Government, adding in support of this view their report of the words addressed by Pretorius to a meeting of Boers at Mooi River to the effect that "Had I been successful at Boomplaats you would all have worshipped me but now you all appear desirous of treading me under your feet. Remember that many better men than myself have been equally unsuccessful".[5] According to the Clerk to the Magistrate at Winburg Field-Cornet Jan Schutte, a personal friend of Pretorius and a man of influence, discounted the possibility of another outbreak.[6] About the same time too Dyason was informed by Jan Kock that Buhrmann was working for peace and that he considered everything was progressing quietly beyond the Vaal although several dissatisfied and desperate characters

1. O.R.S. 37/80, 14/3/1849: see also Dr.Robertson's observations on p.126 -thereabove. 2. Dreyer p. 140, 23/11/1848. C.O.1120 Vowe 28/9/1848, mischievous rumours - after Boomplaats Louw Pretorius sent one Benders to ask his wife to join him with all their property and as a parting shot this messenger deliberately spread the report that Andries Pretorius was collecting Zulus to attack the Sovereignty. See pp. 103, 110 above. Piet Mahary see p.126 footnote: C.O.1120, Vowe, 5/1/1849, a warrant was issued for his apprehension and Piet Mahary subsequently found himself arrested for drunkenness at Smithfield and kept in custody on the charge of sedition as the bearer of an open letter from J.P. Hoffman protesting against Southey's proposed boundary line between the Basuto and the Caledon River district. O.R.S. 37/67, 1/1/1849, J.P. Hoffman to parents at Stellenbosch. Southey papers, J.P. Hoffman's protest of 27 pages from Beersheba 12/12/1848. 3. O.R.S. 37/70, 6/1/1849. For Buhrmann see p. 134 above. 4. Southey papers, Fraser 11/2/1849 and Vowe 16/4/1849. For Buhrmann and Smellekamp vide Theal VI. pp.445, 456-7; Walker, pp.257, 275. 5. O.R.S. 37/71, 7/1/1849 Warden to Smith. R168/49 Faure to Pretorius and reply R169/49. 6. Southey papers, Dyason 26/3/1849.

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there strove to unsettle the others.[1] Major Warden expressed much concern however about the effect produced by the many circulars distributed among the Boers in the Sovereignty.[2] Whilst busy with his work on the Land Commission he had noted that some of the more respectable and loyal were prone to credit the extravagant statements in circulation and showed a disposition to abandon their farms.[3] The Resident believed that had the Mooi River country been better suited for sheep and horses one half the Boers would have swallowed the tempting bait of the opening offered to all of living across the Vaal "without the restraint of wholesome laws". It must not be overlooked of course that some Boers had been more or less obliged to move on in consequence of the demarcation of the new boundary lines between them and Moshesh and Moroko.[4] Accordingly Sir Harry Smith sent forthwith the following communication to his 'friends" Potgieter and Lombard: "I hear with much pain and great dissatisfaction that there are wicked men who endeavour to agitate and unsettle others on your bank of the Vaal River, and that the same men are sending messengers among the loyal subjects of Her Majesty within the Sovereignty, telling vile and wicked falsehoods. Your own good sense will assure you I have alone your interests at heart, and I have told you to remain peaceable and quiet where you are, which will ensure to you no interference upon my part, while a contrary course will. Let me hear from yourselves - be faithful and moderate - and as you are so will be Your friend, H.G. Smith".[5]

Confirmation of recent tendencies beyond the Vaal was provided by Surveyor Moffat who spent this year 1849 in the northernmost reaches of the Sovereignty and his correspondence gives a fair idea of the growing pains of that infant Transvaal society which effectively prevented any real interference in the Sovereignty.[6] The promise of unity provided by the meeting at Derdepoort in May, 1849 of six delegates from Ohrigstad and fourteen, including four of the Pretorius' family, from other parts of the Transvaal was to prove illusory for quite a decade.[7] Buhrmann for one lost influence while Potgieter for another stood somewhat aloof in the Zoutpansberg and control fell into the hands of four separate Commandants-General.[8] The different groups in the four quarters of the Transvaal adopted a similar attitude towards the British government, the Natives and the Missionaries and, as a specimen, the former

1. O.R.S. 37/82, 24/3/1849. R.166/49 Buhrmann to Commandant J.J.Jacobs -Hoofd- 12/2/1849. Jan Kock had been to Bloemfontein to ask Major Warden for the restoration of his farm Bordmansfontein which had been confiscated as a result of his part at Zwartkopjes and undertook if this were done that "Her Majesty would have one truly loyal subject among the Emigrants". Following the decision of the two previous Governors Warden declined to disturb the existing occupier and offered Kock a choice of other farms. See footnote p.108 above. 2. O.R.S. 37/76, 11/2/1849 and Warden's Letter Book. Some Boers commented that the Governor's small force at Boomplaats would be no match for the numbers gathering across the Vaal under Buhrmann. 3. See R1119f/47 (1849) Pretorius to Natal supporters: "Sy vlugten voor den miliesie diensten en den rebellen roepen dag en nag naar my en wilt vegten. Sy seggen dat sy niet eers geweten heef waarvoor sy vegten, maar nu syn sy waare Emigranten". Pretorius was discredited after Boomplaats, see p.111 above. 4. Southey papers, Dyason 31/3/1849. 5. C.O.1399, Enc. D.62, 26/3/1849; R.167/49. 6. See R.119 f/47, Pretorius: "Ik en de myne wil onder een onpertydigen Volksraad staan, maar nooyd onder Potgieter ... Den Brit sit vol verraad naaby en konkelt met den zwarten." Incidentally this document belongs to 1849 and Preller, p.316 of his work on "Andries Pretorius" uses it out of its context: Compare similar distortion and superficial treatment by Preller on p.330. See footnote on p.41 above. 7. R.180/49. 8. R.188/49, Potgieter to Pretorius: "Wy roepen gedurig uit dat wy met het Engelsch Gouvernement en de Engelschen niets te doen willen hebben, doch wie en waf is Buhrman? Is hy niet een onderdaan van een loontrekkende dienaar van het Britisch Gouvernement? ... Waarom dan moeten wy ons nog langer van een dolsinnige Hollander by de neus laten leiden en (zo) veel insolentien van hem verdragen?" C.O.1122,109, Korsten to Southey: Buhrman is not more the popular man amongst the Emigrants he has been "I believe he is of too upright principles for the degenerated amongst them". Korsten was school teacher at Winburg.

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Hoofd Commandant followed up his order to Lombard by sending a note to the Committee of Missions of the London Missionary Society requiring the recall of Livingstone, Inglis and Edwards from the Bakwena country, failing which they would be forcibly expelled.[1] In the absence of a single stable government beyond the Sovereignty and in view of this incipient policy of isolation from the South it was to be expected that redress against the perpetrators of acts of lawlessness once they took refuge across the Vaal would be problematical and uncertain. Instances of horse-stealing were by no means uncommon and one particular offender, A.v.d. Kolff, happened to be lodged in the Potchefstroom gaol in August 1849 on such a charge laid by Theron and Wessels of Winburg, but when Magistrate Biddulph requested the extradition of the prisoner Lombard declined to do so and referred the matter to the next meeting of the Volksraad with apparently a like result.[2] A.v.d. Kolff broke gaol later on and became a notorious character in the Sovereignty. Altogether small wonder that Moffat should confide to Southey that aboriginal and missionary matters were in a trying position and that the country beyond the Vaal was a refuge for all evil-doers.[3]

At the beginning of 1850 a brother of Commandant Potgieter met the British Resident at Bloemfontein but while informing him that everything was quiet beyond the Vaal admitted the existence of a violent anti-British party.[4] He gave Warden a résumé of what had taken place at a large meeting of Boers at Potchefstroom on 24th January, of the failure of the attempts to induce Potgieter and his followers to come under the Mooi River government and of the motion of the anti-British faction, which he assured Warden was opposed by five to one, "to the effect that the British Government had no right to any lands on this side the Orange River, that the Emigrants had as yet only made one chop at the old tree and it was the bounden duty of all lovers of their country to continue chopping till the tree fell".

Major Warden had no sooner passed on this information to Sir Harry Smith than a minor sensation was caused by the attempt of one Daniel Verwey to stir up the people of the Sovereignty against British rule by holding himself out as the agent of Andries Pretorius in terms of a letter apparently signed by the Boer leader at Potchefstroom on the 25th January calling upon the public at large to unite: "We are convinced that happiness and prosperity have been removed from amongst us ... and he who continues to thwart my cause must abide the unfortunate consequences".[5] Verwey had resumed his association with Pretorius at the Potchefstroom meeting on 24th January after having previously made a profitless visit to Mooi River and

1. Southey Papers, Moffat 27/4/1849, to Southey - "Buhrmann losing his addressed-influence - like Smellekamp he is bedrieging them". 2. Southey Papers, Stuart 4/6/1849. In May v.d.Kolff took 25 horses from van Zyl but 14 were recovered through the spoor and the help of the chiefs Mahura and Matlaban. R.182/49 and R.181c/49, 26/8/1849. 3. Southey papers, R.Moffat, 10/7/1849 also mentions horse stealing.
4. O.R.S. 37/117, 12/2/1850 Warden to Smith.
5. O.R.S. 37/119 and Southey Papers 25/1/1850. See pages 119 and 126 above for Verwey "still actively engaged in fostering disaffection." According to Warden there were others involved, O.R.S. 37/127, 24/2/1850. See also R.131/47, 22/11/1849, Commandant J.F. Otto, Field-Cornet P. Bezuidenhoud and 57 others to Pretorius, including A. v.d. Colff.

addressed two letters to Pretorius towards the close of 1849.[1] In the former he pleaded "wy verlangt alle met smarte naar UEd. komst", and in the latter he again appealed to Pretorius to give them a favourable reply "Sult gy ons laten uitputten? Gedenkt aan UwEd. gelofte. Wy hebben veelen boetings moeten betalen daar veelen onzer gebukt onder gaat en onse vamielje onder lyden moet ... Wy behoort aan een en denselfden zaak, maar wy eyst UwE. op als onse geley(d)sman, als onse redder met Gods seegen, ja als kooning der Emigranten. Wy sullen ons nimmer buygen onder een ander Hooft. Wy hebben voor elkandere geswooren en met Gods seegen hopen wy het selven te volbringen ... Wy zullen het nimmer toelaten dat de kroon van UwEd. hoofd sullen afgenoomen worden; dan sullen wy liever met elkander sterven volgens onse gelofte".

News of this development came to Major Warden in the shape of warnings from C. v.d. Schalk, the assistant missionary at Philippolis that Verwey had visited Captain Kok on the 14th February and produced the letter of Pretorius.[2] The Griqua Secretary, Hendrikse, confirmed this on oath a couple of days later and added that the signature was that of Pretorius as Verwey himself had acknowledged.[3] Next the British Resident and the Governor received reports respectively from Field-Cornet P.S. Fourie near Vaal River and from Erwee, a member of the Council on the Modder River, that Pretorius intended once more to disturb the country and both informants inquired how they were to act in the event of a recurrence of trouble. Erwee wondered how people recently fleeing before His Excellency could dare lift their hands against the Government but "we read in the Bible that although a fool may be pounded in the mortar he still remains a fool".[4] Warden tried in vain to assemble a party of Riet River Boers to execute his warrant for the arrest of Verwey for acting as the agent of a proscribed rebel and issuing copies of a seditious document.[5] When he heard that Verwey had invited farmers to meet him at the place of D.H.Jacobs to explain Pretorius' intentions he returned to Bloemfontein and sent an officer with two constables and twenty Cape Corps to Verwey's farm, only to find that the latter had gone. From Modder River immediately afterwards Verwey wrote to Warden repudiating the "false charges" brought against him seeing that he had ridden to Mooi River merely to barter soap for corn and that while attending the meeting at intervals he had been asked by Pretorius to make known the letter among the people of Riet River, for the Boer leader had heard that they were preparing a memorial and a list of those who wished to serve under him: "He would not have entrusted (the letter to) me were he not aware your subjects wish to forsake you".[6] Verwey explained that he had done this and had also arranged to speak to "the old heads"

1. He had been obliged to return "om de oorsaak van myn paarde". R.183/49, R.189/49. -at-
2. O.R.S. 37/118, 14/2/1850 and O.R.S. 37/124, 15/2/1850. 3. O.R.S. 37/125, 15/2/1850. O.R.S. 37/122 "Piet Bloem re Kok's attitude "When unmolested I live at peace with all men", 14/2/1850.
4. O.R.S. 37/123, 15/2/1850, Fourie to Warden. O.R.S. 37/128, 25/2/1850 Erwee to Smith. See Proverbs Chap.27, v.22. 5. Southey Papers, Letter Book and O.R.S. 37/127 Warden to Smith 24/2/1850. Warden was in doubt whether the letter was Pretorius' own production or a fabrication of Verwey's. He was much relieved to hear of the departure of the convicts to van Diemen's Land for he feared that their landing might be the signal for a subversive attempt by Pretorius. Also O.R.S. 37/128, 25/2/1850 Erwee agreed with this view. Southey papers, Gervock 8/3/1850 - Faure's opinion the same. 6. O.R.S. 37/130, 27/2/1850. O.R.S. 37/140, 13/3/1850 as Verwey implicated F. Cloete, Warden asked him for sufficient proof.

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at Jacobs's farm on the 21st but none of them turned up. Warden recommended to the Governor that Verwey's two farms should be forfeited as an example, though it appears that the prompt step taken to apprehend him had a salutary effect and the excitement subsided when Verwey took refuge beyond the Vaal.[1]

Sir Harry Smith's reaction to this "plaguey story" from the Sovereignty, as Garvock described it, was characteristic. He supported Warden's action, agreed to the confiscation of Verwey's property if anything were proved against him and offered a reward of 1,000 Rds for the apprehension of any of "the wicked agitators in the name of the proscribed rebel Pretorius" with the imposition of a penalty for anyone aiding, abetting or harbouring them.[2] The Governor hoped that the alarm would subside once the convict question was known to be settled but nevertheless held in readiness two companies of the 91st Regiment and some Cape Corps to march if an outbreak threatened. Sir Harry felt indeed certain qualms for "Faure the uproarious says Verwey is one of the most disloyal fellows he met" and as for "the loyal notwithstanding all their assertions the devil a one would move".[3] He submitted all the information implicating Pretorius for the opinion of his former Secretary and both Southey and Dr. Robertson at Swellendam agreed that the Boer leader had nothing to do with the affair. On second thoughts the Governor had already come to the same conclusion for it struck him while out riding one day that Verwey had got possession of one of Pretorius's undated compositions of 1848 and he accordingly informed the Secretary of State of his firm belief that Pretorius had not authorised Verwey's agitation.[4]

The apparent complicity of the Boer leader was denied by his son M. W. Pretorius who wrote that Verwey had unlawfully made use of his father's name.[5] Andries Pretorius himself declared that the only letter he had ever addressed to the Sovereignty since Boomplaats was a request to the inhabitants to inter the unfortunates who fell in that engagement and he took this opportunity to protest that in spite of his desire to maintain peace he was illegally pronounced to be a proscribed rebel.[6] The Boer leader informed Major Warden soon afterwards that he intended petitioning the British Parliament to send out two impartial Commissioners to inquire into the causes of the differences between the Emigrant farmers and the Government before and after Boomplaats. His avowed object was not only to put an end to all past -dissatisfaction-

1. Letter Book 3/3/1850. O.R.S. 37/145, 17/3/1850. Br. Rdt.4, 28/3/1850 Garvock. O.R.S. 37/168, 27/5/1850. When he proceeded to the Vaal River district Warden commented on the "most marked respect" with which the inhabitants received him. In spite of the short notice of his visit he found parties on the road to welcome him e.g.at Bester's farm. 2. O.R.S. 36/130, 14/3/1850. Br. Rdt. 4, 7/3/1850. O.R.S. 37/139, 12/3/1850, according to Vowe Commandant Snyman, who had been reproved by Warden, see p. 188 above, contemplated entering into a treaty with the Boers beyond the Vaal but was recommended not to attempt it. Vowe heard of letters being sent from the Caledon River to Pretorius - "they are beginning their old tricks again" ... "Although Snyman answered for 800 there are not 20 would assist Your Excellency". 3. Southey Papers 11/3/1850. 4. Southey Papers 17/3/1850. B.B.XV. D.46, 15/3/1850 and D.60, 10/4/1850 also give much information regarding Verwey's episode. 5. O.R.S. 1, 16/3/1850. Verwey's denial G.H. 23/2, p. 213. 6. Enc. C.O. 1406 to D. 95, 6/6/1850, C.O. 1455.

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dissatisfaction and misunderstanding but also to dispel the possibility of future trouble "as there are some evil-disposed persons here who are constantly attempting to create disturbances". / Pretorius expressed the hope that the British Resident would not throw any obstacles in the path of this proposed move and for his part he undertook that his conduct would give no cause for complaint.

The activities of hunters, explorers and would-be traders with the Natives in the interior continued to be forcibly interrupted by the Transvaal Boers however. In the middle of 1850 Joseph Mc Cabe was ordered to appear before Landdrost Lombard's Court and sentenced to pay a fine of 500 Rds or to serve six months' imprisonment, with banishment to the south of the Vaal, for having published a brief journal of his last expedition in the Grensblad, including a description "for general information and for the advantage of future travellers" of a route to the interior which he had traversed several times and which he believed to be the best particularly for its abundance of water.[2] It should be remembered that in the middle of the previous year Livingstone, Oswell and Murray had made a trip from Kolobeng and reached Lake Ngami and according to the artist Thomas Baines, who was staying at Mc Cabe's farm when the latter was summoned to Potchefstroom, the talk in Mooi River dorp ran on these lines,

"We have thrown off the yoke of the British Government and if we do not stop these proceedings we shall have it again upon us". Baines reported also that Lombard had instructed the Field-Cornets to seize all English travellers within their reach and to fire upon them should they not surrender: "He was gathering confidence from what he supposed to be the inability of the Government to protect its subjects and boasted of his designs against the English".[3] A case in point was provided when the sportsmen and explorers Shelley, Ewart and Bushe were brought to Mooi River from Magaliesberg and escorted back to the Vaal.[4]

Major Warden felt that it was of no use remonstrating against this state of affairs and recommended that the whole of the country occupied by British subjects should be placed under British rule and a small force sent there.[5] In his opinion such a course was desired by two-thirds of the Sovereignty and he asserted that one

1. O.R.S. 37/176, 18/6/1850. C.O.1455 Enc. D.137, 18/9/1850, Baines said that half-Pretorius had just been in the company of Verwey with whom he had recently disclaimed all connection. C.O.1345, D.628, 13/5/1851, Grey to Smith - sending out Hogge and Owen. 2. Warden's Letter Book 15/6/1850. McCabe 7/6/1850, C.O.1406 Enc. to D. 104, 12/7/1850, C.O.1455; Also published in "The Friend" 13/10/1851 - McCabe - "At a meeting on 20th ult at which Pretorius presided I asked him whether he sanctioned these proceedings and his answer was that had the Landdrost not stopped me he would himself have done it. Sentence was referred to the monthly meeting on the 5th inst when I was finally condemned by a jury of 12 who never left the Court room but consulted with the Magistrate (Landdrost) as to their verdict ... I refused to recognise their authority but was forced to pay". 3. C.O.1455, Enc. D.137, 18/9/1850. Potchefstroom was then a village of some 14 houses. 4. Southey Papers, 26/9/1850 - Holdich "Ewart says Standers is the only man of pluck and goodwill among the lot. He was also particularly civil and attentive when they were marched out. Ewart complained (Enc.D.137) that the Boers took their six best shooting horses which were recovered in a useless condition (one died) by Standers who wished the Boers to permit them to prosecute their intended journey. They left Bloemfontein at the end of March and were back towards the end of July, 1850. Warden 15/6/1850 and "The Friend" 13/10/1851. These sportsmen were decoyed from the road to the Lake by a Boer on pretence of leading them to Kolobeng instead he led them to the Mlapo River, a tributary of the Marikwa. See Walker p. 287/8. The Boers desired to close the Suez Canal of the Interior. McCabe mentioned that a Commando of 500 was said to be leaving to annex land round the Lake. 5. Letter Book 15/6/1850 and see p.77 above re inclusion of Mooi River etc. 1. See p.312 below Verwey joined M.W.Pretorius.

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half of the Boers beyond the Vaal would submit whilst the other half would seek homes elsewhere! In introducing the matter to the Executive Council Sir Harry contended that he had no authority as High Commissioner to interfere in territories not adjacent to the Colony but stressed that the subject was one of Imperial concern and of international interest. The Council opposed the British Resident's suggestion to extend British authority or to dispatch troops to keep open the line of communication with the interior and declined to take any steps in the cases of reported interference desiring more information about them. The Council nevertheless held that the Boers were British subjects, and that the so-called Republic beyond the Vaal and its officials should not be recognized. It recommended that the Governor should inform the Natives of the position and advise Her Majesty's Government to extend the Punishment Act of 1836 to the Equator.[1] It wanted the Secretary of State to be made fully acquainted with these latest developments not only on philanthropic grounds but also in order that he might be able to "form a judgment of the means which should be taken to prevent the arrest of scientific research and geographical discovery in Central Africa".[2]

Acting on these sentiments Sir H. Smith requested Oswell to point out to the Chiefs of the tribes of the interior that by establishing friendly relations with the British Government they would be able to dispose of their products and also to explain to them that the British Government, unlike the Boers, had no ulterior designs or intention of acquiring land there but merely wished to promote the interests of trade and discovery. The Governor let it be understood that although he did not deem it expedient to intervene by force the Natives could resist the incursions of the Boers. To Earl Grey Sir H. Smith unbosomed himself at some length.[3] He considered that the Boers would try to get control of the territory round Lake Ngami with the resultant exclusion of all European travellers and realized that he was in no position to forestall or counteract their plans effectually even if the policy of the Imperial Government had permitted his doing so. He reminded the Secretary of State however that the danger of allowing Boers to settle without restraint among the Natives had prompted the annexation of Natal and had also guided him in proclaiming the Orange River Sovereignty. In the circumstances therefore he supported the recommendation of the Executive Council and suggested the passing of an-

1. Minutes of Executive Council 3/7/1850 with enclosures D.104, also in B.B.XV. The Executive Council were of opinion that if McCabe had taken an oath to the anomalous Boer authority he was not entitled to protection. In any case McCabe was aware of the risks in trading and holding a farm north of the Vaal, "those who know the Dutch farmers of the interior will not hold it to be an extravagant supposition, that, rapidly returning to barbarism as they are, they should hold it treachery to publish a route to the lake in a colonial newspaper". Letter Book 4/8/1850. Warden advised Montagu that he had not ascertained whether McCabe had sworn allegiance to the Maatschappy. Boers were liable under the Punishment Act but he pointed out that a warrant for the apprehension of offenders beyond the Vaal and South of 25° S.Lat. was impossible of execution without a strong military force!
2. Br.Rdt. 4, 11/7/1850.
3. C.O.1455 and B.B.XV, D.104, 12/7/1850. See also Hansard CXVII, p.247, 13/6/1851.

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an Act extending the provisions of Act 6 & 7 Will.IV c.57 to the Equator, as well as the appointment of an accredited British agent to reside with the Chiefs in the neighbourhood of the Lake: "I pray Your Lordship clearly to understand that I desire no remark of mine may be construed into a wish to extend the rule of Her Majesty over this vast territory, but as a case which requires much deliberation for no one upon general principles can be more adverse to any extension of territory than myself, and that whatever course Your Lordship may adopt, it may be considered an Imperial question irrespective of this Colony and one which, should it be attended with expense, could not be in any way provided for from Colonial funds".

But neither the Prime Minister nor the Secretary of State for the Colonies had any doubt as to their proper course. In spite of persistent criticism led by Cobden and Molesworth regarding the "unlimited" extension of territorial responsibility and "excessive" military expenditure of which the Cape provided a "notorious" example[1] Lord John Russell took a firm stand in the House when he opposed on humanitarian and economic considerations those who no longer conceived it worth while to maintain the Empire and talked about giving up the Colonies: "It is easy to say that as the United States of America are great customers for our goods and receive our emigrants, others might take the same course".[2] He took the broad view that there were certain obligations and responsibilities to govern the colonies for their benefit and to improve the Native races which could not be got rid of and which might be the means of advancing and civilising those parts of the world where they were situated, whilst on the other hand the colonies gave harbours and security during peace and war to British commerce in all corners of the earth. To Lord John's way of thinking a policy of withdrawal would probably leave the colonies in some instances without adequate security amidst savage races, and the colonists at the Cape forsaken by those to whom they were bound by allegiance would apply to Holland for protection: "That we should altogether abandon any share in the government of the colonies and likewise refuse them any means of defence are equally objectionable". And Earl Grey echoed the view of his Chief that there could be no question "of deserting the responsibility we have voluntarily undertaken by acquiring dominion and settling a large body of British settlers in Southern Africa".[3] The acquisition of additional territory was a different matter, however, in view of the "strong advice" of the Committee of the Privy Council of Trade and Plantations against the further extension of British dominion in South Africa and Earl Grey had already enjoined on Sir Harry Smith not to permit "on any ground whatever" any interference by persons acting under Her Majesty's authority in transactions which might take place beyond the limits of the Colony and the territory over which Sovereignty had

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1. Hansard CXIII/50, p.58, 19/7/1850. Hansard CIX/50, p.542, 8/3/1850, Cobden. Hansard CIX/50, p. 670, 11/3/1850, Molesworth contended that Native wars were essentially local affairs: Of course he might have added that the colonists had no say in their government, no power to raise taxes and that the Natives were frequently the aggressors! A dig at Grey over the Anti-Convict Agitation - "I argue from the vigour and energy with which the colonists have resisted and defeated the noble Earl that they are more than a match for a Kaffir".
2. Hansard CVIII/50, p.535 et seq. 8/2/1850. 3. See pp. 51-63 and 128-130, above for Grey's support and for previous criticism; also Hansard CIX 150, p.697: Bell and Morrell Select documents, p.522, See p. 284 above.

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already been assumed./

In accordance with these latest expressions of Imperial policy the Secretary of State duly endorsed the decision of the High Commissioner and the Executive Council not to entertain the British Resident's recommendation regarding Lake Ngami but concurred with their motives and the measures they proposed for dealing with the new situation in the interior.[2] "It is clear that the Boers have not the slightest claim to the territory which they occupy beyond the Vaal", he wrote to Sir H. Smith, and in order that those Emigrants proceeding to the newly discovered country about the Lake might not be beyond the reach of British Law he proposed to introduce a Bill during the next session of Parliament extending the provisions of the Punishment Act to the Equator according to the recommendation of the Committee of the Privy Council.[3] He outlined a scheme whereby the peoples of the interior could be assisted with a minimum of expense to resist the advance of the Boers into their country. The Chiefs were to be informed that it was in their interests to sink their differences and that if they so desired an officer would be sent among them by the Governor to act as an arbiter in their disputes, to give advice and to help them to organise a force for their own protection. He also suggested the sending of missionaries to teach them agriculture, and other suitable industries and even advocated the imposition of a tax to finance their development, for he visualised the time when the Natives would want to build their own roads, schools and hospitals. Earl Grey also intimated to Sir H. Smith that if he had a sufficient force at his disposal Major Warden might if necessary be sent as far north as the 25° S. Lat., which was the limit allowed in terms of Act 6 & 7 Will. IV cap. 57, for the purpose of bringing to book any offenders under this statute, but he insisted again that the only effectual means of checking the Boers was by the organisation of the Native tribes on the lines already indicated: "I am persuaded that this is the only policy by which there is any prospect of accomplishing that object and that the spreading of the Boers over the continent and their oppression and extermination of the Native races can never be successfully contended against by endeavouring to follow them from the Cape as far as they may think fit to go and to extend British authority over those vast regions. Such an attempt would lead to enormous expense and as I believe to certain failure". Moreover should his own plan meet with failure Earl Grey felt it would merely mean the disappointment of a hope: yet in the House Adderley was sceptical "All this", he asserted, "would lead to more heavy expenditure".[4]

1. B.B.XV. D.506, 26/7/1850. This despatch and that of Sir H. Smith, C.O.1456, D.104, 12/7/1850, crossed in transit. See p.233 above. Grey reluctantly agreed to Smith's Proclamation annexing to the Cape Colony as a Native Reserve the comparatively small area of 150 sq. miles served by the W.M.S. station at the Wittebergen north of the Albert Division - C.O.1455, D.120, 12/8/1850, "The Friend" 20/10/1851 and B.B. XV: Approved D. 536, 9/11/1850 - Bas. Rec. 1/310, 12/6/1850 W.Shepstone's opinion called for by John Montagu: Bas. Rec. 1/312, 2/7/1850 Shepstone recommended annexation as the tract formed "the key of communication between the Tambookies and Moshesh's people etc." 2. D. 538, 12/11/1850. 3. B.B. XV. D. 546, 29/11/1850. Grey supported Smith's view that Dutch Reformed Clergymen should be induced to work among the Transvaal Boers. R.247a/50, 23/12/1850, anticipating that England would annex the land up to the Great Lake, Potgieter notified the Governor-General of Mozambique, adding that he was formerly recognized as head of the Emigrants, so that he could take what steps he thought best. 4. Hansard CXVII/51, p. 247: CXIX/52 p. 654, 17/2/1852.

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Earl Grey's intention to introduce his Bill in Parliament and the proposal to establish a confederacy of the Chiefs of the interior against the Boers were never realised owing to the outbreak of the 8th Keffir War on the Eastern Frontier of the Cape Colony. On the other hand the state of affairs in the Sovereignty after Viervoet presented Andries Pretorius with a God-sent opportunity of fishing in troubled waters, but his previous experiences there had taught him caution. A letter soon reached the Voortrekker leader from the Native Chiefs wherein they attempted to exploit their success at Viervoet and sought a declaration of his attitude. They invited him to join them in clearing out all who acknowledged British authority, not because of any inability he might imagine on their part to do so but out of friendship and a desire to provide for his people. Should it not be possible for him to come in person, he was requested to send at least fifty men to join them but should he waive his claim, he was to warn his following to keep apart from the loyal section. The Chiefs could not understand his continued silence and desired him to notify them of his acceptance or refusal as soon as possible, for they intended speedily to take the country.[1] Pretorius denied any knowledge of previous reports from them and added the warning that many used his name falsely.[2] He declined to be drawn without first consulting his people on such an important matter, whereupon the Chiefs replied that they hoped he would join them as an enemy of the British.[3] Close on the heels of these overtures came the direct appeals of Frederik Senekal and others as well as reports of the meetings at Isaac Cronje's farm and in the Wittebergen, of which mention has already been made.[4]

In these circumstances the Commandant-General "found himself obliged" to call a public meeting at Rustenburg, Magaliesberg, on the 8th September to deal with the new developments. After deliberating upon the documents and reports received from the Basuto and the Boers, the duly convened Krygsraad (War Council), together with the Landdrost and Heemraden and members of the public, agreed that a deputation comprising Pretorius, F.C. Wolmarans and J.H. Grobbelaar should proceed to the Sovereignty. They were to try "with mature deliberation to bring and work round matters there to peace and to decide between us here and the British Government and further with all the chiefs there, to prevent the misfortune of so much desolation and bloodshed which might otherwise take place and thus", their instructions concluded, "to resolve a lasting peace arrangement between us and the British Government that we may continue to live free and independent under our own rule and government and may decide upon a free mutual trade on fair terms,

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1. R.297/61, 30/7/1851. Izak Cronje and two Basuto were apparently the bearers of the letter - Fick O.R.S. 38/32 - and those who sponsored the offer were Adriaan v.d. Kolff, Nehemiah and Frans Viljoen. See also request to Wittebergen Boers O.R.S. 93/123, 128-137. See pp. 273, 279 above. 2. R.301/51, 11/8/1851. O.R.S. 38/67, 13/10/1851 Murray said Pretorius wished to clear himself of v.d. Colff's misuse of his name e.g. O.R.S. 100/13, 22/6/1851. For misuse of Moshesh's name see footnote 2 p.292 above.
3. R.308/51, 22/8/1851. 4. O.R.S. 93/116, 136, 26/8/1851; Soutter Pkt 5/4 - reminding him of his oath in 1848 etc. R.311/61 and 303/51. See p. 294 above.

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still not losing sight of freedom".[1] The next day Pretorius opened negotiations with Major Warden who caused his letter to be published at once in the Bloemfontein Gazette in order to contradict misrepresentations, including the rumour that he had already entered the Sovereignty with a large commando.[2] That Pretorius had hostile designs was discounted by Biddulph's knowledge of reports current in Winburg to the effect that he had sent messages to Moshesh to desist from plunder and murder and to the Boers that their cause was a bad one and that so long as fifteen of his countrymen adhered to the Government he would not interfere.[3]

Whatever the Boer leader's intentions, the British Resident felt he could not be trusted.[4] The possibility of a combined move on the part of the Basuto and disaffected Boers backed by Transvaalers now engaged his attention, for he had long been satisfied that Moshesh and Molitsane aimed at winning over the burghers. According to his information Boer deputations from Winburg district had waited on Moshesh at Thaba Bosigo with promises not to take up arms in aid of the British Government, but the Chief wanted their active co-operation against it.[5] Warden considered that very many of the Boers were not prepared to go to such lengths, and this was borne out by the terms of the mutual non-aggression pact with Moshesh signed shortly afterwards by G. F. Linde and Jan Vermaak on behalf of these Boers "with knowledge of the British Resident". Herein Moshesh promised to restore the horses and cattle carried off by his people and there is no indication whatever of any conspiracy on his part against the Government. On their side the Boers undertook not to oppose the Basuto in inter-tribal disputes or fighting but nevertheless insisted on their determination to repel an invasion or plundering expedition across the line by any Natives whatsoever.[6]

1. Published in "The Friend" 13/10/1851 at request of M.W. Pretorius. -Rev- Commandants Gert Kruger and Adriaan Stander; Landdrost P.van Staden; Heemraden G.van Rooyen, P.Ziekert, D.Jacobs; Field-Cornets J.H.Grobler, N.J.Basson, P.Bezuidenhoud, J.Viljoen, S.J.P.Kruger (Oom Paul), J.G.Meyer, F.J.Botes, J.de Wet, T.Pretorius, J. van Aswegen, A.van Wyk, D.Erasmus and J.H.Visagie, clerk attended the meeting. See "The Friend" 20/10/1851 for 12th Resolution of Minutes and Instructions to deputation in Dutch. R.319/51. The deputation meant to wait at Valsch River for a safe conduct from Warden. Preller's treatment of developments from this stage to the meeting at Sand River pp. 422-432 is so tenuous and superficial as to be comparatively valueless. See p. 294 above. 2. O.R.S. 38/61, 28/9/1851. Pretorius' letter was received on the 26th Sept. 3. O.R.S. 38/52, 30/8/1851. Enc.D.160, 18/9/1851. "The Friend" 15/9/1851. Grahamstown Journal 13 and 27/9/1851. "The Friend" 20/10/1851 Molitsane it is said offered to give Winburg to Pretorius and promised to make a clean sweep of all the Government adherents opposed to Pretorius. Joseph Aldum claimed to have been shown incriminatory correspondence between Pretorius and Moshesh by one Carel Hybraer, in which Pretorius asked when he would be ready to attack Warden. Aldum had returned from taking two loads of corn to Burghersdorp to find his stepbrother killed and wife wounded as well as 71 cattle, 33 horses and £50 merchandise carried off by the Basuto. Whilst at Thaba Bosigo he saw David and Nehemiah come in for a letter from Cdt. Wessels of Winburg. "The Friend" 20/10/1851 C.R.Eberhardt refuted Aldum's statements but disclosed that Boers sometimes visited Moshesh and that he wrote two letters to Boers to come and get their stolen property. Aldum had probably been gulled by Hybraer. Pretorius was unwell at the time. Besides he had just sent an ultimatum to the Batlapin Chief, Mahura who had attacked the Baharutse (with whom Mr.Inglis was the missionary) and the Boers backed the latter by demanding 3,000 cattle from Mahura as compensation, failing which they would attack him.
4. O.R.S. 38/61, 28/9/1851. 5. O.R.S. 38/53; Br. Rdt. 3 and 5; add. Bas.Rec. 1/439, 31/8/1851. O.R.S. 38/43; add. Bas.Rec. 1/439, 24/8/1851. Enc. C.O.1414, D.160, 18/9/1851. 6. Br.Rdt. 5, 24/8/1851. Bas.Rec. 1/442-3, 3/9/1851. "The Friend" 22/9/1851. "The Friend", 6/10/1851, considered that the journey of Linde had done good and though Moshesh was very dilatory that the system of midnight depredations against farmers was being stopped. Yet "The Friend" 20/10/1851 reported seizure during the night of 10th of remainder of his cattle, about 50, which he had secured in a kraal near the Church and the house he occupied in Winburg. All but the best 23 were found abandoned!

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The Rev. Andrew Murray had periodically informed the Resident of the pacific feelings of the Transvaal Boers and, hesitating to reply to a proscribed rebel without previous authority, Warden asked the minister to visit Mooi River and induce Pretorius to keep out. At the same time he sent two men to report to him immediately should the Boer leader cross the Vaal with a large force, for, if this happened, Major Donovan had directed that the Natal troops were to withdraw forthwith from Winburg to Bloemfontein.[1] In view of the disaffection among the Boers - "tutored by the Bloemfontein Gazette" - of their invitation to Moshesh to join in intercepting the march of the Natal force and of the resumption of plundering by the Bataung, this officer meant to prevent the isolation of Capt. Parish's men owing to the possible combination already alluded to.[2] Actually, on hearing of the contemplated entry of Pretorius and his colleagues, "The Friend" for once reacted like the Resident. "Mr. Pretorius", it said, "cannot be ignorant of the well-known maxims of the British Government which are - the interference or mediation of any strange or foreign power, body or individual, unless specially requested, can on no consideration whatever be tolerated".[3] The newspaper therefore approved of the object of the Rev. A. Murray's trip to Mooi River dorp, being satisfied that Pretorius' interference would bring "anarchy" in its train "and like the deadly Upas-tree be destructive of everything within the wide circle of its influence".[4]

The day after Andrew Murray's departure the excitement reached its peak with a despatch from Commandant L. Botha of Vaal River district. Botha mentioned that horses and slaughter cattle were being collected in expectation of the arrival of Pretorius as well as of the hostile Commandants Otto and Jacobs at Vals River on the 6th October and he added the rumour that Panda had crossed the Drakensberg.[5] Being in doubt as to what might turn out to be Pretorius' real intentions Major Donovan with Warden's approval promptly ordered Capt. Parish to vacate Winburg and to escort the loyalist families and their stock to the shelter of the Queen's fort. On the 3rd October, accordingly, Magistrate Biddulph, accompanied by his constable and the Burgher officers, duly retired with the troops, leaving his clerk Burnet and the Rev. D.van Velden behind.[6] These proceedings Sir H. Smith described as premature, since there was time enough to withdraw once Pretorius had actually crossed the Vaal, but, as before Viervoet, he deferred to Warden's judgment on the spot.[7] "The Friend", on the other hand, did not hesitate to publish a memorial of disapproval from the Winburg farmers at this withdrawal of the military protection which they had-

1. A most injudicious step as Warden realized for it savoured of surrendering that district to the disaffected - Br.Rdt. 5; O.R.S. 38/61, 28/9/1851. Sir H.Smith agreed, if Pretorius made a hostile movement, Br.Rdt. 4, 14/10/1851. That Warden had "no confidence in Pretorius is shown by the withdrawal later, O.R.S. 38/64, 5/10/1851.
2. Donovan 30/9/1851, 14/10/1851, Enc. C.O.1414, D.175, 21/10/1851. See also O.R.S. 17; 97/232; Bas. Rec. 1/452, 5/10/1851. 3. "The Friend" 29/9/1851.
4. "The Friend" 6/10/1851, said Transvaal Boers should direct their aspirations to "legitimate ends" as the vanguard of civilization... 5. O.R.S. 38/63, 22/9/1851 Enc. D.173, Collection instructed, O.R.S. 31/147.
6. "The Friend" 6/10/1851. Br. Rdt. 2, 5/10/1851. "The Friend" 20/10/1851.
7. Southey Papers 25/10/1851, Garvock to Southey.

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had enjoyed for only a month, and it gave full rein to its sympathy for them.[1] The paper declared that during the period of almost three years from Boomplaats to Viervoet these people had appeared satisfied with the Government, although always reluctant to do burgher duty, and stock theft by the Bataung and Basuto along the 70 odd mile Winburg line had been practically unknown. Since June 1851 the district had been in a deplorable state, and the loyalists had suffered an estimated loss of £10,000 through going to Moroko's assistance at the call of the British Resident. First their horses had been taken and then their cattle to the extent of 470 and 1,250 respectively and at least four Native servants had been murdered within the environs of the village for declining to leave their employers at the call of the Chiefs, whilst the property of those burghers who preferred to brave the displeasure of the administration remained unmolested or was restored.[1] No wonder that the latter, having rendered themselves liable to fines and confiscation, should have made overtures to the Chiefs or sided with the disaffected Boers in their plans to throw off the yoke of the British Government, especially as very exaggerated accounts of the state of the Cape Colony were then widespread.

Immediately on receipt of Pretorius' "extraordinary" letter"of that ambiguous character so usual with this remarkable man", the High Commissioner sought the opinion of his assistants, Major W.S. Hogge and Mr. C. Mostyn Owen.[2] These gentlemen found it impossible to decide from this communication what "the motives and ulterior views" of Pretorius really were but, being fully convinced of the great importance of the matter, "whether for good or evil", they wished to proceed to the Sovereignty to obtain first-hand information.[3] The High Commissioner shared their views and, appreciating the great advantage to be gained by the avoidance of a war "without the most distant compromise to Her Majesty's dignity and paramount authority", granted them plenary powers to settle all outstanding problems there subject to the Queen's approval. The probability that the Transvaal Boers aimed at exploiting the existing state of affairs within the Sovereignty to establish their long desired independence did not escape him. He anticipated moreover that, if formal recognition of the Mooi River Republic were accorded, then the Boers in the Colony would trek, yet his terse remark to Southey, "so much the better", indicates not only-

1. "The Friend" 20/10/1851, 27/10/1851. J.Wessels lost 85 breeding mares and one stallion valued at £100, whilst Geldenhuys lost 47. Cdt.Wessels lost over 300 head of cattle in one night - his four sons had been on the Commando. The post contractor Meyer lost all his horses. C.de Villiers lost the well-bred horses he brought from Swellendam. All Biddulph's horses were stolen. O.R.S. 38/45, 28/8/1851 A.H. le Roux to Sir H.Smith from Kareeboom Valley, Winburg 28/8/1851: "I was the one to call on Your Excellency at Government House, Cape Town to tell Your Excellency of prosperity of Winburg and great gratitude we owed Your Excellency. Scarcely two years have passed and now we the loyal faithful subjects of Her Majesty are in the greatest danger in consequence of our obedience to the order of the Major. Kaffirs have taken away cattle of faithful men and the Major can give us no assistance. Now the country is perfectly uninhabitable unless we receive assistance from Your Excellency". 2. C.O.1456, D.173, 15/10/1851. Southey Papers 15/10/1851, Smith to Southey. 3. O.R.S. 41, 14/10/1851 also O.R.S. 40;Enc. D. 173.

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only his exhausted patience in consequence of the apparent indifference of the Burghers on the Eastern frontier to his efforts on their behalf, but also a new orientation towards the Voortrekkers. Whilst he very much distrusted Pretorius, Sir H. Smith felt that the difficulty of receiving any conciliatory move from an outlaw would be easily overcome, "if he be in good faith and all his gang of republicans", by annulling the proclamations of outlawry.[1] The Governor accordingly approached his Executive Council for its opinion whether it would be expedient to pardon Pretorius in order to hear his suggestions regarding the Sovereignty and, in addition, whether he should entertain any application for the recognition of the political independence of the Emigrant farmers beyond the Vaal. In the absence of more precise information the Council could scarcely imagine "the existence of that extreme necessity which ... could alone justify" the one or the other.[2] It was held that to pardon Pretorius and allow his mediation would constitute an unfortunate discrimination between the leader of the rebellion of 1848 and his subordinate instruments, whilst the second question entailed the previous sanction of the Queen.

Meanwhile the position had been clarified appreciably by Andrew Murray's report of further developments beyond the Vaal.[3] On Saturday, 4th October, the minister reached Potchefstroom where an interview with Pretorius and the leading Boers confirmed his opinion that they held "none but the most peaceful intentions". Having become more fully aware since the despatch of the letter of the 9th September of the subversive designs of a certain section of the Sovereignty Boers and realizing that, if the deputation were sent as originally determined, these extremists would endeavour to embroil Pretorius and thus "endanger peaceful relations with the British Government", the Mooi River Boers called a meeting of the Landdrost and the heemraden to consider the matter anew. It was decided to write again to the British Resident expressing the wish for a lasting treaty of peace with the British Government and inquiring the best way of coming to an understanding, whether he preferred to have their proposals submitted in writing or by word of mouth through the delegates already appointed. This second letter of Pretorius was drafted on the day of the Rev. A. Murray's arrival at Mooi River and the Boer leader made him acquainted with the discussion of and agreement upon such essential points as free trade, including a free passage to the interior (Lake Ngami), and the mutual extradition

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1. O.R.S. 36/138, 13/10/1851 "Pretorius's character is one of great subtlety which scruples not to use any means".
2. Executive Council Minute Book 1851-1855, 27/10/1851, Cape Archives. The Secretary of the Council spoke of the not very clearly expressed purpose of Pretorius's letter.
3. O.R.S. 38/67, 13/10/1851; C.O.1414, Enc. D. 185, 5/11/1851. "The Friend" 20/10/1851, Murray returned 10/10/1851. R.359/51.

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of fugitives from justice.[1] "On the whole I can most confidently say" wrote Murray that a very large majority of the Transvaal Boers are most anxious for peace and friendly relations with the British Government".[2] The establishment of such an arrangement would serve the dual purpose of helping them to set their own house more firmly in order and of putting a period to the designs upon the Orange River Sovereignty of the "few more restless spirits" among them, as well as of the disaffected Boers to the south of the Vaal. He suggested that if Sir H. Smith should decide to remove the price on the head of Pretorius - as he had already contemplated doing - the "death blow" would be given to the hopes of the opposition in the Sovereignty. At the same time he considered a full inquiry necessary and drew particular attention to the unenviable condition of the Winburg loyalists, who felt that the government had been careless of their interests and who would be obliged to trek away, unless military protection were speedily provided against Native robberies.

In addition to his letter to Major Warden, Andries Pretorius sent off two others giving a non-committal reply to the requests for his intervention from the Wittebergen and the Sand River Boers and from the Chiefs. To Field-Cornet Pietersen, Senekal and others he explained that the matter was under consideration, but dwelt on its seriousness and on the risk of causing more harm than good by engaging in a premature movement.[3] He referred to the many rumours current and the imprudent remarks made by messengers and mentioned that memorials had counselled non-intervention, for which reasons he intended sending his son Marthinus Pretorius and D. Botha to gain more precise information so that he would know how to proceed. In a postscript he denied that he had taken an oath to fight for five years and declared that he had sworn to work for the freedom of his nation, in which connection he asserted that no other man among them or in the whole of Africa had done more. To the Basuto Chief Pretorius merely observed that circumstances and the condition of the horses had prevented his coming and that he was sending his son and Botha to explain matters, adding the platitude that all the emigrants desired to live in peace and friendship with the Chiefs.[4] Yet Moshesh cannot be regarded as an active party to these negotiations. He at once addressed the British Resident and the High Commissioner and incidentally attempted to bridge the gap of his long silence by claiming that he had been expecting word from Warden especially in view of the

1. O.R.S. 31/148, 38/69, 4/10/1851, Enc. D.185. "The Friend" 13/10/1851. -official-
2. O.R.S. 38/68, 13/10/1851 Warden requested Murray to do so. "The Friend" 3/11/1851 mentions the return of Codrington, Lamont and Webb who passed into the Interior for the Lake in June. Bushe, Shelley and Green who started earlier were remaining in that neighbourhood. Also Oswell and Livingstone had penetrated into country considerably beyond the Lake. Edwards returned from his second visit to the Lake.
3. O.R.S. 31/139; R.323/51, 4/10/1851. 4. R.325/51, 4/10/1851. Their positions in 1848 were now reversed. The overture of Pretorius and Moshesh's reply come to mind. Vide Bas.Rec. 1/169 and 170, 20 and 28/4/1848. Pretorius reminded Moshesh of Smith's statement that he would not interfere if the majority opposed him. Had Moshesh co-operated with him then, in 1848, much might have been avoided, but instead the Basuto had been included in Smith's majority.

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official notice of the 5th August denouncing the Basuto and the Batsung as enemies, to which he now somewhat belatedly took exception. He defended the resistance of his people at Viervoet as an act of self-defence and claimed that, while he was making every effort to stop stock-thieving, this was being indulged in daily at his expense particularly by the Zulus stationed at Thaba 'Nchu. "The rumours prevailing at Bloemfontein about intentions on my part to combine with other parties in a war against you", wrote Moshesh, "are altogether groundless".[1] The Basuto Chief repeated to Sir H. Smith that the plundering of the farmers was "quite contrary" to his wishes and assured him again, "I am not so far lost to the interest of my people or to my own interest as to be an enemy of the Queen".[2]

On the 10th October Bloemfontein duly witnessed an "extraordinary incident" in the visit of the Transvaal messengers headed by Pretorius' son. Without committing himself, the British Resident judiciously offered to forward whatever proposals might be made to the High Commissioner.[3] One of his objects was to gain time, for he anticipated that Moshesh would not move without the active support of Pretorius, whose decision would depend on the nature of Sir H. Smith's reply: "to have slighted the communication couched in respectful language, though signed by a proscribed rebel, might have involved the Sovereignty in a dilemma we are not prepared to meet".[4] That they should let bygones be bygones, if Pretorius' professions of peace were made in good faith, had been the opinion of the "Grahamstown Journal" on hearing of his first overture, and, no doubt as a result of meeting young Pretorius, the Editor of "The Friend" on second thoughts veered round with Major Warden, for the advantages of a good understanding providing for the surrender of offenders and the removal of obstacles in the way of traders and explorers were considerable: "It did appear to us very inconsistent with the (alleged) existence of warlike intentions against us on the part of our Transvaal neighbours that they should be the only people who have for some time past been visiting our market with meal, Kaffir corn, mealies, potatoes, butter etc., that their wagons should be actually standing in our market place whilst according to the ideas of some Pretorius was on his way to attack us".[5] As the political tension had thus slackened Biddulph resumed duty in Winburg after a fortnight's absence, and shortly afterwards Fick reported that all the disaffected Boers of the Wittebergen and other parts of Winburg district had returned to their homes.[6]

Notwithstanding the avowed aim of the Mooi River Boers to negotiate a lasting peace with the British Government, the intrusion into the Sovereignty of an armed body under Jan Jacobs kept up the excitement in Winburg district for a few weeks

1. Moshesh's denial C.R.S. 1; Br. Rdt. 5; Bas. Rec. 1/453, 7/10/1851. -longer-. "The Friend" 20/10/1851, also footnote p. 292 documents were a forgery in so far as Moshesh was concerned. 2. C.R.S. 17; Bas. Rec. 1/457, 13/10/1851, Encs. D.185: "I am no enemy to the Queen neither to the British nation". See also "The Friend" 27/10/1851. C.O.1456, D. 185, 5/11/1851 Smith to Grey "I personally communicated with Pato yesterday and asked him "Are you aware that Moshesh has sent messengers to Kreli and Sandile urging them to persevere in hostilities?" He replied: "Yes, I know that he has sent messengers every week". C.R.S. 36/170; Bas.Rec.1/466, 3/11/1851 Smith to Moshesh mentioning this and the arrival of the Asst. Commissioners shortly and pointing out that he had approved of the boundary line in Oct. 1849. Warden writes of the "usual hollow professions of Moshesh Bas.Rec. 1/464, 27/10/1851. 3. C.R.S. 38/68, 10/10/1851; R.327/51; Br.Rdt.5, "The British Government would not brook uncalled for interference". 4. C.R.S.38/70; Br.Rdt.2 & 5, 13/10/1851. 5. Grahamstown Journal 11/10/1851; "The Friend" 13/10/1851. 6. Bas.Rec. 1/464; Br.Rdt. 5, 27/10/1851; Enc.C.O.1415, D.304, 18/11/1851.

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longer.[1] Jacobs had crossed the Vaal at the head of some thirty followers and proceeded to the Rhenoster River, where Marthinus Pretorius met them on his way to Bloemfontein early in October and ordered them on to Sand River to await his return. By the time they reached a well-known rendezvous of disaffected Boers at Van Coller's near Doornkop on the Sand River, about 4 hours' ride from Winburg, the Commando numbered upwards of 100 men, and Frederik Otto was reported to be in the vicinity, in charge of several hundred of Gert Lynx's Korannas, with the object of assisting Molitsane against Sikonyela.[2] After the meeting with Warden the deputation visited Moshesh via Sand River to counsel him to give up the stolen property of the farmers: individuals had gone to the Chiefs and recovered part of their losses, in fact the missionary Daumas had just written van Velden advising the Boers to do so.[3] Young Pretorius had been joined by Jan Jacobs, Dantje Verwey, Adrian de la Rey and Isaac Gronje and on their way they slept at v.d. Colff's Kraal across the Caledon, where all seemed to be on the best of terms with this renegade, with the exception of their leader, who spoke little, mindful no doubt of v.d. Colff's misuse of his father Andries' name and reluctant to commit himself. Andries Pretorius would not altogether break off relations with the rebellious spirits in the Sovereignty so long as the ban of outlawry remained in force, and, furthermore, he would have to handle the Basuto negotiators very discreetly until the decision of the British Government became known. Accordingly no treaty was signed, and Joshua and, it was reported, v.d. Colff were sent in the hope of making arrangements with Pretorius senior at Magaliesberg.[4] In due course the Boer leader notified Warden that he was calling a meeting and would report further.[5]

Meanwhile prior to the arrival of Jacobs's commando and the Korannas at Sand River Major Warden had fully intended sending the Zulus back to Natal, for their presence undoubtedly contributed to the "unusual agitation" along the Caledon, from Platberg to Jammerberg in particular.[6] The Zulus on their own admission must have engaged in raiding, as Moshesh complained, for they deeply resented Moroko's people taking the livestock-

1. "The Friend" 20, 27/10/1851. Grahamstown Journal 1/11/1851 - W.Botha, S. du Plooy, P.Roos and others accompanied Jacobs. O.R.S. 38/72, Enc.C.O.1415, D.204, 19/11/1851, Allen, a deserter, gave details. He had been sentenced to three years by the Court of Combined Magistrates for horse stealing, escaped from a convict gang and pushed on to the Crocodile River. There he worked for one Swanepoel who received a commando brief from Jan Jacobs but sent Allen instead. He took a load of corn to Mooi River dorp. The Commando had a wagon load of gunpowder and got powder at Pretorius's house at Magaliesberg. Allen escaped at Sand River. O.R.S. 31/225 Burnet.
2. "The Friend" 10/11/1851. On 30th Oct. a large party of Korannas attacked C. Bornman's farm on Sand River about 26 miles from Winburg, seized stock and murdered three servants. Bornman recovered part from Viljoen as he had not gone on commando - O.R.S. 31/225. 3. O.R.S. 31/225 Daumas mentioned that Moshesh had written to Warden wishing for peace. "The Friend" 27/10/1851 Govt. Notice by C.S. Halse.
4. "The Friend" 10/11/1851. Soutter 5/6, R.329/51. "The Friend" 17/11/1851 mentions Joshua's visit. It is improbable v.d.Colff would dare visit Pretorius beyond Vaal.
5. O.R.S. 31/149, 10/11/1851; R.338/51. 6. Br.Rdt. 2 and 5; Bas.Rec. 1/462, 20/10/1851; Enc.C.O.1414, D.185, 5/11/1851. Br.Rdt. 8, 7/11/1851 Warden to Capt.Gordon, private secretary Lt.-Gov.Natal regretting need for retention of Natal force.
.. O.R.S. 34/154; Bas.Rec. 1/475; O.R.S. 1 and 40, 5/12/1851, Moshesh.
4. See footnotes on p. 305 above and C. v.d. Colff's alleged fabrications.

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livestock they brought out of the enemy's country.[1] Their Chief Tzikali and his indunas protested to the British Resident that Lt.-Gov. Pine had not told them they were to be buried on the banks of a river to help a people that would not help themselves, and that they preferred to return home if they could not be actively employed. When Van Rensburg and Van Velden sent word of the proximity of Jacobs Warden proposed instead to order the Zulus to accompany a detachment of troops to Winburg to check any hostile move by the disaffected Boers and also to assure Sikonyela of support, as the Mantatee Chief had been proof against the attempted tampering with his adherence to the Government whether by cajolement or intimidation.[2] Before this plan could be put into execution a party of Carolus Baatje's Bastards supported by Fingo and Barolong staged an attack before dawn on the 17th October upon their erstwhile station of Platberg, carrying off large numbers of cattle and horses and killing a son of Moseme. Owing to the fear of reprisals, since Moshesh could not bind himself to restrain his people, the Resident therefore decided against any change in his dispositions.[3] Matters were not, however, allowed to rest there. Within a few days Sikonyela applied to Major Warden for the Zulus' assistance, since the Mantatees dared not venture very far afield to pasture cattle and could not even till the ground in safety.[4] With this request Warden duly complied by directing Major Donovan to send a detachment of the 45th to relieve the Natal Natives covering the Barolong along the Modder.[5]

In the opinion of Daumas, who visited Winburg during November, v.d.Colff and the disaffected Boers by trading on Pretorius's name were responsible for making the Natives "so bad".[6] For instance a son of Molitsane and sixteen followers had entered Winburg on the 2nd with a "touch me if you dare" bearing and made purchases at Schnehage's store. A number of Boers from Sand River happened to be in the village for the church service and one of them, C.Froneman, received the Bataung in his tent on the very best of terms. From there these Natives proceeded to call upon several

1. O.R.S. 34/152; Bas.Rec.1/462, 20/10/1851, Moshesh's complaint: Enc.C.O.1415, D.204, 19/11/1851. 2. Br.Rdt.2, 27/10/1851 Thomson reported that Barolong stole from the Zulus the horses and cattle taken by their patrols and used most insulting language towards himself and his men. He promised to restore their recovered property if identified by some responsible person. Br.Rdt.5, 26/11/1851 Warden to James Cameron re latter's letter of same date: I shall tell Cdt.Thomson of difficulties and discredit to us from this wholesale plundering of a chief's people in close alliance with H.M.G. and call upon him to have every head restored otherwise the pay due to the Zulu force cannot be issued. As British Resident I am pledged to see justice done to that faithful but injured people the Barolongs. Br.Rdt.5, 26/11/1851 Warden to Thomson re above and Moroko's complaint of loss of 1,500. 3. "The Friend" 20/10/1851, 3/11/1851 published a Govt.Notice in which Sikonyela denied he was a party to robbing the farmers - vide "The Friend" 29/9/1851, accused of plundering the Wittebergen Boers, - and promised restoration and compensation should any claim be established against his people. O.R.S. 38/71; Bas.Rec.1/468, 17/10/1851: Sikonyela was told that the High Commissioner was hemmed in by Kaffirs; the British Resident was put to death; the greater part of the Barolong and Zulus destroyed by Moshesh; Pretorius was in the Sovereignty with an overwhelming force to expel the English and that Adam Kok had joined Moshesh; Enc.C.O.1415, D.204, 19/11/1851. See also O.R.S. 38/53; Br.Rdt.5, 31/8/1851. Br.Rdt.5, 5/10/1851 Warden to Donovan suggesting troops to Thaba 'Nchu and Zulus to Winburg. Br.Rdt.2, 10/9/1851 John Daniel feared a threatened attack upon Sikonyela. 3. Br.Rdt.5; Bas.Rec. 1/463, 23/10/1853. O.R.S. 34/153; Bas.Rec. 1/465, 27/10/1851 Moshesh. 4. O.R.S.1; Bas.Rec. 1/465, 28/10/1851. 5. O.R.S. 38/74; Br.Rdt. 5; Bas.Rec. 1/467, 16/11/1851. Br.Rdt. 5, 21/11/1851 "for protection of staunch ally Moroko". O.R.S. 32/233, 28/11/1851, Capt. Parish from Thaba 'Nchu reported to Major Donovan that the place was deserted and that Moroko had not yet returned. 6. O.R.S. 31/225.

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of the loyal farmers such as Meyer, van Rensburg and Wessels and railed much against the British Government after the fashion of the Wittebergen farmers. Then on Sunday the 16th the Rev. John Daniel reported that a large commando of Basuto had that morning surprised the herds near the Mission station of Imperani yelling "Umlanjeni!" and got safely away across the Caledon with a considerable number of Mantatee cattle before Sikonyela could muster enough men to stop them.[1] Moreover Ringler Thomson's force was waylaid by a mounted body of Molitsane's men while en route to Imperani.[2] The Bataung drew off before the Zulus could come to grips with them properly, yet Major Warden derived the consolation from this blood-letting on both sides that Moshesh would fail "with all his tacks" to win support from any Natives in Natal.[3] On reaching Sikonyela the Zulu Chief again inquired whether he could not go home offering to return if there was war,[4] and the Zulus left Imperani towards the end of this month before Sikonyela could take advantage of the protection afforded by their brief stay with him to retaliate upon the intruder Molapo, Moshesh's son, in that neighbourhood.[5] They did not reach home without molestation, for they were attacked near the sources of the Great Tugela by a party of Witsi's people with some loss of life and cattle.[6]

At this juncture in Sovereignty affairs, on the 27th November, 1851, the Assistant Commissioners reached Bloemfontein unaccompanied by the military reinforcements originally contemplated.[7] The immediate cause of their coming to the Sovereignty was to settle its relations with the Transvaal Boers, a matter which the Editor of "The Friend" also considered of the utmost importance and the first question which they ought to dispose of: "The sooner the price set on the heads of Pretorius and other Boers is withdrawn, the sooner independence and freedom is yielded to the Transvaal republic so much the sooner shall a good understanding be generated and friendly relationship cemented betwixt them and us".[8] In his opinion if the right hand of fellowship were offered to "our Transvaal brethren"

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1. Bas.Rec. 1/468, 16/11/1851. Bas.Rec. 1/464, 27/10/1851 It is well known, wrote Warden, that Moshesh sent a deputation to Umlanjeni at the commencement of the Kaffir War and that his injunctions were strictly observed throughout Basutoland.
2. Br. Rdt. 2, 18/11/1851. O.R.S. 38/86; Bas. Rec. 1/476, 8/12/1851. O.R.S. 34/199; O.R.S. 1; Bas. Rec. 1/468, 19/11/1851.
3. Br. Rdt. 5, 21/11/1851. 4. Br. Rdt.2, 22/11/1851. 5. O.R.S. 31/225. O.R.S. 34/154; Bas. Rec. 1/475, 5/12/1851. O.R.S. 31/142; Bas.Rec. 1/534, 2/2/1852. Sikonyela had also been raiding. O.R.S. 32/61, 12/12/1851 as Biddulph said "If Taaibosch would resume occupation of his territory (Merumetsu and Klokolani) an effectual check against inroads by Molitsane would be provided and Molapo's attacks on Sikonyela would be obstructed". He felt it would be a misfortune if Sikonyela should fall under the Basuto Chief after the firm reliance he placed on British Government". 6. O.R.S. 38/89, 16/12/1851 Gordon to Struben. Bas.Rec. 1/498; O.R.S. 17 and 40, 25/1/1852. O.R.S. 38/97, 22/1/1852 Struben to Assistant Commissioners. O.R.S. 38/96, 17/1/1852. O.R.S. 38/110 and 111, 3 and 7/3/1852, Bas.Rec. 1/565. "The Friend" 29/12/1851 According to Lt. Henderson the Zulus had suffered much from dysentry owing to exposure to the inclemency of the weather and to their having subsisted solely on animal food. Thomson reached Ladismith on 9th December and the force was disbanded. O.R.S. 36/175, 29/12/1851 Garvock: "Sir H.Smith will advise Earl Grey of his opinion that the arrival of the troops and Zoolahs from the district of Natal was most opportune and acted as a great check to the progress of rebellion while at the same time it gave confidence to the loyal".
7. Their authority as Justices of the Peace under the Cape of Good Hope Punishment Act 1836 was gazetted in Govt.Notice 20/10/1851. "The Friend" 24/11/1851. For their experience and qualifications see Grey Vol.II p.244 and p.285 above, footnote 1.
8. "The Friend" 1/12/1851. Also referred to in the address of welcome, "The Friend", 8/12/1851.

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represented. Potgieter for one remained satisfied with Sir H. Smith's undertaking after the Boomplaats campaign and did not see the necessity for further arrangements with the British Government, nor did he wish to exploit the Resident's difficulties with Moshesh.[1] Pretorius thereupon fell back upon the Krygsraad and despatched two Boers to Bloemfontein with a letter for the Resident inquiring when and where the Transvaal/Mooi River-delegates could meet the Assistant Commissioners and expressing the hope that the latter would consent "to come nearer to our side where we may confer in safety with each other".[2] Hogge and Owen at once saw these accredited messengers and agreed to meet a deputation of fifteen Boers on the 16th January at Sand River.

As the moment now appeared opportune the Assistant Commissioners released the proclamation which had been provisionally entrusted to them by Sir H. Smith and which formally rescinded those of July and September 1848 declaring Andries Pretorius and others rebels and offering rewards for their apprehension.[3] A pardon was also sent to Commandant Jan Jacobs and his followers with an invitation to join the Assistant Commissioners at Sand River.[4] Pretorius duly met a rump Volksraad at Potchefstroom on the 10th January, 1852, when the action of the Krygsraad was confirmed and the delegates appointed by it were empowered to negotiate subject to their reporting to the full Volksraad in due course.[5]

With the approach of the 16th January everyone displayed an increasing interest in this eventful meeting and the gathering promised to be very large.[6] Not a few storekeepers converted wagons into "winkels" for the occasion and other "influential" persons of Bloemfontein readily undertook the hundred mile journey to the north. The meeting took place on the farm of Piet Venter near the Sand River, about six miles east of its confluence with Coal Spruit and about halfway between Winburg and the present town of Kroonstad. Here the Boer camp was disposed in a circle of some fifty wagons whilst the Assistant Commissioners and their escort of five lancers pitched tent at the drift. The concourse exceeded 400 men including 300 who accompanied Pretorius and "The Friend" commented that it was a pleasure to listen to sensible farmers from beyond the Vaal entering into details of agricultural improvements in their country.[7] -The-

1. O.R.S. 38/83, 7/12/1851, R.167/49. R.339, 358, 358a/51.
2. O.R.S. 38/88 and 31/10; O.R.S. 40, 11/12/1851; R.352/51 Pretorius wrote from Magaliesberg; Enc.C.O.1417, D.13, 14/1@1852. 3. O.R.S. 38/90-92; O.R.S. 40; Bas. Rec. 1/484; "The Friend" 29/12/1851. Pakington approved C.O. 1347, D.1. 10/3/1852. "As no doubt in professions and good faith of Pretorius and as Rev. Murray believes if reward for Pretorius were withdrawn the death blow would be given to all attempts on the part of the Boers ever again to disturb British authority in the Sovereignty ..." 4. O.R.S. 32/62, 4/1/1852 He was asked to define his attitude towards action against the Korannas. Gert Lynx's Korannas mustered about 700 well armed men. O.R.S. 38/106, 22/2/1852; Add. Bas. Rec. 1/551.
5. R. 354/52, 12 constituted a quorum, only 9 were present. O.R.S. 31/150, 14/1/1852, Pretorius said he would be at P. Venter's, Sand River on 15th. 6. "The Friend" 12/1/1852. "The Friend" 19/1/1852 "A correspondent informs us that the British Resident declined the invitation to attend the Sand River meeting because he was not going to "play second fiddle" to the Commissioners. 7. "The Friend" 26/1/1852 one farmer mentioned that he had planted 80,000 vines and another that he had sold his farm for Rds. 35,000.

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The Assistant Commissioners recorded that disaffected Sovereignty Boers, from the Wittebergen and Sand River areas, came in great numbers on the day before the meeting with the intention of preventing any agreement, if possible by intimidation, if not by violence, as they perceived that such an outcome would not only be fatal to all their plans but would also compromise their safety.[1] An opportunity was soon provided them when Major Hogge heard of the presence of the notorious v.d. Colff in the camp and sent for Pretorius to deliver him up. At first the Boer leader hedged by protesting that he had no jurisdiction there, nevertheless he agreed without relish on the Major offering to furnish him with an order and the necessary men and declining otherwise to enter into any arrangement with the delegation. Pretorius duly returned to his camp with Mr. Owen and two Lancers, but they were received with such an outcry, especially from the Sand River Boers, that Owen considered it prudent to dispense with the soldiers. The partisans of v.d. Colff then gave him a horse and he rode out of the camp only to halt a hundred yards off, where he defiantly capped his gun.[2] He declined Pretorius's request to come nearer and retired further off instead, whereupon the lancers were sent in pursuit. A number of Boers followed them for some unknown purpose but v.d. Colff got clear away. It would appear that Pretorius had but slight control over the Boers when they became excited, yet in fairness to him it must be recorded that the most noisy were the disaffected Sand River Boers. He intimated to them that unless they conducted themselves with propriety they would have to leave the camp. According to "The Friend" he also sent out pickets and spies after the scene with v.d. Colff and made himself responsible for the safety of the small party of Englishmen who were present. Most of the Boers and all the English being unarmed the Assistant Commissioners apprehended that v.d. Colff might annoy them with his Korannas, who were reported to be in strength in those parts, and they therefore despatched orders to the light company of the 45th Regiment and 35 C.M.R. stationed at Winburg to march for the Sand River drift.[3]

This interesting prelude assisted considerably in accomplishing the main aim of the Assistant Commissioners to reduce the influence of Pretorius and to prevent the possible coalition between his Transvaalers and the disaffected Boers of the Sovereignty and the Basuto. The real motives of Pretorius began to dawn upon some of these Boers, who now perceived that they had been merely a means to his end and would be left to fend for themselves. Accordingly they went soon afterwards to the -tents-

1. C.R.S. 38/98; C.N.S. 40, 25/1/1852; Enc. C.C.1417, D.38, 16/2/1852; B.B.XV. 2.29. 2. Vide Theal VIIpp.365 - 8 and Cory Vpp430-3 for accounts of the Sand River meeting. Cory over estimates the number present. 3. "The Friend" 19/1/1852, Troops left Winburg on 16/1/1852. "The Friend" 26/1/1852 says the only threatening thing was the unsophisticated revelation of a little girl who said: "Mamma says she hopes the Boers will do for the Commissioners"! For the fate of v.d. Colff see footnote 3, p.325.

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tents of the Assistant Commissioners to acknowledge their guilt and beg forgiveness; but these officials turned a deaf ear to them and would guarantee nobody immunity from fine, imprisonment or transportation.[1] Upon the Basuto the effect of the initial proceedings must have been similar. As soon as the date and venue had been determined Pretorius had written asking Moshesh to attend the meeting and the Basuto were represented by his councillor Joshua. When this man witnessed the undignified departure of v.d. Colff, in reality a Basuto agent, without any active intervention by the Boers, he left abruptly with his few attendants, no doubt in fear and trepidation.[2]

On the 16th January, 1852, the Transvaal deputation and the Assistant Commissioners began their deliberations and on the following day signed the agreement known as the Sand River Convention.[3] Henceforward a "system of non-interference" and mutual benefits, for instance to travellers and traders, except in arms and ammunition with the Natives, was guaranteed on both sides of the Vaal. Hogge and Owen approved the complementary clause disclaiming all alliances with the coloured peoples north of the Vaal whilst the Boer delegates for their part undertook not to tolerate slavery in their country.[4] "The Friend" had pleaded for the reciprocal recognition and enforcement of criminal and civil processes and this condition was agreed upon - "so far as possible".[5] No territorial limits were specified in the Convention and the only reference to the subject appeared in a clause reading: "Should any misunderstanding hereafter arise as to the true meaning of the words 'The Vaal River', this question, in so far as regards the line from the source of that river over the Draakenberg, shall be settled and adjusted by commissioners chosen by both parties". In the light of subsequent events this omission proved most unfortunate. In their report to Sir H. Smith at the time the Assistant Commissioners explained that the arrangements concluded at Sand River "merely assured" the Transvaal Boers of "non-interference in the management of their affairs and of non-encroachment on the part of the Government ... This boon has been virtually granted by Lord Grey's explicit directions that the Colony shall not be extended and a favour has been made of what must have been, if that line of policy were adhered to, an inevitable concession".[6]

The Convention effectively put an end to the former influence of Pretorius south of the Vaal and removed the immediate fears of the Assistant Commissioners. Before his pardon Pretorius had been regarded as "a martyr to his patriotism" and the Sand River Boers had banked on his interfering on their behalf. He tried, therefore, to retain some influence among them and was very anxious that the disloyal party should

1. O.R.S. 38/98, 25/1/1852. 2. R.355, 357/51. See p. 312 above re Joshua. -be- Probably Joshua feared that the Transvaal Boers might ally with the British Govt. against the Basuto or that he might be apprehended for his part in former attempts with v.d.Colff to gain their support. "The Friend" 26/1/1852 states that Pretorius sent two messengers after Josias to apprise Moshesh of the exact state of affairs and thus anticipate v.d.Colff. 3. Vide Eybers No.177 pp.357-9 Marriage certificates recognized as valid on the one side shall be recognized as valid on the other: cp. Proclamation 17/6/1848 for O.R.S. The Secretaries were J.Visagie and J.Burnet whilst the Rev. A. Murray acted as interpreter. 4. Treaty with Waterboer 11/12/1834 was not renewed when he died but Sand River Convention was not given as a reason. 5. "The Friend" 8/12/1851 and 15/12/1851. O.R.S. 38/84. 6. Southey Papers, 2/2/1852, Garvock to Southey: "The troublesome Transvaal question is I hope set at rest. We are not to interfere with them and they are to deliver up all criminals, offer no molestation to travellers and while nothing was said about independence of course they will be virtually independent as long as we offer no interference". Acting High Commissioner Lt.-Gen. C.C. Hay intervened at Klipdrift 1870 in terms of the Punishment Act.

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be pardoned before his departure. Hogge would not admit of his mediation however, with the result that his disaffected countrymen in the Sovereignty came to look upon him "as a traitor and a deserter of their cause".[1] The agreement also deprived the Chiefs of the support of Pretorius. Though his proposal to mediate between them and the Assistant Commissioners was rejected by the latter - lest he might "appropriate the credit of bringing about a pacification and enhance his own consequence thereby" - he nevertheless made an offer of prompt assistance to the Government in the event of Native aggression.[2] The conference ended on the 17th with cordial expressions of satisfaction by Hogge and Pretorius and during a most affecting farewell many weather-beaten faces were bedewed with tears. An escort under Commandant Stander, the man who had attempted to seize Major Warden in different circumstances nearly four years before, thereupon accompanied the Assistant Commissioners to their camp at the drift. RiveHogge and Owen decided to deal at once with those recalcitrant Boers who had intrigued against the Sovereignty administration. They had declined to speak with the Sand River Boers during the negotiations with Pretorius and arranged to hear their explanations or defence the following week. These proceedings and the subsequent fining of the Boers continued into March, being conducted by Owen alone after the departure of Major Hogge for Kingwilliamstown on the 11th February.[3] The nature of the offence committed by the Boers varied. Some extremists had instigated the Natives "to make the land clean of all Englishmen and obnoxious settlers" and had done everything they could to turn the district of Winburg upside down.[4] Others, less culpable, had either appealed to Pretorius to take the country under his protection or invited him to act as mediator, since they dreaded the possibility of much bloodshed should the Basuto Chief and the British Resident come to blows. As before Boomplaats there were instances of Boers intimidating their neighbours into signing the appeal to Pretorius, of misrepresenting its purpose or of forging signatures, whilst a few had even guided Natives to the homesteads of those they disliked.[5]

No opposition was experienced from the Boers, most of whom readily signed confessions of guilt and memorials pleading ignorance, or the prevailing confusion, or threatening dangers and lack of protection.[6] Not only were the circumstances of each case borne in mind, but reductions in fines were also made, especially on the ground

1. O.R.S. 31/239-40 Michael Hoorn stated that one hour above junction of Vet and Vaal he met de la Rey, de Beers, and Cdt. Jan Jacobs with 14-16 wagons. Jacobs was furious with Pretorius who had written him to live in peace and quietness. He said that Pretorius had misled the Boers in the Sovereignty and they were fined.
2. "The Friend" 26/1/1852. 3. O.R.S. 38/106, 22/2/1852. 4. "The Friend" 27/3/1852. 5. O.R.S. 33, Minutes of appearances before the Assistant Commissioners, 24/2 - 15/3/1852. Footnote p.294 above. W.C.Coetzer poor schoolmaster signed through fear. L. and F. van Biljon, P.Smith, J.Bester, D.Erasmus said they signed because they were told it would lighten their punishment. O.R.S. 33 p.47, 18/3/1852, J. and W. Mynhardt and M.Fourie denied their signatures. 6. O.R.S. 40, 29/2/1852, Owen to Smith. O.R.S. 38/100, 7/2/1852, Confession of J.A.du Plessis and 20 others. C.O.1417, Enc. D. 33, 16/2/1852, Assistant Commissioners 25/1/1852: "Convinced Cdt.Wessels not far wrong - only forty turned out on commando. Those influential people who met Your Excellency at Sand River wilful deceivers as they have since opposed Government in every way and now supplicate mercy and forgiveness".

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of poverty, and the Boers duly paid without compulsion, promising amendment for the future. Owen recorded that they were severally informed by him that should they feel themselves aggrieved by the fines imposed two courses were open to them; either to appeal to the High Commissioner or to stand trial before another Court and have their crimes proved against them.[1] However they chose without exception to abide by the Assistant Commissioner's judgment, acknowledging their guilt and preferring to pay their fines forthwith and be forgiven. In addition they were required to appear before Biddulph and Burnet to enter into recognizances to keep the peace for 5 years. A.J.Smit Sr., F.Senekal, N.J.Grobbelaar and C.M.van der Heever, all parties to the Tafelberg appeal to Pretorius to be their Administrator-General and also to the Doornkop address to the General-Director v.d.Colff two days later, signed an admission of sedition and were each fined £100.[2] The heaviest fine of £150 fell upon J.D.Cilliers, who had been one of the chief advisers of the assumption of Sovereignty and had newly resigned his post as Veld-Kornet, but this amount was reduced to £100 later as a result of his plea from across the Vaal that he had resigned because of a 'slegte bors', had signed the appeal out of fear of Pretorius and was the father of ten motherless beings.[3] Fines of £75 were imposed upon the lesser lights P.Moolman, W. Sevenster, D.Crouse, P.Venter, J.Naude, J.van de Venter, J.v.d.Schyff and £50 upon such as J.M.Pieterse, M. Prinsloo and J.Nel, who admitted holding active intercourse with the Natives and v.d.Colff, even to entertaining the latter while engaged in his daily robberies of the Winburg farmers.[4] Other fines ranged from £5 to £25, and altogether over £2,300, less the cost of issuing summonses, was paid, according to Sir H.Smith's orders, into the Military chest as a set-off against the expenses of the war.[5]

"The Friend" agreed that the punishment of a few ringleaders would provide a wholesome example but questioned the legality of the proceedings of the Fines Commission, justly taking strong exception in all its March issues to the "off-hand plan" of confiscating farms and fining without "a fair and formal trial".[6] The further objection was raised that "such vicious and imbecile precedents" had caused deep heart-burnings in the past and would impair "the good impression made upon our Transvaal friends". The paper declared that "the Boers think the English are a money seeking crafty people and that we only invent plans for creating revenue" and maintained that the fines should be refunded in simple justice to the Boers: "All fines so inflicted, would at once be remitted on a reference to the Secretary of State or petition to the Queen".[7] It is not surprising, therefore, that

1. O.R.S. 38/111, 7/3/1852; O.R.S. 40. O.R.S. 33 p.47. 2. O.R.S. -representations- 38/43, 44, 25 and 27/8/1851. All these Wittebergen Boers paid, see O.R.S.38/106, 22/2/1852; add.Bas.Rec.1/551. O.R.S.33, p.46, 22/1/1852. 3. O.R.S.33, p.43 et seq., Minutes of appearances 24/2-15/3. O.R.S. 33/61, 1/3/1852. 4. O.R.S.33, pp.29,37, 38,43. O.R.S. 38/43; O.R.S. 38/109. Memorials O.R.S. 31/140, 18/12/1851, 61 signed; 33/127, 20/12/1851, 18 signed. 5. O.R.S. 38/106, 22/2/1852, Owen to Smith: footnote H.G.S. O.R.S.33 (95) gives memorials for remission of fines imposed. A.J.Smit pleaded, 25/11/1852, he had been a Field-Cornet for 20 years "onder de Britsche kroon trouw en eerlyk gediendt". Bas.Rec.1/557; O.R.S.40,20/3/1852 Owen suggested this amount should be used to compensate the loyal Boers. 6. "The Friend" 1/3/1852 27/3/1852 Powers should have been published in Gazette. 7."The Friend" 8/3/1852.

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representations were soon made to the authorities alleging that the Boers had been unconstitutionally fined and had paid through fear of the consequences of refusal. The Boers affected protested that they had acted with the sole object of preserving their lives and property, and their attorney, Grant, argued that no desire to overthrow the Sovereignty administration was revealed in the documents, though he did concede that one or two persons might have desired to see the British Government embarrassed. Grant did not at that stage discuss the legal aspect but merely challenged the proceedings of the Fines Commission on grounds of expediency. He reasoned that his Wittebergen clients could not be judged by the same standard as that applied to British subjects residing in the United Kingdom and that they had acted "precisely as boers under the circumstances might be expected to act". Their choice was either to proclaim aloud their inviolate adherence to the Government and be robbed and butchered or to obtain security by making peace with v.d.Kolff and the Chiefs and by practising the "ruse" of calling in Pretorius to their assistance. He considered that his clients should be met by the forgiving spirit and generosity of the British Government, adding that nothing was wanting to make them loyal subjects than the remission of the fines exacted and the general cancelling of all penal sentences: "Forget and forgive and allow bygones to remain bygones".[1] No redress was obtainable then, but on the withdrawal of British rule two years later these people received a refund of the fines paid, less deductions made by Biddulph in respect of about half of them for arrears of quitrent!

One immediate effect of the signing of the Sand River Convention and the work of the Fines Commission was noticeable in a further exodus of Boers across the Vaal. This might have been regarded as wholly advantageous but for the serious consequences of depopulation at that time.[2] Not only the northern part of the Sovereignty but the Caledon River district too had become unsettled by representations that arrangements had been made at Sand River permitting people to trek across the Vaal and come back to their farms again provided merely that the quitrents were paid. Such a belief would seriously affect the calling out of Commandos, and Vowe and Hoffman anticipated furthermore that a great number would leave because they were well aware that before

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1. O.R.S.33, 13/8/1852. O.R.S. 33/49, 1/3/1852 Grant asks in vain for copies of the proceedings. He explained that the application had been deferred pending the restoration of confidence and tranquillity. He described Warden's movement to Viervoet as an "insane expedition". During his visit to Bloemfontein in June Pretorius wrote to the High Commissioner pleading for the remission of the fines imposed on certain Boers for ignoring Warden's commando orders: "I do not wish for a moment to defend or to palliate crime (nor do I include the four principal men in this suggestion) but I would earnestly entreat Your Excellency's attention to the unsettled state of the country at the time referred to which drove these poor Boers to steps which under other circumstances they would not have adopted - O.R.S. 21, 24/6/1852; O.H. 31/1, D.16, 21/7/1852; "The Friend" 28/8/1852. Cathcart's reply Enc.D.17, 28/7/1852. O.R.S. 38/130, 19/8/1852 Owen to Cathcart cannot recommend this as they were most leniently dealt with ... even the penalty of death or transportation could not in such a case have been termed injustice". 2. O.R.S. 31/110-1, 28/1/1852 J. and P.Venter, S.du Plessis and others: "People trekking, too weak to fight without Government troops - give us liberty to make peace with Kaffirs". Eybers p.282 states the effect was to strengthen desire for British rule, with a liberal form of government.

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long the white population would be certain to come into collision with the Natives.[1] Major Hogge endeavoured to forestall the waverers by publicly threatening all those who deserted their farms with confiscation and instructed the Field-Cornets to prepare a list of all persons who were not upon their farms within the ten days specified in the notice.[2] It should not be forgotten that the mere existence of an independent Boer community on the northern margin of the Sovereignty produced an irresistible tendency of the population thitherward.

On the 16th March 1852, a reconciliation took place between Pretorius and Potgieter at Rustenburg and the Volksraad approved the Convention. Prior to this a request had been sent to Pretorius in terms of the treaty to apprehend and hand over Adriaan v.d.Colff, S.J.de Beer and his two sons and Isaac Gronje, who were accused before the Assistant Commissioners of theft, murder and other crimes and had fled beyond the Vaal.[3] In reply he undertook to deliver up people guilty of crimes if possible, but considered that the order was sent too soon in view of the dissatisfaction among the emigrants caused by reports that the disloyal Boers in the Sovereignty had been fined and their farms confiscated.[4] His was a new society without troops and he hoped to introduce order after the meeting on the 16th. In the meantime there were at least two things on his mind. "The Friend" had spoken of a "provisional treaty" having been signed at Sand River and he wanted a written assurance from Major Hogge that a lasting treaty of peace and freedom had been effected.[5] He wrote secondly, about the restlessness among the tribes and desired Hogge and Owen to nominate a commissioner to be present on the 10th April at the junction of the Wilge and Vaal Rivers for the purpose of settling the boundary so that he would know where to deal with an invasion of the Natives.[6] Owing to the prevalence of horse-sickness and his activities in the southern portion of the Sovereignty Owen did not send a reply till the 14th April, when he was about to proceed to Kingwilliamstown to meet the new High Commissioner, the Hon.George Cathcart. Regarding the alleged rumours that the agreement entered into on the 17th January was not final, he assured Pretorius that such was not the case: "The words when put into form may be altered to suit the technicalities of the Law but the sense will still remain the same". He promised to attend personally to the other matter of the boundary or to appoint a commission at the earliest opportunity, "when

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1. O.R.S. 94/308, 5/2/1852: Reports of Commandants and Field-Cornets O.R.S. 94/309. O.R.S. 31/26, 22/1/1852; Bas.Rec.1/497 Josias P.Hoffman attributed it to a want of faith in the Government's policy of interference in Native quarrels.
2. O.R.S. 36/26 and 27 Winburg 30/1/1852: notice issued also by Biddulph ...O.R.S.38/99; add.Bas.Rec.1/534, 1/2/1852; C.O.1417 Enc. D.33, 16/2/1852. "no reasonable grounds to justify honest men leaving". 3. O.R.S. 40, 11/2/1852. See also O.R.S. 44, 12/9/1853. O.R.S. 40, 29/2/1852 Owen to Smith. 4. O.R.S. 31/32, 3/3/1852. He mentioned the rumour that Boer women had been pulled off wagons by Cape Corps in the presence of Biddulph. R.406/52. Re v.d. Colff see footnote 3, p.325.
5. O.R.S. 31/31, 3/3/1852. He asked Major Hogge to speak to Sir Harry about his land in Natal as he intended riding there at the end of the month.
6. O.R.S. 31/34, 4/3/1852. 3. Meeting at Potchefstroom 20/1/1852, R.371/52. Meeting 16/3/1852, "The Friend" 29/5/1852; R. 382/52.

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no doubt the decision will be favourable to the Emigrant boers".[1]

Late in April, on his arrival at Kingwilliamstown, Major Hogge laid the Convention before Cathcart and observed: "The Assistant Commissioners being of opinion that no time should be lost during the prevalence of general disaffection among the coloured races of South Africa in reconciling those to the British Government who might form again what they once were, its natural defenders against natural aggression, readily availed themselves of friendly propositions emanating from the Emigrants themselves to reverse the outlawry of their leader and allow them to form such independent government as might seem best to them across the Vaal river. Should Your Excellency approve of the line of policy that has been adopted and are inclined to follow it with other measures which may gradually restore confidence I think much good would arise if you would permit me to proceed again to the Orange River territory to make known your favourable intentions to the Emigrants and further assure them, that the engagements they have entered into with the Assistant Commissioners shall be duly performed".[2] On the 13th May Cathcart issued a proclamation to the Transvaal Emigrants confirming the convention and trusting "that the freedom which the emigrants are thus graciously permitted to exercise may result in lasting peace amongst themselves and in fast friendship with the British Government neither entertaining past prejudices or adopting former causes of quarrel". Early the following month Owen proceeded with L.H.Meurant, his interpreter and translator, to the Transvaal to hand Pretorius the High Commissioner's formal ratification of the Convention and to settle the boundary line. Pretorius happened to be away on a visit to Natal, but the Volksraad convened at Potchefstroom on the 18th June endorsed this official approval "met uitzondering van een klein verschil", placing its own restricted interpretation upon clause 7 dealing with extradition.[3] In acknowledging Cathcart's confirmation, the Chairman of the Volksraad, Cornelis Potgieter, reminded the High Commissioner of the great difficulty of establishing order and regularity in new provinces, but assured him it would be their endeavour to have theirs in a becoming state in time and to remove anything that might prevent a lasting peace with and good feeling towards the British government.[4] Indeed unanimous approval of all the terms of the Convention had not been gained: for instance, Hendrik Potgieter and his Zoutpansbergers had recently rejected the second article concerning the Vaal River as the boundary and the old Voortrekker leader threatened to dissociate himself from the treaty.

Pretorius himself appeared in Bloemfontein soon afterwards accompanied by Commandant Scholtz to express his regret at having been absent when the Assistant Commissioner was at Mooi River and to discuss the boundary. He applied for the cancellation-

1. O.R.S. 40/97, 14/4/1852. He wrote from Smithfield. O.R.S.31/235, 240. M.Hoorn also mentioned the horse-sickness. O.R.S. 94/294, 13/7/1852 Bester to Owen's of 3/7 O.R.S.40 appointing him and others as commissioners to settle the boundary between the Vaal River government and the Sovereignty - would write to Pretorius immediately to arrange time and place. O.R.S. 38/124, 16/7/1852 Owen to Cathcart - Commission comprising P.M.Bester, C.C.Vaal River district, J.Burnet Clerk of Peace, Winburg and Field-Cornet Cauvin to meet the Transvaal deputies. 2. O.R.S. 40, 27/4/1852; also G.H.31/1 D.5, 20/4/1852 Enc.16/4/1852 - Confirmation of Sand River Convention. 3. O.R.S.21, 18/6/1852 approved "with trifling exception". V.R.212/82. R. 406a/52 "behoudens 'n klein verskil". "The Friend" 5, 19/6/1852 re Owen's journey. Pretorius pleaded for the remission of the fines imposed on certain Boers for ignoring Warden's commando orders - O.R.S. 31/37, O.R.S.21, 24/6/1852 - would produce a beneficial result on both sides of the Vaal. Regrets death of Major Hogge. R.407 and 414/52. re Meurant, the Asst.Coms. asked for him and hoped he would be induced to take employment in the Sovereignty - O.R.S.41, 12/5/1852. G.H.31/11 D.9, 21/6/1852 Cathcart also hoped so. C.O.1348, D.89, 26/7/1852 Meurant J.P.Albany given allowance 15/-p.d. 4. O.R.S.31/36, 18/6/1852; O.R.S.42/86; G.H.31/1 Enc.D.16, 21/7/1852; B.S.XV.2.56; O.R.S.21.

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cancellation of certain grants of land situated along the Wilge River in the neighbourhood of Harrismith, in order that this river should be the future boundary between the Sovereignty and the Transvaal.[1] His object was to obtain access to the only available pass over the Drakensberg into Natal without having to go through the Sovereignty, and he made no secret of his intention, if successful, of laying out a town in the vicinity of Harrismith which would monopolise all the trade carried on there. After Owen had explained to Pretorius that it would be impossible to comply with his request, it was arranged that a joint commission should meet during October to determine upon the true source and course of the Vaal River which was supposed to be at least forty miles farther north than the Transvaal Boers were desirous of making it. When in Natal Pretorius had endeavoured to induce the Lt.-Governor to discuss the boundary, but Pine declined because he considered it his duty to preserve the boundaries mentioned in his instructions and wrote at once to the High Commissioner.[2] In view of the possible claims of the Transvaal Boers to land adjoining the Klip River division, which was regarded as belonging to Natal, and of their intention to settle within the territory of Panda also contiguous to Natal, Pine warned Cathcart that unless these matters were settled speedily and satisfactorily they would prove "the source of as great differences between ourselves and them as any which have hitherto occurred".[3] Cathcart approved of Owen's boundary but required him to exercise caution and to submit its decision for the report of the Lieut.-Governor of Natal. Agreement was reached between Owen and Pretorius to the extent "dat de onderste lyn zyn zal van waar de Vaal Revier in Oranje Rivier loopt, langs de gemelde revier of naar de zee, hebbende het Britsche gouvernement geen gezag noord van de gemelde Oranje Revier als bovengemeld zyde dit accoord onderhevig aan de goedkeuring van zyne Excellentie den Hoogen Commissaris."[4] This was never ratified.

The final curtain was shamefacedly rung down on the Convention in August when Cathcart informed Owen that he was at liberty to advise Pretorius of the approbation of the Secretary of State, Sir John Pakington, Earl Grey's successor, but added: "The letter itself must be considered confidential and you are only at liberty to show it to the Resident and great care must be taken that it does not get into the newspapers".[5] A reason for this secretiveness may be readily suggested. Moved by -grievances-

1. C.O.1603 Schedule No. 8. 14/10/1852 Green to Cathcart. See Enc. G.H.31/1, D.16, 21/7/1852 - J.J.P.Prinsloo, President of the Volksraad also wrote a letter on the subject - B.B.XV.2.55. 2. G.H.31/1, D.17, 28/7/1852. Pine 27/6/1852 - The Boers regarded Panda as their ally or subject - O.R.S. 38/130, 19/8/1852.
3. Enc. G.H.31/1, D.17, Cathcart's reply 12/7/1852 also C.O.1603. Enc. G.H.31/1 D.17, Cathcart to Owen 26/7/1852, also C.O.1603. The Commission never met owing to the Basuto crisis (Berea) and the death of Pretorius later. In the meantime Pretorius took the initiative and inserted a Proclamation in the Natal Independent. See "The Friend" 14/4/1853, prohibiting squatting at the upper end of the Vaal River or under Drakensberg without authority. C.O.1603 Schedule 8, 14/10/1852 J.Orpen substituted for Bester "whose health is very indifferent". Actually the source of the Vaal was at least another forty miles north of the Klip River. 4. R.408/52, 24/6/1852.
5. O.R.S. 28/106, 4/8/1852 and C.O.1603, O.R.S. 38/130, 19/8/1852 Owen to Cathcart - Trust that the Transvaal Emigrants by their future conduct will merit this act of grace on the part of the Home Government. O.R.S.40, 14/8/1852 Owen to Pretorius: O.R.S. 31/39, 24/3/1853 Potgieter's acknowledgement. C.O.1347, D.66, 24/6/1852; O.R.S. 36/23; B.B.XV.2.114 Pakington to Cathcart. O.R.S. 21,26/3/1853 Pretorius to Cathcart that missionaries and honest dealers will always be protected - must travel by way of Mooi River. O.R.S. 21, 22/10/1852 Pretorius to Green asking him in view of secret smuggling of ammunition to forbid traders etc. to go any other way than Colesberg, Bloemfontein, Vaal River. 6. Orpen, p.261: Theal Vol. IX p. 18.

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grievances "real and imaginary" the Voortrekker Boers had left the land of their birth sixteen years before in order to be independent of British control, but the British authorities had ever since maintained that having been born or having once lived as British subjects the Boers could not divest themselves of their allegiance to the Crown. During the same period the British authorities had constantly professed their solicitude for the coloured races. First the British Parliament had passed the Punishment Act of 1836 extending its protection to all peoples southward of the 25° S. Lat. and subsequently Natal had been annexed, treaties had been entered into with the Native Chiefs and lastly the Orange River Sovereignty had been proclaimed. But now by the Sand River Convention, Britain exposed herself to the charge of surrendering her claim to be regarded as the friend and protector of the aborigines, because she could not otherwise conciliate her rebel Boer subjects, whose leader had even been pardoned without making any submission. No wonder such uncomfortable queries as the following were being ventilated in the press:- "If coloureds or natives rebel what is their penalty? What is the position of Waterboer who has been an ally of Britain's since 1834 and before ever Pretorius was known of? Was the friendship of Pretorius really of such importance to Great Britain that to secure it she should be willing to blot from her escutcheon one of her noblest titles?" "Friendship and Brotherhood between all white inhabitants of South Africa was the prevailing sentiment. What South Africa emphatically needs is Friendship and Brotherhood between all its inhabitants without reference to class or colour".[1] In his reply to the Governor, Pretorius forwarded the following letter: "I most heartily thank your Majesty for having graciously granted us our liberty. We had long before endeavoured to lay our grievances before Your Majesty fully relying that we should receive justice at your hands and we still trust that we shall further obtain from Your Majesty all territory which formerly belonged to the Emigrants. We bind ourselves to respect the lives and property of Your Majesty's subjects residing therein. It would be a great and happy day for us and more prosperous for the Cape Colony, and much less expensive for the government of England. I can assure Your Majesty all feelings of prejudice cherished in the hearts of emigrants against British subjects have been entirely removed".[2]

1. "The Friend" 10/7/1852, "Looker-on".
2. G.H. 31/2, Enc. D. 18, 17/5/1853; XV.3.5.; O.R.S. 21, 25/3/1853.
3. Orpen p. 91. V.d. Kolff was later shot dead by Michael Horn who considered him an outlaw. Sir G. Lagden p. 134 a Boer commandant of good repute shot him dead on the veld as a pest to humanity. O.R.S. 32/138 - 141, 25/3/1853 - 7/5/1853, correspondence between A. Pretorius and Resident Green. The former informed the latter that he had heard that the body of van der Kolff had been found in a hedgehog's hole and he wanted to know the truth "whether this malefactor has at last finished his career". Green assumed the report must be true. See p. 322 above.

Chapter XII.

The work of the Assistant Commissioners.

The departure of the Assistant Commissioners from the Cape Colony had been hastened by the contents of the Secretary of State's latest despatch of the 15th September, 1851, a copy of which was sent to them by Sir Harry Smith.[1] Earl Grey had not allowed his "very painful anxiety" at the adverse turn of events in South Africa to stampede him into a false position, even upon the simultaneous receipt of gloomy forebodings from the Rev. J.J.Freeman. Since his visit to the Sovereignty of the previous year this missionary had periodically pressed upon the Secretary of State the cause of both the Griquas and the Basuto against the territorial arrangements of Sir H. Smith. Mr. Freeman foresaw "nothing but anarchy, bloodshed and ruin to the Colony ... unless some comprehensive" settlement were effected forthwith.[2] Earl Grey was so impressed by the strength of the Kaffir opposition and the disaffection of the coloured people that he despatched another battalion of infantry to assist Sir Harry and also to meet any danger threatening from/other quarters/ such/as the Sovereignty, with the express stipulation, however, that that territory was not to be governed permanently by military power. He reminded the High Commissioner that his approval of the latter's Proclamation of 1848 and the "very reluctant sanction" of Her Majesty's Government had been given solely on the explicit understanding that the inhabitants generally had wanted the measure and would provide the necessary financial support. Accordingly he repeated that unless the majority of the inhabitants supported the Resident the Sovereignty would have to be withdrawn in justice to the British taxpayer, once the Eighth Kaffir War had been brought to a successful conclusion and as soon as the step could be accomplished "with safety and with honour". From the information to hand at that moment the Secretary of State could only infer that the disinclination of the people to support the local authority was due not only to the Resident's taking too much of the administration upon himself to the exclusion of the burghers but also to their doubts about the prudence and propriety of his course of action against the Basuto and the Bataung. Earl Grey realised the disadvantages of a withdrawal, the great probability of "anarchy and bloodshed" and the check to the march of civilization. He therefore required first of all that the Boers and the Native Chiefs should be made fully conversant with his views and sounded as to whether they would exert themselves loyally to maintain

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1. For their arrival in Bloemfontein see p.314 above: they were unaccompanied by troops. See p. 293 above. At this time Somerset was attempting to dislodge Macomo from the Waterkloof - Southey Papers, 25/10/1851, Garvock to Southey.
2. C.O.1346, D. 678, 8/9/1851. Bas.Rec. 1/435, 16/8/1851: Bas. Rec. 1/307, 20/5/1850: Bas. Rec. 1/316, 20/8/1850: letters of Freeman. See also pp. 212-4 above. Bas. Rec. 1/379-395, 31/3/1851, extracts from "A Tour of South Africa".

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and protect the Sovereignty administration on a proper footing.

Commenting upon this despatch the High Commissioner explained to his two assistants that the Sovereignty had been proclaimed at the request of the majority of the inhabitants, white and black, and, though its funds were not in a flourishing condition, he felt confident there would be a speedy improvement, instancing the fact that property had appreciated even during the recent disturbances. In representing to them that no measure had caused him so much consideration during his governorship Sir Harry declared: "If Her Majesty's Sovereignty over this territory 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 of revolt or continued resistance to British authority from Cape Town to the territory of Panda and thence to the Great Lake ... such a procedure would evince weakness on our part, and perpetuate the belief that persevering resistance to Her Majesty's Government would ultimately ensure success, and would sacrifice the loyalists to the vengeance of the disaffected"./ To which Hogge and Owen replied that they were "fully aware that however rapid may have been its advance a great nation cannot retreat from a territory over which it has assumed Sovereign rights, without great caution and a due consideration of the interests involved" and that they would "in the course of their investigation carefully weigh every circumstance which may tend to prove that the retirement which Your Excellency so much deprecates, is as inexpedient as it must be lamentable in its consequences to the inhabitants of every colour and denomination". 2

The Assistant Commissioners had scarcely begun to take stock of their new surroundings when an embarrassing despatch arrived from oversea.[3] Since issuing his directions of the 15th September the Secretary of State had read the British Resident's cry of chagrin of the 20th July that two-thirds of the Boers of the Sovereignty were in their hearts rebels.[4] Seizing upon this ex-parte statement and the Governor's most recent reports and without awaiting the result of the referendum or inquiry he had proposed the month before - "before such a step as I have contemplated is adopted", - Earl Grey wrote that the sooner British authority could be withdrawn the better. He stressed that the occasion of such withdrawal would naturally depend upon military considerations, particularly in Kaffraria, and he concluded with the momentous decision that "the ultimate abandonment of the Orange River Sovereignty should be a settled point in our policy". 3

Whether the then unsatisfactory condition of affairs in the Sovereignty would alone have evoked this fundamental ruling from Earl Grey, whereby the days of the infant State were numbered, may be questioned. His despatch primarily expressed his -already-

1. O.R.S. 36/170 and O.R.S. 40, 11/11/1851; Enc. C.O.1415, D.187, 12/11/1851; B.B. XIII. 1.201. Smith mentioned also that it was a continuation of Maitland's measure in placing a British Resident and troops there and the result of military operations and great public expenditure. C.O.1456, D.153, 3/9/1851; Bas.Rec. 1/442: See page 293 above for Smith's despatch to Grey. 2. O.R.S. 38/86, 8/12/1851; Bas.Rec. 1/476; End. D.231. 3. C.O.1346, D. 688, 15/9/1851; Bas.Rec. 1/445-8; O.R.S. 36/18; Bell and Morrell p.523; B.B.XIII. 1. 241. Grey was prepared to allow a contribution from the revenue of the Colony equivalent to the O.R.S. share of the customs. In case of withdrawal the loyalists, he suggested, could be accommodated on land available in Kaffraria. 5. C.O.1346, D. 698, 21/10/1851; Bas. Rec. 1/463. "The Friend" 16/2/1852 publishes a report of a public meeting at New Hall, Leicester on 2/12/1851 to discuss the causes of the Kaffir War, at which Mr. Chamerozow, secretary to the Aborigines and Peace Society was present. It was decided to memorialise Lord John Russell that the policy pursued was "dishonourable to civilized people" and praising Lord Glenelg's former system. 4. P.288 above. Also Br.Rdt.5, 7/11/1851, Warden to Capt. Gordon private secretary Lt.-Gov. of Natal re "bitter hatred of two-thirds of boers of O.R.S. to our Government" and need for retention of Natal troops.

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already "great concern" at the little progress made in the subjugation of the Kaffirs and he probably concluded that any cargo of doubtful value should be jettisoned.[8] The Governor himself took a serious view of the position on the Eastern Frontier proclaiming Christmas Eve an occasion of humiliation and public prayer to God to withdraw the scourge and desolation of war from the land.[1] Yet in acknowledging the Secretary of State's latest despatch he did not treat the pronouncement that ultimate abandonment should be the goal beyond the Orange as final and irrevocable.[2] Apparently unperturbed he replied that "the assistant Commissioners will investigate the great subject of relinquishing or maintaining the Transorange Sovereignty. The course to be pursued requires to be well weighed but however opposed I am in principle to the extension of our territory in South Africa the latter line of policy is the one which a choice of evils appears to me decidedly to dictate. The Territory will I feel assured hereafter pay its own expenses".[3] As before, Sir H. Smith forwarded a copy of Earl Grey's communication to Hogge and Owen, enclosing his own comments, which reveal his very real concern: "I am desirous that you should be in full possession of my opinion on this subject and request that you would be so good in the prosecution of your inquiry and in connexion therewith to well weigh the various points for consideration".[4] The High Commissioner concentrated upon the two conditions which the Secretary of State required to be fulfilled before the Queen's authority should be withdrawn namely "that the superiority of the British arms over those by whom they have been resisted should be distinctly shown, (which the force sent out to you will, I hope, afford the means of accomplishing) and next, as I have already observed, that the interests of our allies should be attended to".[5] The attention of his assistants was drawn to these "numerous" interests, "the claims on our good faith of the British settlers, the loyal Emigrant boers and the friendly native tribes" particularly Adam Kok, the treaty with whom he pointed out, bore the royal approval and might again in the event of an evacuation "involve the Colony in a war for that chief's protection". To emphasize his views still further Sir H. Smith quoted from the report of the Committee of the Privy Council for Trade and Foreign Plantations in July 1850, adding that "the evils thus apprehended by the Committee would unquestionably be far greater in the present circumstances of the Colony".[6] And finally "with reference to the general bearing of the question and to the interests of Southern Africa at large, I have only to repeat the conviction so strongly expressed to you in my letter of the 11th ult (Nov.) that if any relinquishment of authority and territory were now to have effect a most unprecedented and dangerous excitement throughout the whole native population of the Eastern Frontier would be the result".

As the few remaining months of Earl Grey's tenure of office brought no change for the better at the Cape his concern deepened. He criticized the British Resident for incurring unnecessary expense by calling in the Natal force without first ascertaining whether it could be used with effect, and found this officer "unequal to the difficulties of his situation".[7] The Secretary of State approved of the High Commissioner's decision to send his assistants to the Sovereignty at once in -consequence-

1. Rev. W.A. Steabler advertised a service in Bloemfontein - "The Friend" 29/12/1851. 2. C.O.1456, D.231, 23/12/1851; B.B.XV.2.9. 3. C.O.1456, D.229, 20/12/1851. 8. Situation in France uncertain - Louis Napoleon's coup d'état Dec.1851. 4. O.R.S. 36/172, 12/12/1851, Enc. C.O. 1416; a copy was sent to Earl Grey, "The Friend" 10/3/53.5. O.R.S. 41, 15/12/1851; Bas. Rec. 1/478 Assistant Commissioners had assured Smith: "But their present impression is that this Territory cannot be retained or given up becomingly till British authority has been vindicated and relieved from the contempt with which it is regarded both by black and white". 6. pp. 232-3 above. 7. C.O.1346, D.705, 14/11/1851; Bas.Rec. 1/467; B.B.XIII. 245. See footnote p. 314 re Natal troops.

consequence of Pretorius' overture which, he hoped, would enable Sir Harry to act upon his despatch of the 15th September: "I should learn with the greatest satisfaction that it had been in your power to make an arrangement by which without compromising the honour of the Crown, or neglecting what is due to our allies, you have been enabled to withdraw the British authorities and force from this remote region. If you are enabled to effect this object you will distinctly understand that any wars, however sanguinary, which may afterwards occur between the different tribes and communities which will be left in a state of independence beyond the colonial boundary are to be considered as affording no ground for your interference. Any inroads upon the Colony must be promptly and severely punished but after the experience which has been gained as to the effect of British interference in the vain hope of preserving peace amongst the barbarous and semi-civilised inhabitants of these distant regions, I cannot sanction a renewal of similar measures". If withdrawal from the Sovereignty should not be feasible at once, Major Warden was to be deprived of his office with the least possible delay as the interests at stake were too momentous and Earl Grey was not fully satisfied with his judgment and prudence.[1]

Once the Assistant Commissioners arrived Major Warden occupied a subordinate status, being reduced largely to issuing their instructions. His influence upon the course of events practically ceased although he held office as British Resident, pending the appointment of a successor, for some months following the receipt of Earl Grey's decision in February 1852.[2] On the eve of the arrival of Hogge and Owen "The Friend" held forth upon the administration's errors of commission and omission: nevertheless Warden remarked in a letter to the Lt. Governor of Natal that he could afford to court the strictest investigation into all his public acts.[3] Writing shortly afterwards to the magistrate of Vaal River district, whose clerk Mr. Schmidt had resigned because of some ill-feeling towards him by the inhabitants of Harrismith, and expressing pleasure that Bester himself did not intend giving up his post, the Resident pleaded: "Do not allow any petty annoyance to which all Government functionaries are more or less subject to induce you to throw up your appointment - Look how the Bloemfontein Gazette treats me.... Matters as regards the natives in opposition to Government," he declared, "continue unsatisfactory and nothing but a strong commando will ever be able to settle things as they ought to be. Were the white men all they should be, brothers, both on this and the other side the Vaal river, we should have nothing to fear from the coloured man, were they double the strength they are".[4]

Straightway announcing that they had set apart Tuesdays to Fridays inclusive for receiving persons on business connected with the Sovereignty and that any written

1. C.O.1346, D. 720, 15/12/1851; Bas. Rec. 1/479-80; B.B.XIII.248-communication-Smith wrote to Warden O.R.S. 36/86, 3/2/1852. 2. O.R.S. 38/130, 19/8/1852 His successor H.Green was appointed on 23/7/1852. O.R.S. 40, 3/2/1852 Smith to Asst. Coms. forwarding Grey's despatch:- "Major Warden will of course be prepared to give over his charge as Treasurer". 3. Br. Rdt. 5, 21/11/1851. "The Friend", 10/11/1851 "It is evident to every impartial man that he is so involved in the existing excitement as to render the presence of an umpirage an absolute necessity. That British authority has been weakened under his administration is a fact which no one can deny and which he himself most distinctly admits. Every Government notice which has been of late issued proclaims this from the house top and hence the necessity for an immediate inquiry ...". The paper admitted there were difficulties. "The Friend" 17/11/1851 "Warden one of those soldier governors that the statesmen of Great Britain confer on her dependencies to be a bane to the natives and prove that fighting and logic do not always go together". 4. Br. Rdt. 5, 28/11/1851 Warden to Bester. O.R.S. 38/75; Br.Rdt.5, 24/11/1851; add. Bas.Rec. 1/469: "Moshesh and his missionaries may for a time impose on many but they will fail in doing so on Your Excellency. I am safe in pronouncing the advocates of the Basuto Chief, after all that has transpired during the last six months to be bad and designing men. The newspaper called "The Friend" has done more mischief than Your Excellency is aware of while Mr. Stuart was Editor of that Journal..." and a magistrate too! See footnote4p. 353.

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communication should be sent through the British Resident, the Assistant Commissioners were soon in possession of all shades of opinion.[1] In an address of welcome to them certain landholders, merchants and others mentioned a number of factors which had contributed chiefly to the state of disorganization in the Sovereignty, particularly

> "our uncalled-for interference in the quarrels of the numerous and powerful native tribes which surround us. Our attempt to control these tribes in their relations with one another ... while we have scarcely a sufficiency of troops to protect the fort and town of Bloemfontein, we deem peculiarly impolitic and unfortunate". The

address also averred that unless the question of military service was settled unequivocably three-quarters of the Dutch farmers would leave the Sovereignty. Not only had the property of those who had complied been plundered but the dislike for the British Government of those who had declined to turn out had become stronger as a result of the levying of fines and the confiscation of farms. Other subjects of 'lively discontent' included the form of government and the system of judicature, which were described as being half a century behind the intelligence and standing of the country; the most unaccountable manner in which the rights of farms had in some instances been disposed of and the boundaries extended and contracted; and the privileges claimed by Native tribes of hunting over the private properties of farmers with the sanction of government.[2]

In his covering letter the Resident remarked that all he had done had been to carry out the instructions of the High Commissioner's Proclamation of the 3rd Feb. 1848.[3] Moreover he trusted that the servitude upon farms - paragraph four of the Proclamation - would not be withdrawn: "the Boers were well aware of the conditions upon which they received their farms from Government. It is of very recent date that the Boers mooted the question as to Burgher duty. Upwards of a 1,000 Land Certificates had been issued before a word was heard on the subject. I attribute much of the dogged resistance of the Boers to my late calls on them for Burgher duty in the field to the pernicious influence of the Bloemfontein Gagette, the organ of an Anti-Government party in this town, composed of the Proprietor, the Editor and some nine shopkeepers whose names are attached to the memorial". The Resident agreed that the criticism of the judicial system was warranted and felt that the appointment of a Recorder would give general satisfaction. He maintained that all land cases had been decided by a competent Land Board in each district with the right of appeal to the High Commissioner and that 98 out of every 100 claimants had been satisfied: "If dissatisfaction existed it has been brought about by the doings of one man, a sort of general agent residing in this town and a late adventurer from the mother country, a man capable of any mischief provided he be well paid".3 In connection with the right of hunting of the Native Chiefs

1. O.R.S. 40, 1/12/1851 Asst.Coms to N.Tinneny, Town Clerk. 2.O.R.S.38/84; -which- O.R.S.41; "The Friend" 8/12/1851; 33 signatures:- R.Monach, E.Fichardt, T.White, E.Harries, J.Forsythe, G.Page, E.Buckly, J.Frazer, J.Store, F.Daniel, J.Schindehutte, H.Colley, J.Smook, W.Strachan, G.Pearson, P.O'Connor, P.Ennis, W.Collins, D.Grant, G.Home, H.Dixon and Co., T.S.Colley, F.Smook, N.Tinneny, L.Raumann, C.Barber, Baumann Bros. J.Richards, F.Orsmond, M.Hopkins, J.Jamieson, W.Hibbert, J.Daly, F.Francis. Also in Grahamstown Journal 13/12/1851. Tinneny was elected to a Committee (Fichardt, White, Page, Harries and Monach - "The Friend" 1/12/1851.) at a public meeting on 25/11/1851 to prepare an address to Asst.Coms. Bas.Rec. 1/476; O.R.S. 38/86 Asst. Coms wrote on 8/12/1851 that they had not received the address through the channel indicated (British Resident). "The Friend" 8/12/1851 Editor and Citizens in a huff because Asst.Coms. did not reply to the address - Warden acknowledged receipt, "The

3. O.R.S. 32/85, 7/12/1851. Friend" 15/12/1851.

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which had been recognized by the High Commissioner, he explained: "It is actually a benefit to the farmers and only Englishmen unacquainted with the country are opposed to it. Mr. Erwee, a member of Council, has frequently invited native hunting parties to his farms and gladly pays a slaughter ox for the benefit he derives therefrom". 1

Memorials and reports received by the Assistant Commissioners from several sources showed what had to be remedied. Sixty Boers from Riet River in the south complained of losses of stock at the hands of Griquas, and of Kaffirs allowed in by the Griqua Chief, and, as British subjects, requested protection in the absence of security, law and order under Adam Kok. They alleged that his Government was powerless to enforce punishment imposed for offences against British subjects and they mentioned the fatal wounding in his own house of C. du Plooy by a Griqua, C.Kok, who had not yet been punished. 2 Another letter signed by Field-Cornet J.J.Pienaar and fifty Dutch farmers of Sannah's Poort (Fauresmith) asserted that armed coloureds collected in the mountains and kloofs and lived by robbing not only the Dutch but the English inhabitants as well. 3 It insisted that safety was impossible without firm laws and recommended that all vagrants should be bound to service or sent back to their Chiefs or mission stations. Some idea of these conditions on the boundary between Bloemfontein and Griqualand may be gathered also from subsequent memorials to the same effect, one from 120 'always obedient British subjects' and another from J.Groenendal, the schoolmaster at Fauresmith, and nineteen others, both of which petitioned for the appointment of a magistrate in the village. All these inhabitants of Fauresmith adverted to the prohibition against the purchase or the hire of land in Adam Kok's territory - "Dit verbod is door Sir Maitland bekrachtig en wy durven het eene verkrachting noemen van de regten van H.M. onderdanen en zullen het te allen tyde aanmerken als een staatstuk waarmede die Hoege Commissaris den roem van H.M. regering heeft bevlekt". They claimed the privileges of Griquas who could buy and hire land in British territory and alleged that the Griqua Captain was making a "skeidsmuur" between the Sovereignty and the Cape Colony by the increased infiltration of Kaffirs and Kat River Hottentots peopling his land to the danger of the Queen's subjects. 4

Adam Kok himself came to Bloemfontein in company with Waterboer to present his side of the matter to the Assistant Commissioners. As Major Hogge had gone to Moshesh and Owen was detained by the work of the Fines Commission at Winburg, Kok caused a lengthy statement of the Griqua case to be drawn up for their consideration on their return to headquarters. 5 The Griqua Captain recapitulated his objections from time to

1. O.R.S.36/69, 26/1/1852. Van Rensburg's draft prohibited Native hunting parties-time-
2. O.R.S.33/63, 8/12/1851. 3. Submitted to the Council, "The Friend" 10/4/1852.
4. O.R.S. 33/62, 1/4/1852 - Cloetes, Smits, Oberholsters, Louws, Vissers, Venters, Jacobs. O.R.S. 33/75, 24/3/1852. They assured Cathcart of their obedience as British subjects 'in deze volksplanting'. They claimed also that Griqua subjects were indebted to them to more than 50,000 Rds. Groenendal wrote privately to Owen about the 'ordeloozen toestand op dit dorp' - the breaking of the schoolroom windows and the ringing of the bell and the discharge of firearms at night, the attempt to break into the post office room and the destruction of the water pump - and 'als Britsch onderdaan' prayed for the immediate protection of half-a-dozen lancers, while the local consistory published a warning that no spirituous liquor might be bought still less sold within the limits of the village. O.R.S. 31/146, 28/3/1852. "The Friend" 27/3/1852 - warning. 5.C.H.31/1 Enc.D.2, 20/5/1852; O.R.S. 38/104. O.R.S.40,12/2/1852. Kok & Waterboer waited 11 days. O.R.S.38/106, 22/2/1852 Owen reached Bloemfontein on 13/2/1852, the day after their departure.

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time to Sir H. Smith's arrangements.[1] Regarding the proposal to allow Griquas to sell farms situated in the Inalienable territory to Europeans Kok gave "a decided negative... It is said the prohibition to sell as it now stands in the Maitland treaty is an exceedingly arbitrary and anomalous arrangement but I submit that the alteration now proposed would be still more anomalous and arbitrary. It would be an anomaly to have my country filled with individuals who form no part of my subjects who owe no obedience to my laws, who pay nothing towards the support of my Government. Would it not be an anomaly to allow any individual subject of mine to alienate mine and the nation's right over any portion of the national territory?"[2] The Griqua Chief referred to the erection of extensive and substantial buildings at Sannah's Poort and mentioned his fear "(a fear strengthened by our past experience) that some plan will be found of evading the present understanding and of rendering the village a permanent settlement, and if that be done we can have no further confidence in the pledge of the British Government that the Inalienable territory remain inviolable for the use of the Griqua people". He required that those Griquas, who had farms in the Alienable territory not yet hired out or hired for a term of less than forty years should have the right of disposing of them, for this was his idea when "I ceded at once and for ever my right as chief over that territory ... I consider myself bound not by what Sir H. Smith meant but by what was expressly stipulated in the treaty, and I therefore regard all the farms in that territory not leased for 40 years as so many places taken by superior power, but without the shadow of right from my people". With regard to the appraisement of improvements on farms in the Inalienable Griqua reserve Kok alleged that all buildings found on the farms were appraised despite the arrangement that no building erected after Jan., 1848, should be included.[3] "We understood that it was arranged that when the buildings were appraised, the farm would also be valued and a yearly rental fixed upon it whereby the debt would gradually be diminished. But this has not been done. It would appear that the intention of Government is to allow the Boers to occupy such farms at the same annual rental as they formerly paid but this would be manifestly unjust. The farms were originally leased at a ridiculously low rate and though the Griquas cannot object to the Boer retaining the farm at that low rent as long as the term agreed upon lasts, it would be indeed hard, were he compelled to let the Boer continue to possess the farm beyond the term of the original agreement at the former low rent, especially as all the buildings having to be paid for by the Griqua now become his".[4] At the same time he threw out the suggestion that he was entitled to a share of the quitrents paid by Boers in the Inalienable territory to aid in defraying the expenses of his Government! Kok also complained of his "very awkward" predicament owing to the way in which the British Resident had exercised the right of demanding from him the assistance of a Griqua contingent of 300 men. He understood that the original meaning of that stipulation was to render aid against refractory Boers and observed "I certainly never contemplated being called upon to fight against Native tribes, with which I have always lived in peace and friendship. I should at all times feel myself bound to the utmost of my ability to assist the Sovereignty if attacked against any and every foe but must protest against being involved in disputes between native chiefs, disputes which we do not understand, in which we have no interest, and with which we have no desire to interfere excepting in as far as may be practicable to mediate as peacemakers".

On his return Owen submitted Kok's memorial to Major Warden for his remarks.[5]

1. For protests lodged in 1848, 1849, 1850 see pp. 200, 201, 213 above -Therespectively. 2. O.R.S. 34/110; also O.R.S. 40 and O.R.S. 38/103.
3 "Captain Kok on being asked by me a few days ago to name the works that had been done subsequent to 1848 and appraised by the Commission admitted that there were only two cases". O.R.S. 34/111, 18/2/1852 Major Warden said he even went so far as to put several burghers on their oath. Warden's views p. 204 above. 4. Kok suggested that 5 or 6% be paid as rent until amount of appraisement be paid.
5. Warden's views pp.201, 204 above. O.R.S. 38/102; O.R.S. 40, 12/2/1852. Kok asked Owen to arrange a meeting nearer Philippolis. O.R.S. 40, 7/3/1852 Owen wrote he was going to Smithfield shortly and would appoint a time and place for meeting Kok and Waterboer. O.R.S.40; Bas.Rec. 1/557, 20/3/1852 leaving Bloemfontein for Philippolis.

The Resident considered that the Griquas possessed the finest tract of country in the Sovereignty, large enough to support twenty times the actual number of inhabitants there, and that they were a favoured people in the arrangements of Sir Harry Smith for they also received the sum of £300 pa. in perpetuity in respect of the alienable territory although the extent they claimed had never been recognised either by the neighbouring tribes or the Emigrant Boers. As the Griquas were generally speaking very poor, many having already exhausted the value received for farms let for long periods and some proprietors being "actually pinched by hunger", Warden argued that they should be allowed to sell their farms, which were "of no earthly use to them", to the highest bidder and thus the discontent would end. He did not suggest any solution of the evil of this people squandering the money they would receive. Another contemporary opinion, forwarded to the Assistant Commissioners from the Colonial border, likewise contended that the Griquas should be permitted to sell their lands to whites by private or public sale, but that the buyer should transfer 10% to the Government to provide a pension fund for Griquas and to support schools and churches among them.[1] This person advocated what was also at the back of the minds of the burghers, that Captain Kok's authority should be abolished by negotiation and his territory annexed to the Sovereignty or the Cape Colony, since Griqualand had always been a source of weakness and difficulty to the Government. Moreover in this way the Griquas would become British subjects under a law knowing no distinction of colour or wealth. In his comment to the High Commissioner Owen mentioned the existence of a strong party headed by H. Hendrickse, late secretary to the Griqua government, who wished to be allowed to sell their farms even in the face of Adam Kok's protests.[2] The Assistant Commissioner supported them and asked Sir H. Smith for his instructions on this point, but the latter merely approved of Warden's remarks.[3] In the meantime acting on information that Piet Jacobs and others had taken possession of ground situate in the Inalienable territory without the permission of the Griqua captain, Owen issued an order that they were to remove at once unless they could make out a legal title to the land they were occupying.[4] -Along-

1. O.R.S. 34/113, 23/2/1852, W.Fleming of Colesberg to Assistant Commissioners. He said the Treaty/made to pacify the parties and merely a palliative. G.H.31/1 Enc.D. 20/7/1852, Green 18/6/1852 "I understand the improvements (on farms south of the Riet River) have been taxed at upwards of £1,000 having not the shadow of a chance to the Griquas of regaining possession. For this reason many are anxious to get the chief's permission to sell which I think he should if possible be induced to do as they would at once derive benefit from their property and the Government would gain an industrious population on those farms they still occupy, who would develop the resources of the finest portion of the Sovereignty and contribute materially to the revenue. Re the arrangements north of the Riet River Green wrote "It was actually going out of the way to commit an act which would destroy confidence in the Government. Now too late the remedy it". See p. 279. 2. O.R.S. 38/106; O.R.S. 40, 22/2/1852. As early as 20/1/1851 "The Friend" observed that there were few farms belonging to Griquas that had not been secretly sold to Boers. Boers offered large cash prices for out and out purchase. Griquas feel 'bird in hand worth two in bush' and also are head over heels in debt to Boers for money and goods, and latter have got receipts. 3. O.R.S. 36/90. The decision as to what should be done was left over to his successor Cathcart. 4. O.R.S.40, 4/4/1852 Similar demand on A.van Wyk re farm Wolvekraal to produce title supposed to have been granted by Kok in 1834 : O.R.S. 40, 30/3/1852.

Along the Caledon reprisals continued between the Mantatees, Platberg Bastards and Barolongs, the reputed and rationed allies of the Government, and the Basuto and Bataung. Before leaving Grahamstown Major Hogge had received a temperate letter from the Rev. W.Shaw presenting the standpoint of the Wesleyan Missionary Society of which he was the Superintendent.[1] According to Shaw the Chief disturbing factor among the Native tribes was Molitsane of the Bataung backed by the sympathy of the ambitious Moshesh, whose sons found their natural propensities for fighting, plunder and power curbed by the laying down of the necessary boundary lines. He considered that Moroko was entitled to "full and fair compensation" and that, while Major Warden was "perfectly right" in all essential points, he should not have succumbed to the importunities of the Barolong Chief and attempted the enforcement of his demands upon Moshesh at an inconvenient time and with insufficient strength.[2] Taking out of its context a remark of his Superintendent which, as he claimed, charged him with having "goaded Major Warden into a precipitate course" the Wesleyan missionary, J.Cameron, also presented the Assistant Commissioners with a lengthy but not quite so moderate vindication of Moroko and of his own "political" actions.[3] He explained that owing to their predicament, the requisition of the British Resident on the one hand and the threat of the Basuto on the other, Moroko and his councillors had sought his advice as usual, whereupon, "not dreaming that there would be the least affinity between British and Punic faith", he had counselled them to assist Major Warden. As a result Moroko had lost 10,000 head of cattle besides 200 of his best men and "he waits to see whether British faith and British magnanimity will make good the losses which he has suffered solely in consequence of his British alliance". In reply Hogge and Owen expressed their "decided disapproval of his having, as he avows, taken a part in politics for which they do not admit his or any justificatory reasons" and having been "under an impression, perhaps a mistaken one, that the Wesleyan missionaries confined themselves, as a rule, to the sphere of their pastoral exertions", they recommended him to do that in future.[4] To which Cameron retorted "I am a British subject as well as a missionary, and as such, I both know and will exercise my constitutional rights".[5]

Willy-nilly the Boers were drawn into these Native troubles, for robberies occurred daily. Commandant P. Erasmus beat off one Basuto raid and kept up a constant patrol day and night along the boundaries.[6] All the Koesbergen farmers had been in laager for some time and had lost many horses and cattle. Indeed thefts were frequent in the Caledon River district where Natives lived under the several petty Basuto captains -Mahali-

1. O.R.S. 34/139, 226, 20/10/1851; Bas.Rec. 1/459. 2. O.R.S. 36/174, 24/12/1851 Garvock desires letter Shaw to Hogge. 3. O.R.S. 34/222; Bas. Rec.1/469; O.R.S. 40, 25/11/1851, C.O.1416, Enc. D. 231, 23/12/1851: Cameron wrote in self-defence for he wished to be regarded as a "calm and impartial witness for the truth", giving "circumstances and reasons which induced me to act politically as I have done". Shaw had heard the charge against Cameron and was really defending him, for after all the Chiefs required clerical assistance in the absence of political and other agents! 4. O.R.S. 34/223; Bas.Rec. 1/474; O.R.S. 40, 3/12/1851; published in "The Friend", 29/10/1853. 5. O.R.S. 34/224; Bas. Rec. 1/474; O.R.S. 40, 4/12/1851; published in "The Friend" 29/10/1853. 6. Bas. Rec. 1/481, '3,'4,16 and 23/12/1851; O.R.S.31/12, 13, 14. O.R.S. 32/119, 120, 9/1/1852. "The Friend" supplement 22/12/1851 re advertisements of pound sales of an enormous number of cattle.

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Mahali, Saperi, Letšile, Nemeyane and Poshuli, and Vowe was obliged to order Commandant Smit to send out reconnoitring patrols.[1] From the north, Field-Cornet van Aardt, A.Coqui, J.Melville and a dozen inhabitants of Harrismith complained about the Natives and the absence of police protection. They desired a permanent military force, for war appeared imminent and they were satisfied Chief Witze was linked with Moshesh.[2] The Wittebergen Boers also complained of the loss of stock and their enforced removal to Sand River to avoid border fights.[3] One of their memorials forwarded by M.Gauvin and 17 others merited special attention for its attempt at constructive criticism. Its signatories felt oppressed by the existing law which compelled them to intervene in all trifling quarrels among the Natives, so much so that many loyalists who had gone on commando had been reduced to beggary by the plundering of the Natives and their families exposed to murder and rapine. They contended that scarcely one half of the farms had been granted to residents and that they were actually protecting the property of absentee landlords and speculators along a border so thinly populated and weakened in this manner. The Natives, on the other hand, inhabited country more suitable for the protection of cattle than the open fields of the Boers and had moreover an abundance of ammunition whilst the Boers were strictly deprived of it: 'they have been enriched by us and we impoverished by them'. These Boers wrote that it was lamentable and dishonourable to see the weak force by which British authority was supported and how insufficiently it was exerted to command delivery of stolen stock from the Chiefs. Accordingly they appealed to Hogge and Owen not to decide the case between the British Resident and Moshesh without the ripest consideration, to avoid bringing 'the present hard to be understood British philanthropy' into further disgrace: 'We say that neither Moshesh nor any other Kaffir Chief can be brought sooner by love than by fear to the proper knowledge of his bounden duty'.[4]

Further, from Winburg G. Meyer and 16 others likewise urged the Government to concert measures for their protection and indemnification for losses, adding that the disloyal profited also by supplying the contractors for slaughter cattle at Bloemfontein as well as in British Kaffraria.[5] The unfortunate experience of Lt. Coxon showed what remained to be done in the way of policing that vast territory effectively.

1. "The Friend" 15/12/1851, Letsie received horses including C.S.Halse's -White- stallion Catalonian for which the owner paid £120. "The Friend" 19/1/1852; O.R.S. 38/94; Bas.Rec. 1/485, 5/1/1853 Tambookies attacked laagers and four Boers who followed up the cattle were killed. C.O.1417, Enc.D.13, 14/1/1852, Vowe reports, 28/11/1851, Boers were fired on whilst following up cattle. Vide O.R.S. 32/393; Bas. Rec. 1/461, 16/12/1851. O.R.S. 31/19, 26/12/1851 Smit refers to Weber's report that Poshuli was troublesome, sends his people in to work as servants and they steal: Cornelis, his interpreter, shot dead. Apparently Poshuli attacked M. Cochet's P.M.S. Station at Koesberg. 2. Letter read in Council, "The Friend" 19/1/1852. Capt. Struben, R.M. Ladismith desired authority to punish Witze for attacks on Zulus but Hogge objected, remarking that "these native belligerents should be allowed to arrange their own disputes, of which the commencement is so often unintelligible and obscured by the mendacious statements of both parties concerned"; Bas.Rec. 1/535; O.R.S. 40, 5/2/1852; O.R.S. 38/96, 97, 110, 111 also Bas.Rec. 1/498, 535, 555. O.R.S. 5/105, 6/2/1852 Harrismith request (14 Dutch and 5 English names) re need for gaol, proper constabulary and more troops - "war with the natives is inevitable" ... "Enemy should be attacked in front and rear". 3. O.R.S. 33/60; 18/12/1851, some criticized Fick - he was later appointed J.P. for services rendered, O.R.S. 38/101.
4. O.R.S. 33/128, 20/12/1851. 5. O.R.S. 33/132, 3, 19/12/1851.

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While encamped at the Sand River drift his troop of forty men of the 45th Regiment, providing the escort of some 15 commissariat wagons from Natal, were attacked by Bushmen who carried off all their oxen. With the aid of a dozen soldiers of the Cape Corps the marauders were traced however to huts on the farm of one de Beer, where they were surrounded, though not before Lt. Coxon had been shot in both thighs.[1] To certain pertinent questions put by the Assistant Commissioners Commandant H. Wessels gave his opinion that the majority of the people in Winburg district did not desire to continue under the British Government and would be unwilling to assist it in the event of war in the Sovereignty: 'I should be afraid to send a man amongst them to ask such a thing for fear he should be ill treated. I have left my place as much in fear of white men as the black'. Wessels placed the number of men who could turn out in his district, if called out, at 500, but remarked: 'They reproach me and laugh at me for the losses I have incurred from my friendship to the Government. They say the Kaffirs are masters and I may go and fight them if I like'.[2]

The Assistant Commissioners sounded Warden about the financial state of the Sovereignty and its relations with the Native tribes. The Resident stated that the revenue continued to exceed the expenditure and that its total of over £6,000 was adequate to meet the demands of the existing but not of an improved system of government involving, for instance, the appointment of a Recorder and a Master of the Court. The quitrents were not regularly paid owing in great measure, he claimed, to a want of firmness on the part of the Civil Commissioners and the arrears amounted to nearly £3,000.[3] Under the heading of contingencies he anticipated about £1,000 in quitrents on lands not yet disposed of and a further sum of £2,000 if the Colonial Government should give the Sovereignty anything like its fair share of import dues. On the other hand, salaries in arrear and sums due at the end of the year exceeded £2,000. When asked whether the Native tribes would contribute in any way towards the support of British Sovereignty, which had been established for their sole advantage and, as was stated, at their request, Major Warden asserted that 'our allies, the Barolong, Mantatees, Korannas, Flatberg Bastards and Fingoes might have been induced to do so had they not been well nigh ruined by the people of Moshesh and Molitsane'. Dealing with the following string of questions: "What are the reasons that the Dutch have been so unwilling to come forward to assist the Government? Is it probable that they will adopt this line of conduct on future occasions and do the majority of them sincerely wish that British authority should be extended and continued over them?" The Resident replied: 'In justice to the Boers of Bloemfontein and Caledon River districts I do believe four-fifths were prevented from responding to my call owing to an unprecedented drought, the unwearied exertions of the Anti-Government party at Bloemfontein and a perverted press. The Boers promised to take the field after sufficient rains had fallen, since which the call has not been repeated and therefore it would be unfair to accuse them of unwillingness'. With such a

-heterogeneous-

1. "The Friend", 15/12/1851, 12/1/1852, the Boer who allowed them to squat rendered no assistance on the ground of sickness. 2. G.H.S. 38/87, 10/12/1851. G.H.S.36/78; add.Mss.Bac. 1/484, 1/1/1852; C.O.1417 Enc. D.13, 14/1/1852: Smith noted "I fear that these men to whom my former experience of their character when with me in the Colony previously to their emigration made me partial, have generally speaking no stability of purpose nor the reasoning faculties which should point out to them the nature of their future prospects". 3. A notice appeared in "The Friend" at this time calling for payment of all arrears of quitrent due in 1846-'49 on penalty of prosecution upon failure to do so within one month of date, 19/11/1851.

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heterogeneous mass of Natives living amongst or contiguous to the farmers, even were a lasting peace established with the adjacent tribes, the Assistant Commissioners wondered whether an expensive Police force would not be necessary for some years to maintain internal tranquillity and "prevent the widely scattered inhabitants having recourse from necessity to illegal summary measures in self protection against vagrancy and robbery". But Major Warden did not think so, provided affairs with Moshesh and Molitsane were adjusted, the Basuto taught to observe boundary lines and the Native allies satisfactorily compensated, and provided the Proclamation of 3rd Feb., 1848, were in full operation - altogether a tall order in the circumstances!

The first business undertaken by the Assistant Commissioners was to effect a reduction of public expenditure wherever prudent in conformity with Sir H. Smith's desire.[1] They approached Major Donovan for a return of the Native auxiliaries under his command and also for his opinion upon the utility of "this large and expensive native force" for the purposes of defence or aggression. When this officer replied that the Platberg Bastards and Fingos comprised an irregular force of very questionable utility whilst on the defensive and that they had made unauthorised reprisals upon the Basuto, the Assistant Commissioners informed the Resident that these proceedings could not be sanctioned as Moshesh might be provoked into retaliation.[2] Major Warden was required to provide them with another place of abode, if they were not prepared to re-occupy and defend Platberg, and was notified that the issue of rations to these people and their families would be discontinued as from the middle of December. As the Basuto Chief had made no communication and as it might be impolitic that he should appear a subject of any anxiety to them, Hogge and Owen refrained from advising Moshesh of their presence till nearly three weeks had elapsed, when they expressed their readiness to give him a fair and impartial hearing in respect of the complaints and accusations against him and his people.[3] By this time the Assistant Commissioners had realized that the regular troops were inadequate to protect both the loyal Boers and the Native allies and had decided that the former had the stronger claim. Accordingly they ordered the Force stationed at Thaba 'Nchu to march for Winburg and requested Major Warden to explain the position to Moroko and to assure him that Moshesh had been warned of his liability for any attack by his people upon British subjects or -their-

1. O.R.S. 32/117, 24/12/1851: Arrears of Quitrent in 1848, £306 9 11d; 1849, £634 18 2; 1850, £2,000-0-8d, totalling £2,940 8s 9d. Ford's Letter Book 3/5/1852 "One of the chief sources of revenue to the Sovereignty might arise from the sale of Crown Lands but in consequence of the absence of reasonable economy in the extent of grants it is probable that little or nothing will be derived from it". Salaries due: British Resident £1,471 15s, Civil Commissioners £200, Clerks £75, D.R.C. ministers £272, Govt. teachers £131, Commandants and Field-Cornets £127, Surveyor Moffat £109 total £2,376 19 2d. Quitrents due exceeded this by £563 9 7d. Writing on 1/2/1852 to Smith, Hogge said "Before the present troubles commenced there does not seem to have been any difficulty in collecting the quitrents and now I hope they are about to cease everybody as far as I can judge from the district of Winburg seems anxious to pay" - Add. Bas.Rec. 1/534; O.R.S. 38/39, Enc.D.33, 16/2/1852. 2. O.R.S. 38/79, 2/12/1851: The Platberg bastards comprised 164 men, 161 women and 289 children receiving rations. O.R.S. 38/80, 81, 3/12/1851; O.R.S. 40. O.R.S. 38/89; Bas.Rec. 1/475, 6/12/1851, Enc. D. 231. Carvock's approval, O.R.S. 36/173, 23/12/1851; O.R.S. 40, 29/12/1851. 3. Bas.Rec.1/480; O.R.S.40,16/12/1851. Bas.Rec.1/478; O.R.S.40,15/2/1851.

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their allies.[1] They had also come to the conclusion that it was impossible to interfere in the incessant quarrels among the Native tribes:- "We hope Your Excellency will coincide with out opinion, that when the present case has been settled it will be necessary to allow the Native Tribes to arrange their own affairs and fight their own battles uninterfered with".[2]

These measures had been advocated in the November issues of "The Friend" no doubt expressly with a view to prompting the Assistant Commissioners in advance: "Government must either leave the Native tribes to settle their own disputes or maintain here an overwhelming force[3]. We believe that if the system of calling them (the Boers) out to interfere in native quarrels were done away with and an amnesty proclaimed, the distrustful and restless would settle down on their farms and resume their vocations".[4] The paper had proposed that a public meeting should be held for the whole Sovereignty and that a central board and various committees supported by public subscription should be organised to obtain information and to carry out the views of the inhabitants. This suggestion was made no doubt owing to the fact that the Council had not met for nearly a year and a half and to the apparent absence of any intention to call a meeting before the close of that year 1851. However one of the early decisions of Hogge and Owen was to avail themselves of the assistance of the Council by ordering it to assemble on the 30th December. As they wrote to the High Commissioner: "Impressed by Your Excellency's views, the Assistant Commissioners have been and are making the greatest efforts to bring matters to such an issue as may render the evacuation of the Orange River Territory undesirable. They are of opinion that this object can only be effected by following the course enjoined by Earl Grey's despatch of 15th Sept. in giving the people more the management of their own concerns, drawing within narrower limits the powers hitherto exercised by the British Resident and by less if not total (sic) interference in native disputes".[5]

The Council duly assembled at the end of the year with its President, Major H.P. Warden, in the chair.[6] The magistrates T.J.Biddulph and T.W.Vowe attended and the unofficial members present were J.F.J. van Ransburg and G.H.Meyer, the representatives for Winburg district, A.J. Erwee for Griqualand (Bloemfontein), H.J. Wessels and C.J. Engelbrecht for Caledon River and Vaal River respectively. Two new members for Griqualand, A.H.Bain and G.F. Linde, took the oath of allegiance and their seats. Having referred briefly to the late interference of the Government with the Native tribes and explained that he had done his best to carry out the High Commissioner's Proclamation, Major Warden devoted his opening address to matters of internal adminis-

1. Bas.Rec. 1/481; O.R.S. 41, 16/12/1851. O.R.S. 31/225 Capt. Parish's detachment reached Winburg on 21/12/1851. "The Friend" resented Moroko having a guard of honour, especially as he did not appear threatened with any danger - 17, 24/11/1851. 2. Bas.Rec. 1/482; O.R.S. 41, 22/12/1851. Hogge said same to Struben, see footnote on p. 335 above. 3. "The Friend" 24/11/1851: Why must a British Settlement be turned topsy turvey on account of any Gert Taaibosch, Gert Lynx or other bandit". See Bas.Rec. 1/472, Cameron wrote that "The Friend" had become "so fiercely and unjustly inimical to our Native Allies.." O.R.S. 38/75; add. Bas.Rec. 1/469, 24/11/1851, Warden: "The articles in "The Friend" have done more mischief than Your Excellency is aware of". 4. "The Friend" 17/11/1851: The paper felt that the Asst.Coms. had been sent because the inhabitants had loudly complained. It claimed that the Basuto could have reduced Thaba 'Nchu to ashes had they wanted to for Moroko had not returned to his village. 5. O.R.S. 38/92; add.Bas.Rec. 1/484, 29/12/1851; C.O.1417, Enc. D.13, 14/1/1852. There had been an emergency meeting in July. Vide p.273 above. Govt. Notice in "The Friend" 15, 22, 29/12/1851. 6. Minutes published by authority in "The Friend" 12 and 19/1/1852. O.R.S. 36/81, 20/1/1852, G.F.Linde and A.H.Bain appointed members. O.R.S. 38/115, 18/6/1852, H.J.Halse (in place of Snyman) and W.D. Jacobs, P.J.Slabbert were absent - members for Caledon River, Bloemfontein and Vaal River respectively. O.R.S.38/116, H.Lowen appointed in place of Stuart Dec.1851. O.R.S.40, 17/6/1852 Warden to Owen re Financial Statement, O.R.S. 40, 19/6/1852 Owen desired accounts to be submitted first to Board of Audit (A.C.Green and C.Cs. of Bloemfontein, Winburg and Smithfield).

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tration. He drew the attention of the Council to the need for the appointment of a Recorder, seeing that the hearing of appeal cases from the magistrates' courts by the Court of Combined Magistrates had become unpopular, and he mentioned that the salary of such an official as well as of several ministers and schoolmasters would easily be met by the Sovereignty's claim to a share of the import dues of the Cape Colony.[1] He made the proposal that the office of Master should be created and that Mr. Allison should be appointed. Incidentally the Resident sought to be relieved of the duties of Treasurer-General and desired that the Registrar of Deeds, Mr.Allison, should also take over that office.[2]

After the ordinary business had been transacted the Assistant Commissioners proposed certain sifted questions for the deliberation of the Council.[3] On the first question as to its future relations with the Native tribes the Council considered that, as soon as British honour had been vindicated and the loyal subjects and allies indemnified for their losses, the Queen's supremacy over the tribes should be withdrawn, or in other words it agreed that the Native tribes should settle their own differences among themselves and that there should be no interference beyond the Sovereignty line. It omitted to express an opinion on the other branch of the question submitted, namely, as to whether in the event of the Native tribes desiring the interference of the Resident or the Council, the administration could intervene without incurring any responsibility. Obviously to go further than to give sound advice or simply to mediate when required, leaving the tribes free to act as they pleased might entirely frustrate the practical working of the resolution of non-interference if it were adopted. Secondly the Council was asked to suggest improvements in its constitution so as to place the management of affairs more fully in its hands with a guarantee preferably that it would be answerable for any consequences of mismanagement. It replied that it unanimously desired annexation to the Cape Colony as the interests were identical and inseparable: "We are content,"it declared, "to throw in our lot with the Colony under the new constitution graciously offered by Her Majesty".

It is noteworthy that Hogge and Owen made a point of talking particularly with the Dutch members of the Council upon the matters they had at heart concerning external and internal policy.[4] The feelers thrown out by them and the discussions in the press about the proposed parliament for the Cape Colony actually encouraged local attempts at evolving a constitution suited to the Sovereignty.[5] Indeed these embryo

1. For remission of Sovereignty's debt see pp. 229, 231 above. Rev.W.A.Steabl efforts- Geo.Home and J.Holman churchwardens of S.Andrews sign memorial to Council. £250 voted towards building of church - want grant for maintenance - £250 also to D.R. Church. 2. Biddulph and Bain were opposed to the appointment of Allison. Memorial O.R.S. 33/51, June 1852. Minutes "The Friend" supplement 10/4/1852.
3. O.R.S. 31/20, 2/1/1852. "The Friend" 12/1/1852. 4. "The Friend" 12/1/1852 Owen returned from Smithfield and his enquiry there - apparently Poshuli attacked M.Cochet's P.M.S.Station in Koesberg.
5. "The Friend" 15, 22/12/1851 suggested a larger council and a proper voters qualification.

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efforts were to prove useful subsequently when the inhabitants were left to their own devices. The draft of J.F.J.van Rensburg, submitted and generally approved at a gathering of Winburg burghers towards the end of January, embodied the three principles of compensation, non-interference with the Native tribes and annexation to the Cape Colony adopted at the recent Council meeting.[1] The main features included a Legislative Council chosen by the burghers possessing landed property and responsible to the Cape Parliament; the abolition of the Circuit Court and the introduction of trial by jury; and the popular election of Commandants and Field-Cornets, who were to be given wider powers, with pay according to the Council resolution of June 1849.[2] J.J.Venter's contemporaneous project, framed with 'only the welfare of the country in view and the honour of God and our beloved Queen at heart', suggested a Council of 24 members and the fewest possible number of public officials in order that the country might not be too heavily taxed.[3] Most of the clauses affected future relations with the Natives. All alliances with Kaffir Chiefs were to be annulled, kraals of Kaffirs within the British line, whether on government or private property, driven out, Bushmen made to serve [illegible] and no coloured person allowed to go about armed or without a pass.[4] In the circumstances Major Hogge wrote to the High Commissioner: "It appears to us there are so many obstacles to the present relinquishment of this territory that we have thought it our duty to spare no pains in ascertaining by what means the disaffected portion of the inhabitants can be reconciled to British rule and to each other". These sentiments concurred with the opinion already expressed by Sir Harry Smith and, on the strength of all his information from the Sovereignty and the apparently favourable state of the revenue there, the latter assured the Secretary of State that as a whole the affairs of that territory were rapidly progressing to order.[5]

The Assistant Commissioners could no longer defer giving their undivided attention to the question of the Native tribes. They had already removed some causes of friction in keeping with their conclusion that, once outstanding accounts had been satisfactorily settled, the Government should not in future interfere in disputes between the Chiefs. The troops had been moved from Thaba 'Nchu to Winburg and the Zulus had returned to Natal.[6] Major Hogge was contemplating finding another home for the Platberg Bastards, who no longer received government rations.[7] As a result of Owen's -preliminary-

1. O.R.S. 36/69, 26/1/1852 Van Rensburg's draft. In case of war the British Resident was to be placed under the vote of the people. 2. The Field-Cornets were to adjust differences between masters and servants: to enforce pass laws; to remove kraals and to recover cattle - O.R.S. 36/69. 3. O.R.S. 36/67 Venter went into more detail re relations between masters and servants. 4. On the other hand Native treks were to be permitted subject to eight days notice to a magistrate of the route to be taken, and Native Chiefs could issue passes to their people who were seeking work, whilst a landed proprietor could arm his servants for purposes of hunting or herding his cattle. With regard to stolen cattle they proposed that the Commandant or Field-Cornet should be empowered to follow up the spoor to the land of the first captain who would then be obliged to follow the spoor further on, if he refused, to make good the loss - a former colonial practice. 5. O.R.S. 38/94, 5/12/1852; Add. Bas.Rec. 1/485; Enc.C.O. 1417, D.17, 20/1/1852. O.R.S. 36/80, 82, 13 and 20/1/1852. Enc.C.O. 1417, D.13, 14/1/1852: "The relinquishment of power, territory, and authority once acquired is a measure fraught with difficulties and numerous evils, while a contrary course however embarrassing for the moment must prove of future benefit". 6. O.R.S. 41; Bas.Rec. 1/482, 22/12/1851. 7. Bas.Rec. 1/475; O.R.S. 40; O.R.S. 38/82, 6/12/1851.

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preliminary inquiry at Smithfield the issue of rations allowed by Vowe to some 150 burghers who had collected together for mutual protection was likewise discontinued.[1] To the Assistant Commissioners' invitation to meet them under a safe conduct, Moshesh replied that he would first have to summon a pitso of his people, undertaking not to delay and assuring them that he had again ordered his people to refrain from raids and reprisals.[2] In the face of his own actions and admissions, however, such orders were not likely to prove altogether effective. For instance, the Basuto Chief had taken the liberty some months previously of inducing Moseme to occupy Platberg on the enforced and temporary withdrawal of Carolus Baatje, but when the Bastards had naturally retaliated, killing a son of that petty Chief, Moshesh explained that he could not bind himself to restrain his people from crossing the Caledon: "Can it be required of me that I should leave them to their fate and withhold my assistance if they are attacked?"[3] Further, he acknowledged that he had recently failed to prevent his son Molapo from retaliating against "the provocations" of Sikonyela who had already made four "unprovoked" attacks upon him.[4]

While granting that the Basuto Chief was entitled to a patient and just investigation Sir Harry Smith made no bones about showing where in his opinion the blame lay. He wrote direct to Moshesh regretting his "secret" opposition to the boundary arrangements agreed upon in 1849, adding also: "It is well known throughout Kaffirland that weekly messengers pass between you and Kreli and Sandilli, and that it is by your advice they continue enemies of the Queen".[5] To his Assistant Commissioners he evinced some anxiety as to the outcome of their communication with "that wily chief" whose conduct he described as "contumacious and arrogant: "He is as plausible as evasive; and his sons have received just sufficient education to fit them for mischief, but not enough to point out to them the moral and social duties of man".[6] The High Commissioner had made up his mind to re-establish the Queen's authority by force of arms if necessary. He informed Hogge and Owen that their recommendation of a future policy of non-intervention in quarrels between Native tribes would be considered on the restoration of peace and the due payment of reparations by the offenders: "These outrages must eventually be answered for by those who have committed them".[7] Incidentally the tide of war in Kaffraria had begun to turn in favour of the Governor and when the Gaika Chiefs asked Brownlee to lay their desire for peace before him Sir Harry observed: "I desire peace, I will have peace, but I cannot treat with rebels - their surrender must be general and unconditional - the life of each will be respected"[8]

1. O.R.S. 38/94; Bas.Rec. 1/485, 5/1/1852. O.R.S. 41; Bas.Rec.1/495; 18/1/1852.-No-Approved by Smith O.R.S. 36/84, 3/12/1852. 2. Bas.Rec. 1/480, 16/12/1851: O.R.S. 34/155; Bas.Rec. 1/483, 22/12/1851; Enc. C.O.1417, D.13, 14/1/1852.
3. O.R.S. 34/152; Bas.Rec. 1/462; O.R.S. 1, 20/10/1851. Moshesh had allowed Molapo to do the same thing against Sikonyela in 1846. O.R.S. 34/153; Bas.Rec. 1/465; O.R.S. 1, 27/10/1851. Moperi, Bas.Rec. 1/539, 7/2/1852, "The Bastards occupy Platberg in the same way that Moroko occupied Thaba 'Nchu by permission of Moshesh. It is his country". 4. O.R.S.34/154; Bas.Rec. 1/475, O.R.S.1, 5/12/1851.
5. Bas.Rec. 1/466; O.R.S. 36/170, 3/11/1851; C.O.1414, D.185, 5/11/1851.
6. O.R.S. 36/78; Bas.Rec. 1/484, 1/1/1852, 6/1/1852; Enc.C.O.1417, p.13, 14/1/1852; O.R.S. 40. O.R.S. 36/79; Bas.Rec. 1/485, Enc. C.O.1417, D.13, 14/1/1852; O.R.S.40.
7. Add. Bas.Rec. 1/484, 1/1/1852.
8. C.O.1417, D.14, 16/1/1852. See p. 252 above for Brownlee.

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No doubt in this same spirit of confident determination he explained to Earl Grey that though the nature of the demand to be made on Moshesh had not yet been settled it would be definite and peremptorily enforced.[1]

There was apparently some foundation for the High Commissioner's strictures upon Moshesh. The Basuto Chief first of all claimed that he had been prevented from consulting his people by an almost daily run of serious indidents.[2] When Hogge and Owen arranged for the proposed meeting to be held at Winburg on the 22nd January, he made the "excuse" that his difficulties had increased and that he had been unable to assemble all his principal men owing to the Orange River being full.[3] On the Assistant Commissioners' postponing the date to the 30th Moshesh requested that the venue should be nearer Basutoland and suggested Mekuatling, halfway between Winburg and Thaba 'Nchu, where he felt safe.[4] This was echoed by the Chief of the Bataung.[5] The Assistant Commissioners refused to yield to these "subterfuges" and offered to send him their escort if required. They reasoned that the Chiefs intended their subjects to believe that the Government was anxious for peace and that other concessions would be demanded and expected if this primary point were granted.[6] This 'correct' attitude pleased Warden and he observed to Hogge that Moshesh was "backed by a host of political French missionaries ... that the Basuto and Bataung must be humbled in no small degree before the land can enjoy any permanent quiet ... It must be apparent to all that the Basuto people are our enemies".[7] Still pleading his fear of an attack by Sikonyela, Moshesh thereupon sent a voluminous sketch of events since 1833 and two of his principal men to persuade Hogge and Owen, and Molitsane followed suit.[8] These documents were forwarded under cover of a letter from Daumas to Burnet, the contents of which support the argument that the Basuto Chief was pacific but not a free agent in the above negotiations. The missionary to the Bataung felt it was a pity that the Assistant Commissioners did not come to the Chiefs, for the latter were afraid to go to Winburg on account of their enemy Sikonyela and others. Since Hogge and Owen had not been afraid to meet Pretorius, he did not see any reason for their not meeting the Chiefs, particularly as they would not be affronted as had been the case at Sand River. He continued: "Un de nos frères vient de m'écrire. Le chef (Moshesh) parait désirer la paix, il disait ce matin à Letsie: 'vous ferez ce que vous voudrez quand je serai mort, mais je suis résolu tantque je vivrai à user tous les moyens possible pour avoir la paix avec les'".[9] To this should be added J.P.Hoffman's concluding remarks-

1. G.O.1456, D.17, 20/1/1852. Smith was trying to reconcile the necessity of expelling the Natives from the Amatolas to safeguard the colonists with the probability of H.M. G's. displeasure at such extension of dominion. 2. O.R.S. 34/156; Bas.Rec.1/486; O.R.S. 17 and 40, 9/1/1852. 3. O.R.S. 34/157; Bas.Rec. 1/487; O.R.S. 17 and 40; 14/1/1852. Bas.Rec. 1/486, O.R.S. 40, 8/1/1852. 4. O.R.S. 34/158; Bas.Rec. 1/494; O.R.S. 17 and 40; 17/1/1852. Bas. Rec. 1/487, O.R.S. 40, 14/1/1852. 5. O.R.S. 34/200; Bas.Rec. 1/496; O.R.S. 17 and 40; 22/1/1852. These documents, 2,3,4 and 5 are among Encs. C.O.1417, D.33, 16/2/1852, C.O.1456. 6. O.R.S. 38/99; Bas.Rec. 1/534; 1/2/1852. Bas.Rec. 1/496; O.R.S. 40, 20/1/1852. 7. Bas.Rec. 1/534; O.R.S. 31/142, 2/2/1852. "It may now suit the Basuto chief to pay up a few thousand cattle and thereby secure the harvesting of his people's crops., which are greater than usual.. and make the most fair promises of good behaviour, but neither of them (Moshesh and Molitsane) can be trusted". 8. O.R.S.34/159; Bas.Rec.1/499, 26/1/1852; O.R.S.17 and 40. Bas.Rec.1/1-4, 499-516 prepared by E.Casalis, in his handwriting O.R.S.31/232. Bas.Rec. 1/516-532; O.R.S. 34/202, 142. 9.O.R.S.34/190, 28/1/1852 - torn at end.

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remarks in his case for the Basuto: "I fear that the Chiefs and the whole Basuto tribe will not allow Moshesh to go further than Platberg to speak with you. The have no longer any confidence". / Moshesh's attitude seemed to have become "Je suis leur chef; il faut que je les suive."

At the interview with the messengers of the Chiefs the Assistant Commissioners offered to send a force of a hundred men to protect Moshesh and finally that one of them should go to conduct him to Winburg. Owen duly proceeded to Thaba Bosigo via Mekuatling and returned with a deputation comprising two of Moshesh's sons, Molapo and David, his brother Moperi and the Chief Molitsane.[2] The meeting was held on their arrival, Daumas acting as interpreter. During the course of a perfectly free discussion Hogge and Owen gained a good idea of what the Basuto and Batsung wanted. The principal grievance of these Natives centred round the making of boundary lines. They agreed when questioned that a line was indispensable between Europeans and Natives and submitted that one would easily be negotiated with Moshesh. Major Hogge aptly summed up the position in his statement that the Basuto Chief had originally envisaged the increase of his tribe and allowed himself to be surrounded by the Barolong, Bastard and others, but had subsequently found the country too small and himself hedged in. He mentioned that he was going to Smithfield and would see Moshesh personally about the line, adding, much to the deputation's satisfaction, that in his opinion British interference in Native quarrels was a mistaken policy and that he would recommend leaving them to their own devices once a settlement of outstanding differences had been effected.

The Assistant Commissioners maintained that Major Warden was justified in going to Platberg in 1851 to demand reparation for the continual aggressions upon Moroko. They declined to condone the participation of the Basuto and Batsung in the robberies of v.d. Colff's Boers and Korannas subsequent to Viervoet and declared that just as the Boers would be punished for joining the Natives so the latter should pay for having joined the former. Their conditions of peace were briefly stated. As they considered that the Government had not been entirely right in all its measures, no claim would be made to cover its expenditure, which they assessed at more than the value of 10,000 cattle.[3] The losses of Moroko and the Boers were to be borne by the Native Chiefs and the rebellious Boers together. All the cattle, horses and sheep stolen from the Boers since Viervoet were to be delivered within fourteen days. Hogge and Owen explained that the more the restitution made by the Korannas and v.d.Colff's Boer associates so much the less would be required from the Basuto and Batsung, while any claim proved against the Barolong and the loyal Boers would be allowed as a set-off-

1. O.R.S. 31/25; Bas.Rec. 1/488; 15/1/1852. 249, 30/1/1852. "The Friend" 16/2/1852. 7/2/1852, Minutes of Meeting. "In sacrificing first the honour, and next the expense of the war - £20,000".
2. Bas.Rec. 1/532; O.R.S. 36/
3. Bas.Rec. 1/535; O.R.S. 36/250,

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off. These terms were approved by Molitsane and the Basuto representatives at Winburg on the 10th February, 1852, and confirmed shortly afterwards by Moshesh and Letsie in the presence of Major Hogge at Thaba Bosigo.[1]

No specific and properly authenticated demand had been made upon the Chiefs at the meeting and when Biddulph later presented a list of stock stolen from Winburg district they found fault with it. Apparently they drew the attention of the Commissioners both at Winburg and Thaba Bosigo to the shortness of the period allowed for delivery in view of the rugged and inaccessible nature of their country, and they dwelt on this handicap from time to time.[2] Molitsane sent in 144 cattle and 92 horses on the 21st February but feared that the renewed depredations of the Mantatees would cause delay in the recovery of more stock. Owen commented on the wretched condition of this first instalment - "useless horses and cattle ... evidently the refuse of those stolen" - and questioned whether the Natives would willingly return the fine stock taken from the Boers. He felt that the presence of more troops would induce the Natives to pay and recommended that, if the High Commissioner had decided to retain the Sovereignty, he should send up some cavalry for a few weeks. The Assistant Commissioner was busy with the work of the Fines Commission at the time and assured Sir Harry that he could easily raise £5,000 by fines from the Boers "to pay for the protection which they seem determined not to afford each other".[3] He issued forthwith a sharp reproof to Sikonyela and sent Field-Cornet Fick to advise him against becoming involved with the Basuto and Bataung.[4] On the 11th March Moperi sent in a mere 54 poor cattle and 32 horses in an equally wretched state. Moshesh pleaded that the delay had been due to his absence from home with Major Hogge, but Owen warned him that the alteration in the boundary line agreed upon between his colleague and the Basuto Chief would not be finally arranged until the Boers had been fully compensated for their losses.[5]

Upon the conclusion of the agreement with the Chiefs Major Hogge had devoted a few days to inquiring into the territorial dispute in the Caledon River district, as he had promised, before proceeding to Kingwilliamstown with a copy of the Sand River Convention for ratification. He considered "the origin of the war here as impolitic and unjust", condemned the "injustice of the boundary line" and the "atrocious proceedings" of Capt. Bailie, whose arrest was ordered.[6] From the first the

1. O1R.S.36/70,71; Bas.Rec.1/549, 10 and 15/2/1852; O.R.S. 17 and 40. If Assistant-troops had to be employed to enforce payment this would be an additional expense to be met by the Chiefs. 2. O.R.S.34/191; Bas.Rec.1/551, 20/2/1852, Daumas to Owen O.R.S. 40; Bas.Rec. 1/553; O.R.S.34/197, 4/3/1852. O.R.S. 36/89; Bas.Rec.1/551, 17/2/18522, Smith recommended a specific demand for restitution and indemnification. 3. O.R.S. 38/106; Bas.Rec. 1/551, 22/2/1852, Owen to Smith. O.R.S. 38/108; add.Bas. Rec.1/552, 29/2/1852. Bas.Rec.1/557, O.R.S. 40, 11/3/1852. Mr.Schreiner, the missionary at Groen Kloof near Mekuatling, stated that Sikonyela had driven off all the cattle from the station. Feeling ran high - Dr.Lautre had gone to attend Mr. Daniell, missionary at Imperani who had been stabbed. As Mr. Hartley had died under Dr.Lautre's treatment three years previously Sikonyela sent a guard of twenty men to watch the doctor's proceedings and if he failed to save Mr.Daniell to put him to death, as it was reported. 4. Bas.Rec.1/552; O.R.S. 40, 26/2/1852. "The Friend" 1/3/1852. 5. Bas.Rec.1/557; O.R.S.40, 11/3/1852. Bas.Rec.1/557; O.R.S.40, 20/3/1852, total of 218 head of cattle and 132 horses received compared with upwards of 2,000 cattle & 600 horses stolen from Winburg district alone. Bas.Rec.1/554; O.R.S. 34/161, 5/3/1852. O.R.S.34/49, 10/3/1852. 6. O.R.S.31/145; Bas.Rec.1/555. For Bailie see p.291. O.R.S.31/243-4, 19 & 20/2/1852, Deposition taken before Hogge of Tamboekies shot by Bailie & their children taken away.

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Assistant Commissioners had kept their opinions strictly to themselves and, though it appreciated their attempts to hear both sides, "The Friend" remarked that they had "much of the Pottinger style about them". Their negotiations with Moshesh were "wrapped in secrecy" and the uncertainty of secondhand information caused widespread anxiety. Evidently Major Hogge's plan entailed the removal of the Koesberg Boers to the country of Moroko, whose Barolong were to be settled on unoccupied land in the Harrismith district, and, furthermore, the placing of Carolus Baatje's Bastards under Adam Kok in Griqualand and the establishment of a British military post at Platberg.[1] These contemplated changes were aimed no doubt at removing all grounds of complaint from Moshesh and at producing a uniform unbroken line between Boer and Basuto along the Caledon front from Platberg southwards. Seeing that the Government intended to wash its hands of all commitments to the Native tribes, who were to be left to settle their own differences in future, it was worth while attempting to remove the Barolong and Bastards out of the reach of the Basuto and Rataung. Moreover the removal of Moroko and Baatje's people elsewhere had the added merit that Moshesh and Molitsane would no longer be able to throw upon them the blame for stock thefts from the Boers.

The proposals of Major Hogge met with instant opposition. Vowe saw no objection to his giving Poshuli back to Moshesh provided he returned to his former residence near Letsie, but strongly disapproved of the Boers losing the Koesbergen and suggested a "patient and full investigation ... I think you will find that you are in error, and that there will be ample testimony forthcoming to prove that the line made by His Excellency and sanctioned by Moshesh is no injustice to the natives".[2] Clearly, if the alteration of the boundary in the Koesbergen were justified, then the Land Commission had much to account for to the public. It was estimated that the Boers would be deprived of between fifty and a hundred farms there, for some of which prices as high as 12,000 Rds. had been paid. The fact that the petty Chiefs Poshuli, Mahali and Seperi had first, as it was reported, to give up all cattle proved to have been stolen by them weighed very little with the farmers.[3] Rumours of the impending territorial adjustments west of the Caledon prompted inquiries by speculators as to the value of building lots at Platberg and Carolus Baatje published a notice prohibiting his subjects from selling erven there. Such rumours also reached the ears of the Rev.W. Shaw, General Superintendent of the Wesleyan missions at Grahamstown, who regarded the "crisis" as sufficiently serious to warrant an appeal to Major

1. "The Friend" 1,8,13/3/1852: Mr.Klopper's report of meeting between -Hogge- Moshesh and Major Hogge. The removal of the Barolong to Harrismith district had been suggested in "The Friend" 12/1/1852; 16/2/1850 apparently Moroko despatched a party of Barolong to the country formerly occupied by them for the purpose of seeking a country to which in emergency the tribe might resort. Ten were killed by Korannas on the Vaal. O.R.S.31/29; Bas.Rec.1/550, 13,18/2/1852 Cdt.P.Erasmus and 19 others wanting information. "The Friend" 10/4/1852 Hogge was requested by Moshesh to use his endeavours in restoring to the Tambookies the children sold to the Boers.
2. O.R.S. 31/145; Bas.Rec. 1/555, 7/3/1852. 3. Seeing that the onus of proof was naturally on the Boers they were at a disadvantage unless access to Native kraals was granted as well as the opportunity to prove ownership before a mixed Commission. O.R.S.32/291, 10/4/1852 Statement of landowners of Caledon River district deprecating proposed alteration of the boundary line.

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Hogge against the proposed jettisoning of the property of the Society and the Coloured residents as well as the fruits of eighteen years' labour.[1] Then too Biddulph reported to Owen Sikonyela's surprise "that you should tie his hands whilst theirs (Moshesh and Molitsane's) were let loose", particularly in view of their recent threats "to drive him over the Blue mountains, as the Commissioner had now left them free to do as they liked".[2] The Magistrate of Winburg had just returned from an interview with the Mantatee Chief and the Wittebergen farmers at which Sikonyela undertook to make good the losses suffered by the latter at the hands of his subjects, who were in future to carry printed passes when crossing the European line. Biddulph judged that the Mantatee and the Basuto Chiefs would soon commence open hostilities and that "it would be folly to think of restraining them... In fact Sikonyela says he won't longer be restrained".

Another matter of pressing importance affecting the relations between the Europeans and the Native tribes was the trade in gunpowder and fire-arms, an increasingly large supply of which had been reaching the latter in various ways.[3] An Ordinance on the subject had been passed at the first Council meeting in 1849 but it was not confirmed by the High Commissioner. Accordingly at its recent session in January the Council had adopted a fresh draft, which duly received the approval of Sir Harry Smith and was promulgated in April, 1852.[4] The new regulations placed the introduction and sale of gunpowder and fire-arms under the management and supervision of the Government and provided also for a magazine at the seat of each magistracy. No articles of this nature could be brought into the Sovereignty without the written permission of the British Resident or a magistrate. The penalty for any contravention was £500 with forfeiture of the contraband goods whilst any dealings in such goods with the Queen's enemies or subjects in rebellion were punishable by death. In order to cause as little inconvenience as possible to licensed dealers the Ordinance made provision for the purchase of their existing stores, and supplies in transit, if they presented a correct statement of these within ten days of its promulgation. Actually the merchants made much ado about the price of 2/4d a lb. stipulated by the Government and some held out strictly for 3/-, one of them -protesting-

1. "The Friend" 8 and 13/3/1852. Bas.Rec.1/563, 17/4/1852. 2. Bas.Rec.1/560; O.R.S. 32/64, 26/3/1852. 3. "The Friend" 20/1/1851 The practice of giving guns to Bushmen shepherds and Bechuana and Kaffir servants is pretty general throughout the Sovereignty (1) to enable herds to shoot wolves, jackals and game (2) as payment for year's service. The paper regarded this as dangerous as they had the mentality of children. A large quantity of gunpowder was imported owing to the dependence of the population upon game and to the fact that the Transvaal Boers having no port purchased their powder and lead in Bloemfontein. Br.Rdt.4, 16/8/1851 Original deposition of Joseph Aldum re Warren and illicit trade. Br.Rdt.4, 27/5/1852 Eberhardt swears to Vowe that he saw J.P.Hoffman barter lead and flints with Moshesh. Br.Rdt.4, 28/5/1852 Eberhardt re Botha and Sinclair trading in gunpowder with Moshesh, Bastards told him they could purchase as much gunpowder as they required from cripple Hoffman. Br.Rdt. 4, 4/6/1852, Eberhardt swears also that he saw J.J. Hoffman give percussion caps to Moshesh. O.R.S. 31/144, 23/5/1852 Vowe to Owen re Hybner's information. O.R.S. 31/81, 7/7/1854 re Radloff.
4. Ordinance No. 1 of 1852; "The Friend" 10/4/1852; O.R.S. 33. J.M.Holman storekeeper at Bloemfontein and comptroller of all O.R.S. magazines.

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protesting rather significantly that he could have got 1/5d. a lb. more by barter.[1]

Meanwhile no progress had been made in the delivery of stolen stock and the farmers were becoming dissatisfied. Owen had already warned Commandant P. Erasmus against carrying out his intention of going into Basutoland to obtain restitution by force if the Government failed to do so.[2] Biddulph was sceptical of the Chiefs' protestations that they were bestirring themselves to collect the Boers' property, being of the opinion that the cattle and horses would have returned home of their own accord long ago had they not been prevented from doing so.[3] Moshesh on the other hand seemed to be experiencing genuine difficulty in proving who were the culprits among his subjects. He made an offer to Owen, therefore, that, if the farmers should come to identify their property, he would render them every possible assistance and protection, but he requested that the Boers should "be careful not to allow the Basutos generally to know their intentions, for fear they should make away with the cattle or horses"![4] This offer was not accepted by the Commissioner, who surmised that most of the stock had been removed or concealed and that the searches would result in bloodshed. As he was about to proceed to Kingwilliamstown, Owen suggested instead that the Basuto Chief should discuss matters with him at Smithfield or at Mr. Rolland's station, Beersheba, but Moshesh declined on account of a bilious attack.[5] In view of this indefinite state of affairs several Boers visited Letsie in order to recover their property and in some cases apparently returned satisfied:[6] others were not so fortunate. According to his statement to Vowe, Gert Erasmus traced his stock to Basutoland but Letsie refused to give them up, saying "You Boers and English conspired together and cut our land, if you keep possession of our land we will keep your cattle and steal the remainder".[7]

The comparative lull in frontier troubles, produced at first by the very fact of the Assistant Commissioners' presence in the Sovereignty, began to recede as the Basuto and Batauung resumed their depredations and winter tragedies recommenced. The farmers of Harrismith district suffered daily and sought aid from their magistrate, who in turn sent an urgent appeal to Owen for assistance to drive out the Natives. This the Commissioner could not provide.[8] Indeed the already insufficient military -strength-

1. O.R.S. 33/83, 20/4/1852. They were allowed to retain guns etc. for sale to any purchaser having a permit. O.R.S. 33/84-87 Jordan, Snook, Forsyth, Baumann Bros. Page. O.R.S. 40, 3/7/1852 Lowen: Jordan and Baumann holding 2,400 and 1,400 lbs. respectively and demanding 3/-. O.R.S. 55/68, 13/7/1852 Page: 2,000 lbs. gunpowder cost at P.E. 1/2d. per lb. £116 16 4d, plus 5% Commission £5 16s.8d, Escort P.E. to Colesberg £57 18s 6d, Carriage £40, Magazine duty Bloemfontein 1d.per lb. £8 6s 8d, Interest 6% on charges £3 7s 2d, total £115 9s., grand total £232 2s 4d, equals Bfn. cost price of 2/4d. per lb. 2. O.R.S. 31/22; Bas.Rec. 1/550, 18/2/1852, Bas. Rec. 1/555; O.R.S. 34/55, 7/3/1852. 3. Bas. Rec. 1/559; O.R.S. 24/162, 25/3/1852. 4. Bas.Rec. 1/559; O.R.S. 34/162, 25/3/1852. 5. Bas.Rec. 1/562; O.R.S. 40, 10/4/1852. O.R.S. 34/163; Bas. Rec. 1/562, 12/4/1852. "The Friend" 17/4/1852 "a confirmed wag in town has remarked that Moshesh has been indisposed for some time". 6. "The Friend" 10/4/1852. 7. O.R.S. 34/8, 18/5/1852. O.R.S. 31/144, 23/5/1852: Vowe - several Boers have been to Basuto to search for cattle but received no help and the latter even jeer at them. Br.Rdt.4, 27/5/1852, C.R.Eberhardt swears to Vowe that he heard J.P.Hoffman tell Moshesh (after agreement signed with Hogge) Not to return any more cattle. Br.Rdt.4, 18/5/1852, Saldum to Vowe swears that Hoffman also said Moshesh need not return the cattle as taken in war time and after he had been denounced as an enemy of the Queen. 8. O.R.S. 32/304, 305; Bas.Rec. 1/561, 562, 5/4/1852 and 14/4/1852: Field-Cornets Cawin and Smit appealed to Bester.

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strength at his command was about to be reduced by the request of Benjamin Pine, the Lt. Governor of Natal, for the return of the troops despatched during the previous year.[1] Nevertheless Owen assured Bester that an additional force was expected shortly. Further south the Natives made a clean sweep of all the cattle and horses left after Viervoet in the possession of the farmers Botma and Pretorius at the source of the Modder River. Some attacked the homestead of Hans Steyn, killing a few servants and driving off his cattle, while others stole several horses from Commandant Erasmus within thirty miles of Bloemfontein.[2] Nor did the Barolong escape attention: on one occasion four of their women were carried off only to be insulted and sent back in a state of nudity.[3] These excesses could no longer be stomached even by the Editor of "The Friend" and his following, the last of those, with the exception of 'cripple' Hoffman, who had consistently championed the Basuto. During April and May the tone of that organ's comments gradually changed to one of distinct disapproval. The newspaper began by representing Moshesh as 'constitutionally one of the most procrastinating of beings' and 'the greatest talker in Africa', with whom it required 'no small share of patience to deal' - 'To-morrow and to-morrow is his motto'. It hoped in the end that the High Commissioner would see the necessity of supporting the Commissioners in their demands on Moshesh and Molitsane for restitution and compensation:- "Moshesh is rapidly spoiling a good case".[4]

The expectation of the further intervention contemplated by Sir Harry Smith was soon dispelled for at the beginning of the year 1852 Earl Grey had decided with the unanimous approval of the Russell Cabinet to terminate his appointment as Governor and High Commissioner at the Cape. "You have failed", wrote Grey, "in showing that foresight, energy and judgment which your very difficult position required". It was the never-ending warfare on the Eastern Frontier, with its latest list of heavy casualties and no apparent progress or gain in territory, that primarily dictated the order of recall, which was decided upon "not without great pain and sincere reluctance". In advancing his detailed reasons for this step Earl Grey mentioned the premature reduction of the British forces as the principal error into which Sir Harry Smith had been betrayed and as the main cause of the failure of a policy he believed to be otherwise sound. With absolute fairness he added, "I must take upon myself a share of the blame for this mistake inasmuch as I had probably too often and too strongly pressed upon you the importance of reducing the number of troops as soon as this could be safely done. Still you were on the spot and your discretion was unfettered". Among further errors he instanced that affairs in the Sovereignty -had-

1. Bas. Rec. 1/561; O.R.S. 36/2, 6/4/1852. The Natal troops comprised two companies of the 45th Regiment under Capt. Parish, "The Friend" 24/4/1852. Though all was quiet Pine was about to collect the capitation or hut tax.
2. "The Friend" 8/5/1852, 29/6/1852. O.R.S. 34/29-31 Captain Africa attacked Botman's farm. On 3/7/1851 one of his children was killed and another wounded; 353 cattle, 150 sheep, 6 horses, £150 in gold and silver, total value £1,163, removed. Vide O.R.S. 34/6,7,9 claims for stock stolen from J.Grobbelaar, H.Mentz, J.Klopper, all depositions to Vowe. 3. Bas Rec. 1/563; O.R.S. 31/143, 16/4/1852 Warden to Owen.
4. "The Friend" 10/4/1852 - 1/5/1852 - 29/5/1852.

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had been left too long in the hands of a man unequal to the task.[1] Speaking in the House of Lords after a eulogy of Smith by his old chief, the Duke of Wellington, Earl Grey declared that "it has never been my lot while I have had to conduct public affairs to have so painful a duty cast upon me as having to advise Her Majesty to recall him".[2]

Within a few weeks the Russell Ministry itself resigned and a Government was formed by Lord Derby with Sir John Pakington as Secretary of State for the Colonies. It was inevitable that questions would be asked in the Commons about Pakington's plans for the future defence of the frontiers at the Cape. Adderley wished to know whether he had suspended or altered his predecessor's instructions to the new Governor and High Commissioner, the Hon. George Cathcart, and Molesworth attacked the expenses of the Kaffir War on the Vote of Supply, declaring that the Government's policy had been characterized by "a lust for territorial acquisition and a desire to aggrandize the sovereignty and dominion of the Queen".[3] It was to be expected, too, that the subject of Sir H. Smith's recall would be raised. In rather strong language one Mr. Drummond described Earl Grey's despatch as "a shame and what was more unmanly still the despatch was thrown down upon the table of the House before they had time to hear any answer to the charge in order that the character of Sir H. Smith might be blackened prior to any debate upon the merits of the case. It was a very dirty job". This brought the former Prime Minister to his feet in vindication of his colleague's action, saying that they had both agreed that "it was a matter of doubt whether Sir Harry Smith did not take too sanguine a view of his own operations and whether he was not misled by his own too favourable anticipation" in expecting a speedy termination of the war.[4]

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1, C.O.1347, D.732, 14/1/1852; B.B.XIII.1.253. "and that by this and other mistakes in your management of the Dutch inhabitants of the frontier districts you have failed to conciliate that important class, by whose cordial co-operation there can be no doubt that you would have been enabled to bring the war to a much earlier termination than there is now prospect of"... He compared Warden's failure with Pine's success in securing the confidence and attachment of the Dutch farmers in Natal: See C.O.1347, D.2, Natal, 13/1/1852. The death of Lt.Col. Fordyce and the losses in the Waterkloof on 31/10 For reduction of troops see pp.68-9 above. 2. Hansard CXIX p.175, 5/2/1852 "for reasons not exclusively military", Smith had had to face a series of difficult situations in the Civil Government. The Duke spoke from his experience of guerilla warfare and made the only criticism that Smith should have opened up roads but he admitted that this would have been a long and expensive business. "The Friend" 10/4/1852 Proclamations announcing Cathcart's appointment under Letters Patent and under Royal Signet and Sign Manual dated 20/1/1852 at Westminster and Windsor respectively. 3. Hansard CXIX/52, p.1038, 15/3/1852: Pakington replied "Not yet - will be subject of the earliest and most anxious consideration of the government". Hansard CXX/52, pp. 734-768. 4. Hansard CXX/52, Hansard CXIX/52, p.251 retabling of Grey's despatch - text in Smith's autobiography p.782. Hansard CXIV p.1096, 6/3/1851: Grey to Lord Monteagle in the House of Lords on the outbreak of the 8th Kaffir War that a reduction of troops had taken place but not below the amount which the Governor had considered necessary for the protection of the frontiers. "The Friend" 24/4/1852: "Sir H. Smith presumed on the prestige of his own name and thought he could rule Kaffraria with 1,500 men - fatal shipwreck of a good name - should not consult saving of £ s d to Imperial Treasury before lives of Englishmen". Characteristically enough Sir H. Smith did not ventilate the powerful defence which he had prepared on the spur of the moment to the accusations contained in the Secretary of State's despatch: See Autobiography pp. 789-793 for memoranda drafted at Blinkwater camp 12/3/1852, "I am now censured for having met the views of H.M. Government". Southey papers 13/7/1852: On his arrival in London he was lionized and people of the highest station came crowding to call on him, including Earl Grey with whom he dined. According to his Secretary, John Garvock, some were highly indignant with him for having extricated Earl Grey from the scrape into which he had thrust himself. Southey Papers 11/5/1853, Sir Harry had received good counsel - "as the dear Duke said to me on my return 'Mind what you do, everything is political and both parties will try to make a tool of you. Your case as it stands cannot be improved but may be injured". Sir H. Smith was in time to attend the last Waterloo dinner. C.O.1338 confidential despatch dated 26/7/1847. See Smith's comments to Grey in Cory Vol.V. p.410, 445. The general had need to be mindful also of the irony of his own hasty comments to Wellington which had been forwarded by Grey to Pottinger during the 7th Kaffir War - "with 2,000 men upon line of defence and 2,000 invading force, most rapidly and energetically moved, the war would be terminated in two or three weeks". Grey Colonial Policy, Vol.II.p.247. For estimates of Sir H. Smith vide Theal VII p.102: "His fault was being half a century in advance of his time" and Cory V.p.446: "South Africa has more than once been called the grave of great men's reputations". C.O.1456, Enc. D.56, 2/4/1852. Godlonton Correspondence, 1/5/1851.

The frequent recurrence of expensive wars with the Natives at the Cape and the apparent failure of Sir Harry Smith's measures after their early promise of success seemed to Earl Grey to demand a revision of the frontier policy. Accordingly the instructions issued to the new Governor and High Commissioner just before Grey left office were devoted to a consideration of this issue.[1] The Secretary of State adhered to his old threefold obligation: to prevent loss and suffering to the colonists, to civilize, convert and protect the Natives from destruction by the former; but, particularly, to reduce the pecuniary burden of this policy to the mother country:

> "If colonists of European descent are left unsupported experience shows that in such circumstances measures of self-defence will degenerate into indiscriminate vengeance and lead to the gradual extermination of the less civilized race. To avert this result (which has hitherto been the aim of our policy) and by the enforcement of order to provide for the civilization and conversion to Christianity of these barbarous tribes, instead of leaving them to be destroyed, is a high and noble object well worthy of considerable sacrifice on the part of the British people. But, on the other hand, it is more than is required from them by the duties of humanity that they should submit to the necessity of indefinite expense, and of a constant renewal of such costly efforts as have lately been made, in order to prevent the strife of hostile races ... You are aware that, beyond the very limited extent of territory required for the security of the Cape of Good Hope as a naval station, the British Crown and nation have no interest whatsoever in maintaining any territorial dominion in Southern Africa and that the only motives which can influence Parliament and Her Majesty's Government in doing so are that sense of the claims upon them of those of Her Majesty's faithful subjects who are inhabitants of the Colony and that philanthropic desire to promote the civilization and conversion of the tribes amongst whom they dwell ..." Cathcart was thus required seriously to examine the question whether the attempt of his predecessor could be continued or "whether the exercise of British authority in South africa must not be restricted within much narrower limits than heretofore". He was given "the fullest and (most) unlimited discretion", irrespective of previous instructions issued by Grey himself or by preceding Secretaries of State to former Governors of the Cape, to prepare a report with the Assistant Commissioners upon what should be done in the best interests of the colonists and Her Majesty's Government.[2]

The choice of Major-General Cathcart did not prove a fortunate one for the Orange River Sovereignty. The offer of the appointment, which was made by Grey with the approval of Wellington, came as a surprise to others as well as to Cathcart himself, 'one of the kindest and gentlest of men'. He pointed out to the Secretary of State his feeling of inferiority in experience to Sir H. Smith for the work in hand and that he was junior to General Somerset.[3] He wrote to the Duke that the post was "in many respects far from desirable" and that he accepted it only as "an imperative call to duty".[4] Cathcart undertook the charge in much the same way as the two -Assistants-

1. C.O. 1347, D.1, 2/2/1852. See Bell and Morrell p.529.
2. Grey Vol.II. p.249. He felt that H.M.G. became committed to this policy once the 1820 British Settlers were sent out by "the express act of the Government and with the cordial approbation of Parliament to inhabit a territory immediately adjoining that occupied by numerous tribes of warlike savages" and thus they could not be abandoned. Since then the Colony had grown and brought such problems as the O.R.S. Grey did not despair of a solution "with the united support of the colonists and a satisfactory system towards the natives, the security of the Colony might be maintained without heavier demand than Parliament prepared to sanction".
3. Hansard CXIX p.175: Cory V. p.448.
4. Cathcart's correspondence 9/1/1852 "Your Grace was pleased to consider me fit for the duty".

Assistant Commissioners, Major Hogge and Mr. Owen had done, in compliance with Grey's

> "very earnest and strongly expressed wishes, at a great sacrifice of private comfort and convenience, solely from a sense of public duty ... to afford useful assistance to the Government, in the critical state of Southern Africa". [1] His

correspondence shows that he was not happy at the Cape, and on at least a dozen occasions during the course of his two years' stay he expressed almost pathetically his sincere desire to go home and repeatedly asked to be relieved of his office. One must not, therefore, expect any long and sustained effort on his part to carry out his predecessor's programme beyond the Orange if all the omens were not propitious. He was more likely to follow the line of least resistance there, for his was no venturesome soul and his heart was not in that job; besides, in all fairness to Cathcart, he was in due course to be faced with the factor of increasing expenditure, that bête noire of the Colonial Office.[2]

At Kingwilliamstown on the 10th April, 1852, Cathcart took over the command and

> "had a most satisfactory interview with Lt.-Gen. Sir H. Smith who devoted the whole of that day to the purpose of giving me every insight into the affairs of the Colony generally and more particularly of the Eastern Frontier, in his power to communicate ..."[3] The backbone of the Kaffir opposition had been broken and the

new Governor had only to continue his predecessor's war of attrition until all the Chiefs should come to terms. Indeed the post-war settlement was already being planned, and the land northward of the Amatolas between the Klipplaat and the Zwart Kei Rivers, the future district of Queenstown, had been ear-marked for European colonists.[4] Cathcart was shown the latest despatch to the Secretary of State and presumably Smith discussed with his successor his summary to Grey of the position beyond the Orange based on the reports of his Assistant Commissioners, in some respects scarcely justified by subsequent developments. Smith had stated that the war impending over the Sovereignty had been averted, that the refractory Chiefs were restoring their plunder and submitting to the conditions imposed upon them, that an amicable relationship had been established with the Transvaal Emigrant Boers, that the turbulent Boers within the Sovereignty fined for overt acts of disloyalty had already paid over £1,000,[5] that property had risen in value and that the revenue exceeded the expenditure.

The arrival of the High Commissioner in British Kaffraria synchronised with that

1. Grey Vol. II. p.244. 2. Cathcart was only interested in finishing off -of- the 8th Kaffir War. Correspondence p.339, 19/6/1852 "Besides the ordinary business of the command of very large and oddly constituted army of upwards of 10,000 men which is enough for any one man in the midst of a desultory warfare, I have now coming on my hands the details of government of numerous and vast countries which it was very easy to annex to H.Majesty's territories but, if we are to keep them will require two or three governors or governments to manage them ... I mean to do my best. I care not for public opinion or popularity so long as I am satisfied with my own actions ... I have some important works in hand, but good tools to work with ..." 3. G.H.31/1, D.3, 20/4/1852; Cathcart correspondence p.43: See p.335 re meeting on 10/4/1852 with Smith and decision "to carry out his own, as we both think, to the best advantage". 4. See Cory V. pp. 450 and 491. 5. C.O.1456, D.56, 2/4/1852. 6. C.O.1603 to Porter 12/5/1852; Cathcart writing to the Attorney-General concerning the Judicial system there, mentioned that his predecessor had not left him "a single document or paper bearing on the subject". There was then no complete or strict system of filing documents or record in the Colonial Office and many papers were retained by the Governors e.g. Southey Papers 13/7/1852 Garvock: "Many thanks for thinking of the Letter Book - turned up in due time".

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of Major Hogge fresh from his meetings with Moshesh, Letsie, Poshuli and the petty captains interested in the boundary question. They were joined shortly afterwards by Mr. Owen with the news that the Basuto Chiefs had not disgorged any more of the stolen stock. Cathcart was thus able without delay to enter into a first-hand discussion of Sovereignty affairs with his Assistants, but did not feel sufficiently conversant with conditions there to commit himself to an opinion on the concluding sentence of Grey's despatch of October,[1] He decided to avoid "doing or authorising anything which would in any way embarrass" the Imperial Government's decision regarding abandonment and enjoined the same course on both his "very able" assistants, while leaving them otherwise unfettered to investigate and report upon ways and means of improving the Sovereignty's infant system of administration - "I cannot on my own authority sanction anything that may tend to further compromise Her Majesty's Government in respect of claims for support of the minority against a decided majority should the community which inhabits the Orange River Sovereignty prove unworthy of or decidedly averse to the benevolent rule and government which has been extended to them". In that case, he explained to his Assistants, he would have to await instructions from overseas as to whether the country should be abandoned or held by force of arms.[2]

Among the urgent matters discussed by the Assistant Commissioners with Cathcart at Fort Beaufort was the memorial left by Adam Kok at Bloemfontein hoping that they would remove the existing discontent and another praying that the yearly amount guaranteed him, which had fallen in arrear, should be duly paid.[3] Hogge and Owen explained the condition of Griqua affairs and added that the sum owing to Adam Kok was properly a charge upon the Sovereignty funds. As these could not meet the obligation, they recommended that the money should be advanced temporarily from the military chest into which the fines exacted from the Boers had been paid and Cathcart agreed that this should be done without loss of time.[4] On the main issue, however, the High Commissioner wrote to the Secretary of State that Kok's case was "evidently drawn up by a clever missionary", who "explains with some truth a curious and somewhat involved state of things in that country. I have instructed the Assistant Commissioners to reply verbally to the subject of this letter without coming to any definite arrangement, except that of the payment of the just debt".[5] -Judging-

1. O.R.S. 36/91 Cathcart notifies Asst.Coms. of his arrival at Cape Town 31/3/1852. G.H.31/1, Enc. D.2, 20/5/1852; O.R.S. 36/93 and C.O.1603, 14/5/1852. Instructions to Asst. Coms. 2. G.H. 31/1, D.16, 21/7/1852; B.B.XV.2.55; O.R.S. 36/75. G.H.31/1, D.2, 20/5/1852; B.B.XV.2.38; Cathcart hoped that "a benevolent government administered with prudence and without unnecessary interference with established usages" would restore peace and satisfaction. At this stage he realised that the loyalists "would be victimized" on abandonment but he refused to recognize any obligation for the continuance of British protection by those who desired it on the ground of the quitrents which had accrued to the Government and of the titles granted by virtue of Royal authority for the quitrent revenue had been expended on the Sovereignty and the form of title was "manifestly provisional". He added that if it were necessary or expedient to maintain the Sovereignty contrary to the manifest wish of the majority or to reconquer it this could easily be accomplished with 2,000 infantry with a proportion of cavalry and artillery in a campaign of six weeks duration. 3. O.R.S. 38/104; G.H.31/1 Enc. D.2, 20/5/1852. O.R.S. 40, 14/5/1852. O.R.S. 38/112. See pp. 331 - 3 above.
4. O.R.S. 40, 19/6/1852 money had been paid. G.H.31/1 Enc. D.16, 21/7/1852 Owen 26/6/1852, Captain Kok had merely received an order from the British Resident on Mr. Vowe, C.Commissioner of Caledon River district who was not possessed of funds sufficinet to answer the demand. 5. G.H. 31/1, D.2, 20/5/1852: also B.B.XV.2. O.R.S. 34/111 Warden said the letter was the production of Mr. Solomon L.M.S. 41-44.

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Judging from the evidence before him, "the symptoms of anxiety" respecting the ultimate intentions of the British Government and the modes in which it was expressed, Cathcart did not apprehend any landslide of public opinion within the Sovereignty in favour of abandonment. He realized that certain Native tribes and settlers of Dutch origin had opposed the administration's policy and conduct of affairs but anticipated a change for the better from the reconciliation with the Transvaal Boers at Sand River and the recent negotiations with the Basuto Chiefs. In view of the apparently "improved understanding" with the Boers effected by "the judicious management" of his colleague and himself, Major Hogge was personally directed to investigate the practicability of inducing the Boers to return to the Colony in sufficient numbers to occupy and hold the new frontier district under contemplation along the Kei.[1] Meanwhile as the original Council's term of three years had expired and the obligation to provide a suitable government remained, Hogge and Owen were instructed to ascertain the wants and wishes of the European inhabitants "and the circumstances under which it might be desired on the one part and desirable on the other that Her Majesty's Sovereignty should continue to be extended over that district", to hold a sort of referendum, upon the practicability and expediency of increasing the non-official personnal of the Council to four elected members for each district.[2] Lastly, the High Commissioner notified Moshesh of his assumption of office and of his intention to visit the Sovereignty upon the termination of hostilities on the Eastern Frontier. At the same time he reminded the Basuto Chief of the undertaking made on behalf of his people three months previously and tactfully chose to regard the wholly inadequate instalment as an earnest of his desire to carry out that agreement.[3]

4. No improper conduct was tolerated from Government officials. C.U. Stuart (see p. 286 above) was suspended in Jan. 1852 for a defalcation in his public accounts. Br. Rdt. 5, 29/10/1851, 3/11/1851: O.R.S. 94/311-4: C.O. 1237, 4/1/1852: O.R.S. 38/95, 5/1/1852. An amount of £500 was involved, for part of which he produced good fors, and his friends subscribed the cash shortage in the Orphan Chamber pleading for his re-instatement. Petition 60 signatures, O.R.S. 41, 2/1/1852: not recommended by H.C.S., O.R.S. 36/83, 20/1/1852. He explained that his error had been in overdrawing his salary in petty sums. O.R.S. 31/95, 2/4/1852. His property w was mortgaged and he was in debt to the shopkeepers for £400. There was apparently no fraudulent intention or false entry in the books. The High Commissioner and the Secretary of State confirmed his suspension. C.O. 1456, D. 24, 10/2/1852. O.R.S. 36/24, D. 19/4/1852, no alternative but to confirm. Stuart thereupon practised as an attorney and general agent in Bloemfontein. "The Friend" 30/9/1852. Cp. O.R.S. 40, 36/95, 14/5/1852. Cathcart ordered the dismissal of Charles S. Halse from his office of J.P. Caledon River district as he seemed to have made a most improper use of his powers as Justice and Acting Clerk of the Peace in defrauding Cornelius Botha. Also "The Friend" 5/6/1852.

1. G.H.31/1, D.20/4/1852: D.9, 21/6/1852 "The popular feeling would appear to evince an increasing anxiety that the O.R.S. should not be abandoned by H.M.Govt. nevertheless it is impossible to ascertain how far it extends or among what classes it prevails till I receive reports of Asst. Comms. Opinions chiefly those of Bloemfontein, recent settlers more closely connected with Cape than burghers".
2. Proclamation dated Fort Beaufort 12/5/1852 and published in "The Friend" 19/6/1852. Asst. Comms. left Cathcart on 15th May - D. 9, 21/6/1852. G.H.31/1. Cathcart's reply to address of delegates 23/7/1852 - "The Friend", 15/10/1853.
3. Bas.Rec. 1/554: C.O.1603: O.R.S. 40, 12/5/1852: Enc. D.2, 20/5/1852, G.H.31/1.

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Chapter XIII.

The Writing on the wall.

The Assistant Commissioners returned to Bloemfontein at the end of May and had circulars distributed at once to all Commandants and Field-Cornets to call meetings for the purpose of selecting three deputies for each Field-cornetcy to a representative meeting at the capital.[1] From the very first coming of Hogge and Owen doubts had arisen in the minds of some people regarding their real mission and at last the position was being clarified. As early as December it had been rumoured that they were already considering whether the Sovereignty ought not to be abandoned outright. Indeed "The Friend" had felt obliged to take notice of this rumour, though, as it claimed, "solely in order to point out its absurdity" and had endeavoured to reassure its readers by stating that Great Britain had never to its knowledge given up any territory acquired in the way of colonization... Besides abandonment would be a breach of faith and would advantage some foreign power.[2] During the several weeks' absence of the Commissioners in Kaffraria the feeling of uncertainty had increased. From Winburg G.H. Meyer wrote to Cathcart about the talk of abandonment and the rumour that Moshesh and Molitsane were not to be disturbed in the possession of their gains. "What is the meaning of all this?" he asked. A certain v.d. Merwe and others made similar inquiries.[3] As he became acquainted with the contents of the Secretary of State's despatches the Editor of "The Friend" returned with less assurance to this topic and commented in reference to "Earl Grey and others we could name" that "the doom of people who talk in practically one breath of extending the boundary to the Equator and then of abandoning the Orange River Sovereignty would be sealed before a Commission de lunatico inquirendo ... Woe to the principles of Clarkson, Wilberforce, Brougham and Buxton". The paper even went so far as to remark that the Commissioners had become unconsciously "the mere tools of a political clique" and as such "the great danger to this country".[4] It may safely be conjectured that these matters engaged the lively attention of the hundreds of people who had gathered in Bloemfontein for the opening of the Dutch Reformed Church on the day before the return of the Commissioners.[5]

Upon the circulation of the notices of meeting early in June the future of the Sovereignty was debated at large and "to be, or not to be" became the vital question of the hour. Obviously concerned about the "paralysing" effect of Grey's injunction that "the ultimate abandonment of the Orange River Sovereignty should be a settled point in our policy" seventy landed proprietors and other inhabitants, principally English-

1. "The Friend" 5/6/1852. O.R.S. 41, 19/6/1852 Owen, Enc. G.H.31/1, D.20/7/1852; B.B.XV. 2. 46. "The Friend" 29/5/1852 the troops were reviewed on the Queen's birthday and races held. 2. "The Friend" 15/12/1851, The Editor added that as a standing army had to be maintained somewhere a part of it might as well be kept beyond the Orange. 3. O.R.S. 31/165, 22/4/1852. Cathcart's replies C.O.1603, 15/5/1852. 4. "The Friend" 1/5/1852, 22/5/1852: "Leave natives to themselves". "The Friend" 10/4/1852 published the despatch of Grey to Smith 14/1/1852.
5. "The Friend" 12/6/1852: for ceremony on 29/5 about 180 wagons came to town and the congregation numbered about 800. The Rev.Neethling came from Prince Albert, Rev. van Velden from Winburg, Rev. Murray from Burghersdorp, Rev. Murray, Jr. on the spot.

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English residents of Bloemfontein, at once addressed a memorial to the High Commissioner. This document, the gist of which was published in "The Friend" for general information, epitomized very admirably the case of the loyalists and those who were to contest the withdrawal of British rule to the bitter end.[1] The memorialists considered that the information contained in official papers had virtually served, though not intentionally, to mislead Grey as to the true state of affairs and the real sources of discontent and had thus induced "the sweeping, rash and gratuitous accusation", which had actually originated with Major Warden, that two-thirds of the Boers were rebels at heart. Therefore they sought to reveal the truth and to establish at least three propositions with the object of ruling out of court the course contemplated by the Secretary of State. Their principal contention was that the British Government could not honourably abandon the Sovereignty because it was bound by its own solemn acts of government and because the inhabitants had not forfeited their claim to its protection. Furthermore they held that abandonment would be a blow to Imperial prestige and a disservice to South Africa in view of the strategic and the increasing commercial importance of the Sovereignty.[2] It would mean a check to the march of civilization and the end of the system of Treaty States, which had been created only in the previous decade, as well as a severance of the chain of European settlements under British rule surrounding the Natives from the Cape Colony to Natal. They were positive that the Natives and especially the Basuto would regard withdrawal as an admission of weakness and would in consequence organise a plan of attack upon the Boer and the British communities so that the Orange would again become the scene of border trouble.[3] No wonder Earl Grey had stipulated that abandonment should be undertaken as soon as it could be accomplished "with safety and honour".

Enlarging upon its main theme the memorial referred to all the proclamations of Sir H. Smith by which an organised government had been constituted with the concurrence of the Secretary of State, to the report of the Committee of the Privy Council for Trade and Foreign Plantations and even to the drawing up of Letters Patent, though these had not been promulgated, on the faith of which people had come to live in the Sovereignty and thousands of pounds had been invested in farms, stock, stores and merchandise.[4] The memorial drew attention also to the treaty with Adam Kok and the undertaking to make an annual payment in perpetuity and observed that the Boers in Griqualand would never agree to restore the lands they occupied once the British

1. O.R.S. 33/139; add.Bas.Rec.1/565; "The Friend" 19/6/1852. Grey's -Government- despatch 21/10/1851 and tone of several speeches delivered in Parliament showed that Sovereignty affairs "were not sufficiently understood or appreciated".
2. It was claimed that the O.R.S. consumed annually £100,000 worth of English goods and was producing 1,500 bales of wool (300 lbs. each) besides being a fine stock country.
3. O.R.S. 38/114, 11/6/1852 Warden to Cathcart: "It is currently rumoured and believed by many that my Lord Grey's mandate in regard to the Sovereignty is to be carried out, a measure viewed by the more respectable part of the community as the giving up of the country to anarchy and bloodshed".
4. Vide p. 232 for the Report to Letters Patent on page 235 above.

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Government should withdraw its supremacy. It then dealt with the charge levelled at the inhabitants in Grey's despatch. The existing discontent was attributed to "the erroneous and vexatious system of administration", particularly with reference to the Native tribes, which had been "persisted in without regard to the feelings, opinions or interests of the settlers or the dignity of the British Empire". Detailed instances were given of the Resident's policy of interference in Native affairs from the time of his precipitate attack upon the Tambookies to his expedition to Viervoet. The memorialists explained that the whole community was opposed to meddling in disputes between Native tribes and that Warden had not even called the Legislative Council together in terms of the Proclamation of 1849 to discuss these matters. They conceded that as a result of this many farmers "did have recourse to extraordinary measures to obtain security", but they felt convinced that whilst several had possibly been influenced by old sentiments of resentment against a British Government the majority were actuated by the desire to escape being butchered and plundered. "In few words, the troubles under which the country suffered were entirely attributable to the rash and impotent measures of the Government, founded on its own counsels, and executed in contempt of the feelings, opinions, and warning of the inhabitants. If so, - the Memorialists humbly submit that the settlers and country cannot with honour and justice be summarily thrown overboard for acts and measures, over which they had no more control than the inhabitants of Lapland". [1]

Pending the holding of the meeting advertised for the 21st June Owen went to the Transvaal to deliver the Convention recently ratified by Cathcart.[2] He had left Major Hogge suffering from a fever contracted through exposure to rain at his meetings with the Native Chiefs and returned to find that his colleague had died. Major Hogge had impressed everyone as being a practical and sincere man. "The Friend" remarked that his loss to the Sovereignty could never be repaired "for 'tis quite an accident whether another Commissioner of equal good sense and independence shall succeed him".[3] His death was unfortunate for the loyalists since he aimed at the retention of the Sovereignty. In due course the delegates to the meeting in Bloemfontein began to arrive in every imaginable description of vehicle, from the slow but comfortable ox-wagon to the light calash, and altogether seventy-nine, including three commandants and twenty-one field-cornets, assembled in the schoolroom on the opening Monday morning.[4] Owen delivered a short address and submitted certain points on the basis of Cathcart's memorandum for the consideration of the delegates whereupon they elected Dr. Fraser as Chairman and adjourned on the motion of Grant and Hoffman till the following morning.[5]

Most of the measures proposed by the Assistent Commissioners for the future

1. Bas.Red. 1/566 for extracts from the Memorial. 2. "The Friend" -government- 5/6/1852. O.R.S. 41, 19/6/1852, Enc. D. 20/7/1852, G.H. 31/1. 3. "The Friend" 12/6/1852, 19/6/1852. O.R.S. 38/113 after illness of 10 days. O.R.S. 41, 19/6/1852, G.H. 31/1, Enc. D. 20/7/1852. 4. "The Friend" 26/6/1852 Cdt. G. Joubert from Colesberg. At least 200 vehicles by Saturday evening and groups of farmers everywhere discussing knotty problems. O.R.S. 33/79, 15/6/1852 - Memorial of 38 householders for two delegates to represent Bloemfontein at meeting - agreed by Owen O.R.S. 40, 16/6/1852.
5. These points were printed in Dutch and English and distributed.

government of the Sovereignty were passed without dissent.[1] With regard to the constitution of the Legislative Council the meeting agreed that it was both practicable and expedient to increase the number of members[2a] and that the official members, the Civil Commissioners, should be entitled to sit but not to vote unless elected in the same manner as the others.[2] The delegates went so far as to recommend that the Council should have the right to choose its own president[3a] and that in the interests of freedom of discussion and "the calm and unbiassed interpretation of laws" neither the British Resident nor the Recorder, whose appointment they had previously recommended provided funds were available,[3b] should occupy seats.[3]

That evening a public dinner was given in honour of Andries Pretorius who had come from Natal to see the Assistant Commissioner regarding the boundary question. He attended the meeting of the delegates at Owen's invitation, explaining that he did not intend to interfere in any way with their proceedings and expressing his satisfaction at the confirmation of the Convention.[4] "The Friend" devoted over four columns to a description of this festive occasion, which was held, in the words of Meurant, as a mark of public respect to Pretorius from "the English and European inhabitants of Bloemfontein in emulation of the kind and flattering reception given him in Natal".[5] Some sixty people sat down to dinner with Henry Green, the Assistant Commissary General, in the chair assisted by Dr. Fraser as croupier. Several Union Jacks covered the rafters above the chairman and the guest of honour, whilst behind them was a large transparency, the upper portion representing the English and the Dutch flags crossed, with a scroll inscribed "Unity is strength", and the lower depicting the goddess Ceres sitting between two pillars adorned with agricultural and commercial devices and holding an olive branch in her right hand, with another scroll immediately below inscribed "Peace and Plenty". Numerous speeches were made including one in which Pretorius expressed the hope that the meeting might end to their entire satisfaction and that they would forget all national prejudices

1. O.R.S. 40; "The Friend" 26/6/1852; G.H.31/1 Enc. D.16, 21/7/1852: B.B.XV.-and-
2. 55-57. 2a.Proposed by Grant, seconded by Linde. 2. Proposed by Pace, seconded by Joubert. They quoted Parliamentary practice in Great Britain. For Resolutions see O.R.S.38/120, 26/6/1852; G.H.31/1 Enc.D.16, 21/7/1852. 2a.Proposed by Erasmus, seconded by Bouwer. 3.Proposed by Colley, seconded by Cauvin. 3bProposed by Grant, seconded by Joubert. . The franchise was to be granted to all residents of at least one year's standing and possessing personal property to the value of £75 (1,000 Rds.), (proposed by Schnehage, seconded by Van Vuuren) whilst the qualifications of a member of the Council were to be the possession of landed property to the value of £150 and twelve months' residence in town or district, (Van Rensburg, Hoffman) with the additional proviso that a member for the inalienable territory had to be a lessee whose lease would not expire for at least four years. (Van Rensburg, Sarl du Plessis). (Name of proposer and seconder respectively in brackets).
3. It was recommended, by large majorities, that each field-cornetcy as well as each of the towns Harrismith, Smithfield, Winburg and Sannah's Poort should return one member and Bloemfontein two, (Grant, Klopper) and that members should be elected for four years, half retiring by ballot after two years. (Schnehage, Van Rensburg). (Proposer and seconder respectively in brackets). Incidentally the meeting recommended another field-cornetcy for that portion of Griqualand between the Upper Riet and Orange Rivers. (Proposed by Jacobs, seconded by Grant). Many of these recommendations were embodied in the O.F.S.Grondwet later.
4. "The Friend" 26/6/1852: Owen believed that his presence and advice had a most salutary effect upon his countrymen. For Pretorius's visit see p.324. He again asked for a refund of the fines. 5. "The Friend" 3/7/1852.

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and distinctions and work together for the welfare of the country on both sides of the Vaal.[1]

During Wednesday's session five consecutive hours were spent in an animated discussion of Owen's fourth point, whether the inhabitants of the Sovereignty would be willing to place themselves under a Commando law to punish the aggressions of Her Majesty's enemies, provided that the policy of non-interference in the disputes of the Native tribes was strictly adhered to and that the burghers were on no occasion called out except with the consent of the Council. By a majority of one vote a resolution was passed that the inhabitants were willing to do burgher duty if they received sufficient military assistance, and a request made that the Government should use all possible means to adjust the existing disputes.[2] The minority, numbering 34 deputies, lost their amendment to the effect that the inhabitants would bind themselves to the course proposed provided that the existing disputes with Moshesh were first settled and 500 troops retained in the Sovereignty.[3] All the delegates were in favour of increasing the number of Justices of the Peace at the discretion of the Council and also of extending the powers of the Field-Cornets.[4] It was their unanimous wish that the latter should be empowered to call out the burghers without delay and without reference to any other authority in order to repel any attacks by Natives or to recover property in the course of being carried off. They recommended that the High Commissioner should adopt this procedure in Griqualand also, to deal with the marauding bands of Bushmen and others in that district.[5] Before the meeting concluded a Committee was appointed comprising Dr. Fraser and two others to draw up an address to the High Commissioner affirming their loyalty and expressing their appreciation of the fact that they had been given the opportunity to state their wants and wishes.[6] In his covering letter to Cathcart Dr. Fraser mentioned both the resolution and the amendment regarding burgher duty and added that it was the wish of the Assembly, although no formal resolution was passed on the subject, that the desirableness of maintaining a moderate detachment of troops at Winburg during the unsettled state of the neighbouring border should be brought to the notice of the High Commissioner ...

> "I trust you will permit me to hope that your own observation must have convinced you that there could hardly be a better guarantee of the propriety of entrusting in a great degree to the inhabitants of the Sovereignty the management of their own-

1. Many toasts were drunk in honour of the Queen, the Prince Consort, the Royal family, the British army and navy, Andries Pretorius and leading officials.
2. Proposed by Schmidt and seconded by Bouwer. Five Vaal River delegates, Cilliers, Odendaal, Visser, Swanepoel, Malan refrained from voting as their constituents were not acquainted with the subjects to be discussed. 3. Proposed by Schnehage and seconded by Vermeulen. 4. Proposed by Grant and seconded by Linde.
5. Proposed by Grant and seconded by Linde. Kok wrote to Owen requesting that the 13th Resolution, re Griqualand, should not be carried out as it would be productive of ill-feeling and possible collision between Boers and Natives. Owen replied to Kok and also informed Cathcart that he could see no objection to the punishment of marauding bands of Bushmen and vagabonds, which infest his country - O.R.S. 38/121, 29/6/1852; O.R.S. 38/122, 2/7/1852; O.R.S. 40; Owen 3/7/1852 also B.B.XV.2.55 ; O.R.S. 38/123; See G.H.31/1, Enc.D.16, 23/7/1852.
6. Proposed by Van Rensburg, seconded by Hoffman.

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own affairs than was to be found in the orderly conduct, patient attention, and anxious interest brought to bear upon the very important business laid before the assembly". / "The Friend" agreed that the meeting had proved the fitness of the people for representative institutions ... "The line of discussion ... was directed to the solemn consideration, how and in what manner the very extensive and important privileges and immunities so freely and straightforwardly offered could be most beneficially applied and made use of - the ruling sentiment in the breasts of the delegates assembled - and an unusual desire was evinced on all hands to sink all differences and considerations arising from country and language that they should not be known as Englishmen and Dutchmen but as Africanders". 2

The resolutions passed by the assembly of delegates were duly forwarded to the High Commissioner by Owen, who felt that they contained nothing but what was reasonable and just and therefore recommended that they should be carried into effect as soon as possible.[3] But by then two circumstances had rendered the immediate realisation of this recommendation highly improbable. In the first place news of the recent change of administration in Britain stiffened Cathcart's cautious and non-committal attitude, so much so that though he had already written to the Attorney-General about the urgent need of a superior law officer or recorder in the Sovereignty and had actually asked him to recommend a bilingual barrister to conduct an investigation there, he now considered it advisable to postpone this arrangement till he became acquainted with the "ulterior views" of the new Imperial Government.[4] Secondly he had learnt of the arrival during the previous year of the Letters Patent furnishing a new constitution for the Sovereignty, but as his predecessor had not acted upon these owing to the pressure of Native affairs, he considered that his powers were "limited to my Commission." Therefore, whilst in agreement with his Assistant that the resolutions were "judicious ... in the interests of the inhabitants ... and not repugnant to the principles on which the assumption of the Sovereignty" had been founded, Cathcart decided that the character of the existing constitution could not be changed and that the Letters Patent should not be promulgated till he received instructions from oversea. He saw no objection, however, to doubling the number of the non-official members of the Legislative Council, which had "virtually expired", and to selecting them as far as possible according to public preference. "I think it desirable it should be renewed", he wrote, "in order that business may be carried on in a more satisfactory manner until I can receive the pleasure of Her Majesty's Government". He held out no prospect of a military occupation of the Sovereignty, but assured Owen that if "the national honour should be compromised ... I would not hesitate to move the same force with which I am compelled at this moment to invade the territory of the contumacious paramount chief Kreli, for its vindication".[5]

Meanwhile no further delay could be permitted in appointing a successor to Major

1. O.R.S. 31/38, 26/6/1852, acknowledged O.R.S. 36/99. 2. "The Friend" -Warden- 26/6/1852 Fraser used the word in his introductory remarks, appealing to them all as Africanders for patient and calm discussion - one person to speak only once on each motion. 3. O.R.S. 38/120, 26/6/1852; G.H. 31/1. Enc. D. 16, 21/7/1852.
4. C.O.1603, 12/5/1852 and 14/6/1852. G.H.31/1, D.9, 21/6/1852.
5. O.R.S. 36/100; C.O. 1603, 23/7/1852; G.H. 31/1 Enc. D. 17, 28/7/1852; B.B.XV.2. 62. See p. 401 below.

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Warden in terms of Earl Grey's final directions of the 15th December. This was considered of more moment than finding a new colleague for Mr. Owen. Sir H. Smith had offered the post to Richard Southey, allowing him time to make whatever inquiries he wished and even undertaking that he would be able to return to his magistracy at Swellendam if the Sovereignty were abandoned.[1] But Southey declined in view of John Montagu's very definite opinion that the British Government intended to relinquish the territory "and if circumstances will not permit it at present they will certainly do so as soon as practicable, probably in a year or two. In three different despatches and in private letters Lord Grey has stated that the Government was determined upon that policy".[2] About the same time Dr. Fraser applied direct to Smith for the position and Owen considered that he was better qualified to become British Resident than any other man on the spot.[6] Yet nothing came of this. One of Cathcart's first acts had been to sound Major Hogge on the subject of Warden's successor and Hogge recommended Captain Gordon, the secretary of the Lt.-Governor of Natal, who was then approached.[3] Since no reply had come to hand from Gordon and Owen had reported, as an additional proof of the necessity of his removal, that Warden had recently supplied the Platberg Bastards with 100 lbs. of gunpowder and 200 lbs. of lead,[4] the High Commissioner asked his assistant to offer the Residentship to Assistant Commissary H.Green, with whom he had previously served in Canada and from whom he had obtained a "very able paper ... containing much valuable and essential information" on the state of affairs within the Sovereignty.[5]

The High Commissioner's despatch conveying the news of these latest developments to Pakington, Earl Grey's successor at the Colonial Office, repeated the opinion he had expressed to Owen that the views of the meeting of delegates at Bloemfontein were "not unreasonable or inconvenient". Regarding the composition of the Legislative Council he actually favoured the resolution to exclude the Resident and the Recorder on the ground that the more "self-acting" the constitution the easier it would be for the British Government to disengage itself if abandonment should be decided upon.[7] He emphasized that he would not bind himself in any way, explaining that he had written to the Attorney-General for his advice on this issue and that he would not depart from the letter of his commission or the spirit of his instructions - "I take care to keep everything equally ready for abandonment or permanent and definitive occupation, as I may be ordered".[8] However neither the reports of the Assistant Commission-

1. Southey Papers 2/2/1852 and 20/2/1852 Garvock: "though he does not ask you to-ers-take it". 2. Southey Papers 13/2/1852 Montagu: "I do not advise you to accept ... removal will destroy your claims to promotion ... no chance to prove yourself for 5 or 6 years to get promotion ... unfixed establishment, no pension". 3. O.R.S. 40 and 41;36/92, 21/4/1852: C.O.1603, Cathcart asked Pine if he could spare his Secretary 22/4/1852.4. O.R.S. 38/124; Bas.Rec. 1/570, 16/7/1852; G.H.31/1. Enc. D.17, 28/7/1852. O.R.S. 32/127; Bas.Rec. 1/567, 17/6/1852 Warden's explanation. Warden had also crossed swords with him over the sale of gunpowder. 5. C.C., p.364; O.R.S. 36/97, 12/7/1852; Bas.Rec. 1/571-8 Cathcart asked Green to give a report.
6. Southey Papers, Fraser 15/5/1852: "We much want a practical man ... Major Warden .. has been one of the worst enemies that either he himself or the Sovereignty ever had.. I wrote to Sir Harry Smith and I blamed and do still blame him for combining with Major Warden(as he tacitly did) to burke the only representative element (even such as it was) in our Government. Imean the Council ... Garvock named my possession of land as precluding me from holding office here ..." 7. G.H.31/1, D.16, 21/7/1852; B.B.XV.2.55. 8. C.C., p.361 to Sir C. Trevelyan. 6. O.R.S. 40, 29/2/1852.

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Commissioners nor the resolutions of the Bloemfontein meeting, with some of which he did not agree, enabled the Secretary of State to reach a clear-cut decision.[1] He did not dispute the right of the British Government to withdraw from the Sovereignty if, on mature consideration, it should be found advisable and he simply reserved any definite opinion on the question till he obtained fuller information.[2] Pakington had some time before confirmed the ordinance remitting the loans made by the Treasury of the Cape Colony on behalf of the Sovereignty and had recently transmitted the Public seal - with a Springbok upon it - for use on official documents in Her Majesty's service within the Orange River territory.[3] He now approved of the steps taken by Cathcart for its temporary government, including the appointment of Green, but he insisted that the new Resident should be told that his post was contingent upon the ultimate decision as to the retention of the Sovereignty as part of the Queen's dominions.[4]

Henry Green's views upon the wants of the country had been clearly outlined in the notes he had furnished Cathcart prior to his appointment.[5] As to the Natives he favoured the policy of non-interference in tribal quarrels which Owen had strictly enjoined on his predecessor Warden, though he considered that Moshesh and Molitsane should first be made to atone for their robberies.[6] The maintenance of two troops of dragoons, two companies of infantry and two horsed six or nine pounder guns would then be sufficient for the protection of the Sovereignty and the cost of this small force would be amply repaid by the exports of fine wool of which England would have the carriage and manufacture. Unfortunately relations with the Basuto and the Bataung had not improved of recent months. The Assistant Commissioners had intended to alter the Warden line upon the fulfilment of the agreement signed in February, but the Chiefs Moshesh and Molitsane had not delivered any more stock; "The Friend" remarked that they had neither power nor virtue enough to disgorge and that a greater number of days of grace had been permitted them than was ever allowed on any promissory note north of the Orange![7] Like Sir H. Smith, Cathcart had promised to visit the Sovereignty and see Moshesh as soon as hostilities should cease on the Eastern Frontier, yet the 8th Kaffir War continued to engage his every attention.[8] The Basuto Chief had professed that he would restore the property of those who could point it out, nevertheless parties who did so or told the Chief where and in whose possession such property could be found were put off indefinitely. To some Boers who went to his

1. C.O.1347, D.24, 14/4/1852. 2. C.O.1348, D.83, 14/7/1852 and D.99,-mountain-26/8/1852. 3. C.O.1347, D.35, 30/4/1852 and D.71, 29/6/1852 Warrant under Royal Sign Manual dated 25/6/1852, receipt acknowledged by G.H. 31/1,D.20/9/1852. "The Friend" 22/10/1853 "a seal with a springbok upon it and much Latin and landscape in perspective". 4. C.O.1348, D.103, 12/9/1852; B.B.XV.2.114-5. 5. 18/6/1852 Enc. D.20/7/1852. G.H.31/1; Bas.Rec. 1/571-8. 6. O.R.S. 40; Bas.Rec. 1/566, 17/6/1852. 7. O.R.S. 36/71; Bas.Rec. 1/549, 10 and 15/2/1852. "The Friend" 5/6/1852. 8. O.R.S. 40; Bas.Rec. 1/564, 12/5/1852. As the war dragged on the Editor of "The Friend", 23/9/1852, apologised for the indifferent quality of the paper on which he was obliged to print owing to the difficulty of procuring transport from the Eastern frontier.

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mountain and who identified their property Moshesh did, however, make partial restitution.

Other signs were not wanting that the promises of fairplay and the threats of punishment, if found to be merited, held out in turn by Sir H. Smith, the Assistant Commissioners and General Cathcart were either contemned by the Basuto Chiefs or viewed in the light of mere verbiage. During June Moshesh had led a large force against the Mantatees and having driven certain subordinate Chiefs from their strongholds had obliged Sikonyela to sue for peace. He explained to Owen that the Mahtatees had been indulging in incessant and audacious depredations upon his people.[1] At the same time nearly a hundred horses had been stolen from farmers in the Bloemfontein district and the spoor traced into Moshesh's country. The Assistant Commissioner acted at once while the scent was hot and protested against these robberies reminding the Basuto Chief of his professed anxiety for peace and of his failure to carry out the Winburg agreement, which had not been forgotten by the Government.[2] He sent a copy of this document to Moshesh and advised him to make immediate restoration but he also informed the High Commissioner that the Chief would not be induced to deliver up the large number of stolen stock in his possession without the presence of a considerable force, adding that he did not place the slightest confidence in Moshesh's professions:-

> "It is my decided opinion that Moshesh and the Natives generally will, sooner or later, give a great deal of trouble, and that it will be found impossible to keep possession of the country or afford any protection to the Farmers without a Force of at least 500 men. On the other hand, it would be both impolitic and dishonourable to retire at the present moment, and it is decidedly the wish of the majority of the people to remain under British rule".[3] The Assistant Commissioner's prompt

reminder to Moshesh proved effective, nevertheless, and before his latest observations had reached their destination he reported that the horses had been returned and that Moshesh had punished the thieves, one with death. Owen did not expect this ready compliance to be maintained but, though his conviction remained unchanged, he scrupulously continued for his part to avoid causing any friction with the Basuto.[4]

Indidents continued to occur and these were enough to frustrate the best conceived measures to restore peace. True to his policy of non-interference, the Assistant Commissioner had already informed the Platberg Bastards, who had been compelled by the Bataung to abandon their country a year previously, that the Government could afford them no assistance to return.[5] Thus when early in July these people, no doubt

1. O.R.S. 31/144; Bas.Rec. 1/564, 23/5/1852 Vowe to Owen. O.R.S. 32/127; -driven- Bas.Rec. 1/567, 17/6/1852 Warden to Owen stating that thousands of Tambookies were with Moshesh's force. O.R.S. 34/164; Bas.Rec. 1/567, 23/6/1852, Enc.D.16, 21/7/1852, G.H.31/1; O.R.S. 17 and 40. 2. O.R.S. 40 and 41; Bas.Rec. 1/569, 1/7/1852. For reports of robberies see O.R.S. 32/72, 25/6/1852; O.R.S. 32/73, 74, 28/6/1852; O.R.S. 32/131, 2/7/1852 by Field-Cornets and Warden. 3. O.R.S. 38/123; Bas.Rec. 1/569, 3/7/1852. O.R.S. 32/133, 10/7/1852, Add.Bas.Rec. 1/570 Warden to Cathcart "It is now manifest that the small party here who so long opposed Government and violently espoused the bad cause of Moshesh and Molitsane is now convinced that these two Chiefs are at fault for even Dr.Fraser of this town and the leader of the clique is most clamorous for the punishment of the Basuto chieftain, however the opinion of Dr. Fraser and his followers on either side is alike contemptible". 4. O.R.S. 38/124; Bas.Rec. 1/570, 16/7/1852; Enc. D.17, 18/7/1852, G.H.31/1. O.R.S. 32/123, add. Bas. Rec. 1/570, 10/7/1852 Warden to Cathcart. 5. O.R.S. 32/129; Bas.Rec. 1/568, 24/6/1852, Warden to Cathcart.

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driven to desperation by much suffering and privation, with the powder and lead supplied by Warden attacked kraals of Molitsane's people and carried off over 2,000 cattle and 200 horses. Owen at once directed Commandant Erasmus to try by force or persuasion to remove the Bastards across the line and assured Moshesh that the Government had been no party to their actions.[1] Similarly when Moroko complained soon after that the Batsaung had retaliated upon one of his cattle posts, the new Resident counselled him to wait patiently till the High Commissioner could attend to this and outstanding questions.[2] Green felt that an appeal to arms ought to be avoided and Cathcart endorsed his suggestion that Moroko's claim, which had just been presented anew by Missionary Cameron with his customary bias, should remain in abeyance till the successful termination of the 8th Kaffir War, when he anticipated that the affair could be settled by arbitration.[3] Furthermore, in pursuance of his accommodating purpose, Owen required the Civil Commissioner of Smithfield to conduct a strict inquiry into the circumstances of the long standing case of certain Tambookie children who were reported to have been purchased or made over to farmers in the Caledon River district, and, if the report proved accurate Vowe was to have them returned to their parents or to the Chiefs rightfully claiming them. He also approved of Vowe's selling the wagon and span of oxen belonging to Capt. Bailie, which had been detained in terms of the warrant issued for his arrest, in order to compensate the people injured by him.[4] Yet he remained pessimistic about the possibility of permanent peace which he would "not undertake to guarantee or predict, when so many different Native Tribes, some openly, all in their hearts, hostile to each other, and the most powerful secretly nourishing their hatred of the British Government, are living. I am convinced, and must again express my firm belief, that without the presence of a considerable Force this Country cannot be maintained with dignity to the Crown; and should the Home Government decline to retain the Sovereignty at the risk of any expense, I would recommend that it be abandoned, as soon as this can be done consistently with the honour of Her Majesty's Government".[5]

Henry Green accepted the provisional appointment of British Resident and took the oath administered by the senior magistrate, Biddulph, on the 24th July.[6] Cathcart had recommended that the new Resident should retain his half-pay as the emoluments of the office were considered to be less than those of his former post and, in his eagerness to obtain the latter's services, had waived the fact that Green was a landed proprietor:- "But it can be no disqualification or objection in your case where your -services-

1. O.R.S. 32/127; Bas.Rec. 1/567, 17/6/1852 Warden to Owen explaining that the issue had been made for their protection when the 'peace-loving' Basutos were out plundering. "The Friend" 10/7/1852. 2. O.R.S. 2; Bas.Rec. 1/586, 14/8/1852: Bas. Rec. 1/587, 18/8/1852. 3. Bas.Rec. 1/585; C.O.1603 July 1852 - for Moshesh would be convinced that a force could be spared to attack him. Bas.Rec. 1/579-585; O.R.S. 34/215 Moroko's memorial: "Memorialist never contemplated any such curtailment of his territory as took place" etc. Yet see p. 198 above. H.Green's memo: "Moroko's line was made by Major Warden and Moroko together without the Land Commission who would never have consented to more than thirty farmers being turned off their places after the positive order to the contrary conveyed to Major Warden by Sir H.Smith". 4. O.R.S. 40, 14 and 21/7/1852. for Bailie see p. 291. 5. O.R.S. 38/130; Bas.Rec.1/587, 19/8/1852; O.R.S. 40. 6. O.R.S. 32/134; Bas.Rec.1/578, 23/7/1852: "The Friend" 31/7/1852: O.R.S. 38/126, 24/7/1852. O.R.S. 36/101, 23/7/1852 Cathcart to Owen appointing Green. "The Friend" 4/9/1852 Address of Rev.D.van Velden and 30 inhabitants of Winburg congratulating Green on his appointment. "The Friend" 11/9/1852 address from Caledon River district congratulating Green on his appointment.

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services are so essentially required and we must be too glad to recruit you and take you as we find you".[1] The work of improving the administration was taken in hand at once. Owen agreed with Green's suggestion that a nominated Executive Council should be set up pending the introduction of a properly constituted representative assembly and approved of the six members whom he recommended. He then left with Meurant to meet the High Commissioner at Whittlesea.[2] At the end of the month this provisional body, which consisted of Dr. A.J.Fraser, Andrew Erwee, T. Colley, G.F. Linde, Commandant P. Erasmus and the Resident as Chairman held its first and only meeting.[3] The most urgent business related to the late forays of the Platberg Bastards. Some farmers had imprudently bartered with the Bastards for the captured stock and the impression had therefore gained ground that the Government was a party to these proceedings. It was resolved to use conciliatory means to remove Carolus Beatje's people further from the line and also to issue a notice warning the farmers upon pain of forfeiture not to purchase stolen cattle from them.[4]

The memorandum submitted to Cathcart at Whittlesea by the Assistant Commissioner set forth all those steps which Green and he sought for authority to take forthwith.[5] The High Commissioner would not hear of the proposal that the resolutions of the meeting of delegates in regard to the future constitution of the Sovereignty should be carried into effect as soon as possible, subject to the reservation of a Civil List, and repeated the contents of his last letter, which had not yet reached Owen.[6] Cathcart explained that he possessed no authority to sanction the Executive Council provisionally appointed by his Assistant Commissioner and, for the same reason, could not approve of the suggestion that the title of British Resident should be changed to that of Lieut.-Governor.[7] These matters would, of course, have to await the decision of the British Government and depended upon what was to be its ultimate policy towards the country. The subject of a Recorder had already been referred to the Cape Attorney-General, Wm. Porter, to whom the High Commissioner had formerly forwarded the resolutions of the delegates with a request for advice "in this most interesting and important business, which if managed with due caution yet without being allowed to grow cold (so that) neither too sanguine hopes or disappointment maybe engendered, I think may lead to great and lasting benefit to the communities themselves as well as to the interests of Her Majesty's Government".[8] Evidently Owen's sympathetic advocacy of the changes just referred to had embarrassed Cathcart and made him -nervous-

1. G.H. 31/1, D.20/7/1852; B.B.XV.2.46; O.R.S. 38/159, 26/7/1852. "If there should hereafter be found any insuperable objection to your being so possessed of landed property it will be time enough to set about making any arrangements that may be necessary respecting it and I can vouch for your having duly apprized me".
2. O.R.S. 32/135, 23/7/1852. Whittlesea near confluence of Ox-kraal and Klipplaats rivers and not far from Shiloh. 3. O.R.S. 38/139, 31/7/1852. "The Friend" 24, 31/7/1852, 14/8/1852. 4. "The Friend" 14/8/1852 for Notice. The Bastards were allowed to purchase a small supply for their protection only.
5. O.R.S. 36/105; C.O.1603 Aug. 1852. 6. O.R.S. 36/100. Owen met Cathcart at Ox-kraal River where he was directing the punitive expedition against Kreli.
7. Cathcart read of the appointment in "The Friend" and wrote to Owen that it "has not my sanction". This was referred to in his despatch to Pakington D.29, 20/9/1852. He repeated that "the interference of an Executive Council cannot be recognized".
8. C.O.1603, 23/7/1852.

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nervous, for he despatched a confidential letter that very day to Lt.-Governor Darling at Cape Town saying - "I find that altho' he is a very able, zealous and efficient Assistant Commissioner the management of the delicate and difficult affairs of the Orange River Sovereignty as well as of other frontier business, now that we have been so unfortunately deprived of the able services of the late Major Hogge, is a task too difficult and too important to be entrusted to his sole charge. It is therefore of most urgent necessity that I should as soon as possible have the assistance of an additional Acting Commissioner according to the views and intentions I have already expressed to the Secretary of State and of which you are cognizant". [1]

A number of measures were, however, authorized by the High Commissioner. He approved of the members of the Legislative Council, who had been selected by Owen and Green from the delegates present at the June meeting, but he insisted that he could not depart from the instructions in the Letters Patent and stated that the magistrates had to be members of the Council as before.[4] He also approved of the issue of commissions of the peace under the Punishment Act, 6 & 7 Will.IV, extending to the 25° S. Lat., to H. Lowen, the acting magistrate and civil commissioner of Bloemfontein since the dismissal of Stuart, and to other magistrates not in possession of them.[2] Though he did not meet the request of his Assistant for the appointment of a magistrate at the new village of Fauresmith (Sannah's Poort) in the district of Griqualand, in terms of repeated addresses from Groenendaal, the Government teacher, and other residents, Cathcart approved of Michael Oberholster as Justice of the Peace there.[3] The appointment of fourteen other persons as Justices of the Peace elsewhere in the Sovereignty was gazetted at the same time.[7] The High Commissioner agreed to the suggestion that no more grants of land should be made, except for important services rendered, and to the immediate establishment of a new Land Board consisting of persons unconnected with land speculation to settle questions of titles to land.[5] In order to give much needed financial aid to the Sovereignty seeing that the amount of revenue outstanding now approached £5,000 he permitted the Resident to draw the balance of the Fine money from the military chest to pay the salaries of public servants.[6]

With regard to the Basuto question the Assistant Commissioner and the British Resident had of late, as we have seen, formulated very definite views. Cathcart had -cautiously-

1. C.O.1603, 5/8/1852: Cathcart suggested J.C.Berrange for he had inter alia "abstained from any violent or colonial party feeling". 2. This had little, if any, practical effect. 3. "The Friend" 14/8/1852 address of Groenendaal and forty inhabitants of Fauresmith. 7. Govt. Notice 25/8/1852. "The Friend" 4/9/1852. C.O.1237, 14/8/1852 C.M.Owen. R.J.van Rooyen, H.Wessels and A.H.le Roux for Winburg district; G.Visser, Griqualand, P.Fourie, Middelveldt, P.Erasmus, Upper Modder, A. Bain and Dr.A.Fraser for Bloemfontein district; H.Joubert, H.J. Halse, H.Weber, J.H. Klopper, J.Joubert and Cdt.B.Smit for Caledon River district. O.R.S. 32/79 and 81, 21 and 22/7/1852, recommendations of Lowen and Biddulph. O.R.S. 32/83, 23/6/1852. There were already six J.Ps. for Winburg - G.Meyer, J.Burnet, J.Vermeulen, A.Greyling, J.H.Schutte and J.J.Fick. 4. "The Friend" 14/10/1852, C.O.1603, Schedule No.3, 1/9/1852: C.O.1237, 19/10/1852: O.R.S. 38/130, 19/8/1852 "the best qualified to sit". Cdt. P.Erasmus, D.C.Grant, A.J.Fraser, G.F.Linde, P.Fourie and G.Visser for Bloemfontein district; Cdt.R.Smit, H.Joubert, R.Pace, J.Hoffman, H.Weber and J.Klopper for Smithfield; Cdt.M.Wessels, A.Greyling, R.van Rooyen, J.van Rensburg, F.Schnehage, G.Smit for Winburg; Cdt. L.Botha, M.Cauvin, W.van Aardt, G.Smidt, J.Odendal and P.M. Bester for Vaal River. 5. C.O.1603, Schedule No.2, 19/8/1852. H.Lowen, G.Stanton, J.H.Ford and A.Erwee, who was the only one from the old committee "The Friend" 14/8/1852. 6. There was £1,474 19 4d available after Adam Kok had been paid £551. O.R.S.41, 19/6/1852, a Board of Audit appointed to examine Sovereignty accounts as required by Cathcart. O.R.S. 36/93.

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cautiously suspended judgment, but what was passing through his mind, in his camp near the Kei, before the arrival of Owen may be read in his official correspondence. Following evidence which had reached him of the traffic in gunpowder between Basutoland and Kaffraria the High Commissioner had already written to the Secretary of State in June that permanent security demanded the humbling and subjugation of the bordering Chief Kreli so that "the Chief Moshesh should be made sensible of the power of the British Government by that example". / Writing subsequently to his Assistant about the rumours of the sale of gunpowder by Moshesh to emissaries of the Gaika Chief Sandile, which he was inclined to attribute to habits of barter rather than to hostility, he expressed the hope that "the expedition with which I purposely design to enter the territory of the Chief Kreli in its northern parts, and in which I hope to be supported by a considerable burgher commando, will, if it prove successful, break up any tendency to confederacy between the Basutos and the Amakosa Kaffirs, which without that demonstration of Her Majesty's power and authority might possibly be engendered". 2 In outlining to Pakington this proposed plan of campaign he mentioned that his irregular troops would be engaged in capturing cattle in the hope also that this example would "convince the chief Moshesh, whose territories will not be far distant, that it is his interest to pay certain fines which have been exacted of him in the Sovereignty without the inconvenience to which such stipulations are always liable, of the necessity of compelling their payment by force of arms". 3 His despatch the following day reverted to the same topic and declared that he had reason to hope that when the result of his expedition against Kreli became known to Moshesh "he will be disposed to settle his differences without the necessity for any military visit on my part". 4

The High Commissioner was now also in possession of the conclusions of the Attorney-General in addition to Owen's recommendations about the future of the Sovereignty. 5 Regarding the form of government to be adopted Porter felt there was much to be said for Cathcart's opinion that some such constitution as that proposed by the delegates at Bloemfontein would have the twofold advantage of satisfying the Boers should the territory be retained and of facilitating withdrawal in case of abandonment. Nevertheless he questioned whether any conceivable type of government in the Sovereignty would absolve the mother country from costs which it was not prepared to face. After a cursory retrospect he doubted whether "any very general attachment to the British connection or any very sincere respect for native rights" could "have taken root in such an uncongenial soil'. 'We crossed the Orange River at first not to bestow upon the majority of the emigrant boers the power of doing what they pleased but to deprive the majority of the emigrant boers of the power of doing what they pleased. It was to keep the peace between the boers and the aborigines that we interfered" ... Therefore to secure these objects and "the great ends of government" across the Orange it would be necessary in framing representative institutions to give the Natives their due weight in the constitution and to provide a great degree of independent action to the executive. The existing Letters Patent, however-

1. Cathcart's correspondence 21/6/1852, p.80. 2. C.O.R.S. 36/97, 12/7/1852; Enc. D. 20/7/1852 G.H.31/1. 3. C.C. 20/7/1852, p.97. 4. D.16, 21/7/1852. G.H. 31/1; B.B.XV.2.55. 5. 4/8/1852, Enc. D.34, 14/11/1852, G.H. 31/1; XV.2.71. Extracts in "The Friend" 3/12/1853: "Porter's whole paper appears to be written under the influence of the strongest repugnance to a course of policy which he conceived to be inevitable, but the evil consequences of which he clearly foresaw". Note his fallacious argument (bottom of next page) that "as advocates of representative government" the British element could not object to the withdrawal of British rule.

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however, made provision for neither of these things nor yet for a civil list and, besides, the Crown was clearly not prepared to maintain sufficient troops in the Sovereignty. Porter did not see how a British Governor there could hold his own without adequate military backing against any popular projects adopted by a representative Volksraad and supported by the Volksraad of the Transvaal republic, whose leaders would be tempted to interfere. In the absence of a strong British Executive he also anticipated serious difficulties with the Basuto and the Griquas in particular, if they were subject to a legislature elected by the burghers, and rightly concluded that such a body would not agree without a struggle to the bestowal of such boundaries as were desired by Moshesh. The alternatives of giving the Native chiefs complete political independence or of allowing them to remain subject to the Crown but independent of the proposed new legislature were clearly neither of them satisfactory, for both entailed the same need of defining and maintaining boundary lines. "If boers and blacks can ever be of one mind upon the points of lines, boundaries and limits of jurisdiction then British authority should never have been pushed across the Orange and may be safely and properly withdrawn".

In these circumstances the Attorney-General turned to consider whether the right course was to proceed with the plan of representative government or to retire altogether from the Sovereignty. He dwelt upon the Sand River Convention with its unmistakable jettisoning of the doctrine previously enforced on the Boers by British arms in Natal and in Transorangia, and implied in Earl Grey's statement, as late as November 1850, that "their allegiance was inalienable and their independence a dream".[1] If, However, the independence of the Boers could be recognized and all alliances with the Natives disclaimed beyond the Vaal, then, in spite of his regret at "the reversal of what was so long a cherished and most noble policy, maintained hitherto at no small cost of blood and treasure", he saw no real reason why the same should not be done beyond the Orange.[2] Porter argued that the Sovereignty Boers were neither milder nor the Natives more deserving than those beyond the Vaal, and that the more remote boundary of the Vaal would be more difficult to defend than the Orange. If, in addition to the recognition of the new republic beyond the Vaal, the proposed legislature was to be set up beyond the Orange and the Native Chiefs were to be allowed to fight it out among themselves, then he was prepared to advocate the total abandonment of the Sovereignty provided "we should not quit with anarchy behind us". The present juncture appeared to him as favourable as any ever likely to occur again. "It must I should say be 'now or never'". He assured Cathcart that the Boers could not complain of broken faith, for they would get the self-government they had always wanted; nor could the few British expect aid against a government of their own choice.

1. For Grey's views see pp. 303-4, also 231-5 above. 2. He questioned whether the Transvaal Boers had absolute independence for the Cape of Good Hope Punishment Act 6 & 7 William IV c.57 stood in the way and would have to be repealed or modified - "Can anything short of the authority of an Act of Parliament set free British subjects from their allegiance?" Re the Sand River question - 'It is a very large question. I cannot grasp it". No loss would be experienced in imports for the duty on such goods would be paid at the same ports. -As-

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As for the Basuto they had actually looked to the Boers for support against the existing administration. He did concede that Adam Kok, who was also "among the discontented", and Moroko and the minor Chiefs "would miss us in their hour of need", but observed that they would "never bend to circumstances or temporise for safety whilst they think they can rely on British power". Nevertheless he suggested that if any Englishman or Native Chief preferred to remain under British rule, the former could be allowed to sell his property and the latter given a location elsewhere.

> "Once overcome the principle or the prejudice which opposes itself to relinquishing the allegiance of your subjects, or recognising their independence, and that other principle or prejudice which is opposed to abandoning the natives of those vast regions to be dealt with by the former subjects whom you are no longer to control, and I am unable to imagine any object of hope or fear as respects either trade or territory which should induce Great Britain to incur expense in maintaining her authority".

The expediency of withdrawing from the Sovereignty having been advocated by two of his leading officials, the High Commissioner felt justified in recommending that course in reply to the latest feeler of the Secretary of State.[1] Assistant Owen had evidently pondered the matter on the way down to Fort Beaufort and, whether he was aware of Porter's communication and had talked personally with Cathcart or not, he was even more convinced than Porter that the country should be abandoned if the Imperial Government was not prepared to incur the necessary additional expense. He noted now that, although British authority had been established there at the desire of "a presumed majority" of the inhabitants, not only had they failed to support it but "on the contrary a disposition to pursue the opposite course has been evinced on more than one occasion".[2] Pakington had enclosed a private and confidential letter as to the general measures he expected Cathcart to adopt at the end of the war in compliance with his predecessor's instructions. The nature of these beyond the Orange can be surmised only from the High Commissioner's comments; for he reserved the letter in his box till further orders, explaining that he could not, without previous authority, entrust "so delicate a task" as that intended for Major Hogge to the surviving commissioner Owen and his newly appointed assistant, Advocate J.W. Ebden.[3]

> Moreover he did not consider that Owen alone would carry "sufficient weight to accomplish a satisfactory adjustment of the difficulties with which he would have to contend", for, although a "most zealous and active" public servant possessing "much knowledge of the habits and customs of the border inhabitants both of Dutch and native origin", he was "far inferior to his late colleague in general knowledge and judgment in respect to political affairs".[5]

Assuring Pakington again that he had carefully avoided binding the British Government to any definite policy Cathcart declared that the moment was opportune for withdrawing completely from all commitments between the Orange and the Vaal, "difficult and humiliating as it might be".[4] He actually suggested that as the

1. C.O.1348, D.83, 14/7/1852 and D.91, 26/7/1852. G.H.31/1. D.25,20/9/1852. -delegates-
2. Enc. D.25, 20/9/1852; Bas.Rec. 1/589, 18/9/1852.
3. D. 12/10/1852, G.H.31/1. "The Friend" 28/10/1852 published Govt.Notice appointing Ebden, John Watts, as from 1/10/1852.
5. This reflection on Owen was due to his unauthorized appointment of the shortlived Executive Council, which "indiscretion" Cathcart had attributed to overzeal and made the subject of a special despatch to the Secretary of State: D.29, 20/9/1852. G.H.31/1. Owen and Cathcart differed on Eastern frontier matters: Vide Cory V.p.465 and Enc.D.36, 14/11/1852, G.H.31/1, and B.B.XIII.2.196.
4. G.H.31/1, D.26, 20/9/1852. Extracts B.B.XV.2.68: also D.33,12/10/1852,B.B.XV.2.70.

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delegates at the Bloemfontein meeting had been "so decidedly in favour of uncompromising self-government it would be gracious in Her Majesty to grant them even more than they ask, viz. independence", adding that "the few claimants who could on any just ground offer remonstrance might be easily satisfied". Cathcart went on to state that, if the British Government were prepared to do this, "not by any half measure but by an unreserved grant and declaration of independence ... it would not be difficult to bring about an amalgamation of the burgher population on both sides of the Vaal" with Pretorius the president of a united republic whose "national independence might then be recognized ... Thus a sufficiently organized and respectable, though republican government, with an acknowledged head or ruler might be formed". Though he was not aware of any precedent for such a voluntary grant of independence, the High Commissioner pointed to the confirmation of the recent Sand River Convention, which "virtually implied" a recognition of the independence of the Boers beyond the Vaal, and he agreed with the Secretary of State's own observation that "the principle is the same whether the Vaal or the Orange River be the named boundary". He concluded ... "With a recognized independent foreign power of this description on the northern frontier it might be far easier to deal diplomatically than to continue the attempt of reconciling by means of British interference which we cannot afford to support by adequate force in territories of such vast extent, the conflicting interest and petty quarrels of the semi-barbarous or entirely barbarous elements of which the society is formed. An acknowledged foreign state, having its seat of government and of commerce at Bloemfontein or elsewhere, and having in consequence concentrated wealth and tangible interests at stake, with a British consul in residence, would be far more easily, effectually and economically controlled by respect for the power of Her Majesty's concentrated and disposable armed force within the Colony, and form a more secure barrier against barbarians from without, than can ever be accomplished by British political interference and attempted government, without an expensive military establishment for its support, as applied to the present, heterogeneous and conflicting materials of which society in the vast and unmanageable districts within the boundary of the Orange River Territory is composed". /

Even subsequent news of recent developments along the western reaches of the Transvaal did not affect Cathcart's determination to avoid all possible entanglements beyond the northern frontier of the Cape Colony. The Sand River Convention had recognized the independence of the Transvaal but a proper government for that ill-defined territory had not as yet been formed. Nevertheless the burghers were all agreed upon the matter of their relations with the Native tribes, who, although land-owners like themselves, were denied equality but were required to pay taxes, to provide labour and to do Commando service. When the Natives objected to the Trekker policy that land was the portion of the white man and labour the duty of the black,[2] or failed to observe agreements which they had been induced to make, the burghers had, in the words of Pretorius, to look to their own safety for "the Divine law that was given to Joshua was given to him to offer peace and if peace was not accepted, to destroy all before him".[3] Encouraged by the success of the Basuto and emboldened by the possession of guns and ammunition, various tribes became troublesome. Thus, for example, Moselete's Bakatla, a branch of the Bahurutsi tribe living at Mabotsa, took to harassing the Marico Boers. Pretorius was accordingly directed by the Volksraad to deal with these Natives, whereupon they took refuge with Secheli's Bakwena at-

1. G.H. 31/1, D.25, 20/9/1852. 2. C.H.B.E. Vol.VIII, p.356, based on the universal frontier philosophy. 3. "The Friend" 25/1/1853. Rev. Inglis stated Pretorius acted as Public Prosecutor B.B.XV. 2, 119 et seq. In the Transvaal there was a peripatetic Volksraad and a Kommissie Raad which transacted urgent business. At least four separate factions existed.

at Kolobeng. A Commando under Commendant Pieter Scholtz proceeded in August 1852 to demand their surrender and, on Secheli's refusal, made a successful attack and withdrew with 3,000 head of cattle, a few hundred women and children and some fifty guns. During this episode, moreover, David Livingstone's house was pilleged in his absence.[1] In a letter congratulating Green on his appointment as British Resident, Pretorius explained that the expedition had been sent because of the intimidating conduct of Secheli and others towards the Boer inhabitants of the Marico district.[2] Fearing that the Natives might have become enraged by this attack and that the lives of the colonial hunters and traders in the vicinity of Lake Ngami would be endangered, Green requested the Boer leader to instruct the commandos to protect these Europeans and undertook for his part to check the latter from taking too liberal allowances of gunpowder into the interior.[3]

When he reported this affair to the High Commissioner, the Resident expressed his belief that the cause of the attack was the fact that the Transvaal Boers had taken umbrage at the way in which Secheli and his people had given every assistance in their power to colonial hunters and traders on their way to the interior. But the real concern of Pretorius was revealed in his next letter to Green about the secret smuggling of ammunition and in his request that travellers should be forbidden to go northwards by any other way than via Colesberg, Bloemfontein and Potchefstroom.[4] Green duly responded with a notice in terms of the fifth clause of the Sand River Convention requiring them to produce a certificate to the landdrost at Potchefstroom signed by a magistrate of the Sovereignty as to the quantity of arms and ammunition in their possession.[5] If the boundaries of the Transvaal Republic had been specifically defined by the Sand River Convention so that it was clear whether the old road to the interior fell inside or outside the Republic, then the matter would have been simplified appreciably. Cathcart approved of Green's reply to Pretorius:- "It only amounts to a friendly caution and request - but we must adhere strictly to the principle of non-interference established by the Transvaal Convention". Regarding the destruction of Livingstone's property he refused to be drawn and remarked that the doctor "complains of certain losses and inconveniences he has sustained, which do not amount to more than the ordinary occurrences incidental to a state of war, or to which those who live in remote regions of South Africa beyond Her Majesty's dominions must be frequently liable".

1. See Walker p. 289. Theal VII p. 380. C.O. 1237, 19/10/1852.
2. 22/9/1852, Enc. D. 34, 14/11/1852. 3. 19/10/1852, O.R.S. 4; Enc. D.34.
4. O.R.S. 21, 22/10/1852.
5. O.R.S. 21, 22/10/1852 and "The Friend" 17/2/1853.
6. C.O. 1603, Schedule 9, 21/10/1852. "The Friend" 14/1/1853 quoting from D. 34.

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Chapter XIV. The Berea Campaign.

During this period of uncertainty the British Resident endeavoured to keep the internal administration going as efficiently as possible. "I labour", said Green, "at a great disadvantage here as I have not a single person about me who knows anything of the business of the various public offices". Yet Cathcart wrote encouragingly "you seem to be managing affairs with great judgment and success, you appear to govern the folk righteously and moreover they are quietly governed". The introduction of new blood in the more responsible posts by the appointment of Percy Crause, formerly of the Commissariat, as Secretary to the British Resident, Registrar of Deeds and Master of the Orphan Chamber and of John Burnet as Acting Civil Commissioner and Resident Magistrate of Vaal River district undoubtedly had beneficial results. Improvements in method and organisation were introduced and more activity and dispatch infused into the conduct of the affairs of the several public departments especially in the manner of passing transfer, of administering estates, of preparing public accounts and of collecting revenue and arrears of quitrent. Rules were also published to effect a speedy survey and regulation of claims and rights to land issued from time to time in the Sovereignty, particularly in the Vaal River district where the brothers F. and J. Orpen had recently been appointed to assist Henry Ford.

The apprehensions however of Assistant Commissioner Owen regarding the outcome of events along the eastern boundary of the Sovereignty were materially substantiated during his three months' absence in the Cape Colony. Moshesh and Molitsane continued to evade the Winburg Agreement by withholding further instalments of stolen stock and consequently the Resident felt "precluded from communicating" with them, whilst the Basuto Chief's punishment of the horse thieves failed in its object. Not long afterwards a party of Bataung seized all the cattle of one Theunis Duvenhage, some 200 head, and killed two of his herdsmen. The farmer wrote to the Resident inquiring "How am I to conduct myself?" and immediately went in pursuit of the thieves. These were overtaken at Molitsane's Kraal, where the Chief returned the stock to their owner, less ten of the best. In his report to the High Commissioner Green expressed the opinion that the presence of a troop of lancers would stop these robberies, to which Cathcart replied that an explanation should be required of Moshesh, whom he held responsible. Next the Resident heard from Bester, Civil Commissioner of the Vaal River district, that Field-Cornet Cauvin of the Wittebergen had headed a body of nineteen farmers to recover some 142 head of cattle stolen by neighbouring Natives from thirteen different proprietors in his ward. After a brush with the Natives of the-

1. C.O. 1237, 11/9/1852. O.R.S. 38/159, 27/9/1852 Cathcart wrote of Green in the same way to the Secretary of State, D.34, 14/11/1852. 2. C.O. 1603 Schedule No.3, 1/9/1852 and No. 5, 15/9/1852. "The Friend" 11/9/1852. O.R.S. 32/130, 2/7/1852. The appointment of L.Erasmus and F.Senekal to be Field-Cornets of Winburg and Doornkop respectively was gazetted in "The Friend" 28/10/1852. They had been elected by a majority of the people over whom they were required to exercise authority and were well fitted for the situation - Schedule No.10, 28/10/1852, C.O. 1603, approved by Cathcart. 3. For Crause's circulars and correspondence during Sept. and Oct. see Br. Rdt. 5. See "The Friend" 11/11/1852 for Burnet's itinerary. C.O.1237, 29/7/1852; O.R.S. 4. Green sought particulars of methods of procedure from the Colony. 4. "The Friend" 11/11/1852. Farms had been limited to 6,000 morgen. See Govt. Notice "The Friend" 11/9/1852. Ford appointed to take charge of scientific survey, see "The Friend" 1/9/1851 and for Orpen's appointment see "The Friend" 10/7/1852. 5. Bas. Rec. 1/592, 30/9/1852.
6. C.O. 1603 Schedule No. 4, 8/9/1852; O.R.S. 38/131.

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the kraal to which the spoor was traced, Cauvin withdrew with 14 horses captured but threatened to return if the stock were not delivered within a fortnight. The course of action adopted by this party of Boers had been recommended in one of the resolutions of the Bloemfontein meeting of delegates: the idea was born of their experience that the delay resulting from their having first to report any loss to the Commandant or Civil Commissioner usually enabled the thieves to escape with the plunder.[1] Green was placed in an awkward predicament; for he could not afford to become openly embroiled with Moshesh at that juncture, and yet he did not want to discourage Cauvin, who had offered to recover the stolen property with 150 burghers, as this was the first time they had volunteered for such work. Being unable to visit the Wittebergen to conduct an investigation he instructed these Boers to stay their hand pending the receipt of Cathcart's decision.[2]

Further south the entire stock was removed from Stein's farm near Moroko's boundary and within a few hours' ride of Bloemfontein itself. It was said that the Basuto Chief refused to return the spoil as the farmer should not have allowed his cattle to graze so near those of his (Moshesh's) enemies. After waiting on Moshesh for more than a week Stein's sons had to be content with the recovery of eighteen head out of the 149 taken.[3] About the same time two burghers, Venter and Blignaut, having jointly lost some sixty horses, entered Basutoland with half-a-dozen companions in search of their property. There they met trader Hoffman on whose recommendation they proceeded to Letsie and the horses were duly found at the kraals of two of his petty Chiefs, who were apparently deprived of all they possessed as a punishment.[4] The Natives had also been very troublesome towards the farmers of the Koesbergen. The assistant Field-Cornet H.Olivier suggested to Civil Commissioner Vowe that the burghers should be withdrawn from the immediate boundary in view of the continued depredations there and the threatening attitude of the petty Basuto captain Jan Letelle, who was collecting rebel Hottentots at his kraal Elandsberg nearby and denied any knowledge of the late Major Hogge's peaceful proposals.[5] Commenting on these robberies "The Friend" observed that if the Chiefs could not restrain the people living under their rule some other means would ultimately have to be adopted to do so: "The chiefs must be made answerable and removed if necessary. The sons of Moshesh, to the old chief's credit, are able to read and understand these remarks".[6]

The loyal Native tribes were no less unfortunate than their European neighbours.

1. Bas.Rec. 1/590, 23/9/1852. Cauvin evidently attacked without warning -True- realising that any palaver with the head of the kraal would only be productive of a denial. M.Cauvin was appointed Field-Cornet for the Wittebergen, Vaal River district, as from 1/8/1852, confirmed by Cathcart: See C.O.1603 Schedule No.2, 19/8/1852. About this time Bester resigned office and Burnet was appointed to act temporarily in his stead - "The Friend" 11/9/1852. Burnet relieved Bester on 20/9 and Green recommended that Meurant should have the appointment permanently. O.R.S. 6 Asst. Com. Ebden suggested that Meurant should be retained as Interpreter to the Asst. Com. and Cathcart agreed for the time being: C.O.1603, Schedule No.8, 14/11/1852. 2. Bas.Rec. 1/602, 12/11/1852; O.R.S.4. 3. Bas.Rec. 1/598, 14/10/1852; Bas.Rec.1/599, 16/10/1852. 4. "The Friend" 23/9/1852. 5. Bas.Rec.1/593, 4/10/1852; O.R.S.39: C.O.1603, Schedule No.7, 17/10/1852, & No.4, 3/9/1852. D.35, 14/11/1852, G.H.31/1; B.B.XV.2.82. 6. "The Friend", 14/10/1852.

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True the Mantatees were at peace after their recent mauling at the hands of the Basuto but the latter had large herds of cattle within Sikonyela's line consuming his pasturage and this was bound to lead to further disputes.[1] Meanwhile a joint commando of Lynx's Korannas, Bataung and Baromokheli, led by Moshesh's son David, had plundered Carolus Baatje's Bastards, killed their commandant van Wyk and had also swept off the stock from twelve Barolong cattle posts. Green could merely forward Moroko's report of the incident to the High Commissioner and suggest to the Barolong Chief that he should approach Moshesh for an explanation.[2] Moroko acted accordingly and his representative, Jacob Matlapene, brought back an account of Moshesh's conversation with him which provided an accurate and authentic exposition of the issues at stake and of the situation in Basutoland. The Basuto Chief showed Jacob Matlapene the cattle taken from the Barolong but declined to make restitution on the grounds that this was unheard of in time of war, that the stock should have been kept separate and well away from those of his enemies, the Bastards, and that they had already been divided between the despoilers. He admitted that David was at fault, for he had been sent to seize only the cattle of the Bastards. Moshesh also pointed out some stock stolen from a Boer and explained that the plundering of Europeans was not done by his orders, that his three sons would not obey him but desired war. Once more the Basuto Chief charged the British Government with the responsibility for hostilities and for the enmity between the Barolong and the Basuto by its insistence on boundaries, protesting that all the land from Thaba Bosigo to Winburg belonged to him and that Moroko ought to have sent a peace offering of cattle when he returned from Modder River to reoccupy Thaba 'Nchu. Furthermore he deplored the stupidity of Moroko not only in allowing himself to be led into war by the British Government but also in clinging to it when it could plainly render him no aid and he observed that whilst doing his best to restrain his people from attacking the Barolong he did not know how long he would manage to do so.[3]

The British Resident was satisfied from the evidence available that Moshesh and the Basuto were endeavouring to detach the farmers and Moroko from the British Government and were organising for war. He elicited from Matlapene and two sons of Moroko the information that Moshesh was playing upon the fears of the Barolong Chief to induce him to join an extensive organisation of the tribes against the Government. The Basuto Chief had told them that the war on the Eastern Frontier was no nearer an end than it had been two years before and had sent a message to Moroko to the effect that the strength of the British Government was "an imaginary terror kept over the tribes whilst a handful of Englishmen were securing their possessions. Let all the -blacks-

1. "The Friend" 30/9/1852. 2. "The Friend" 30/9/1852. Bas.Rec. 1/591, 27/9/1852; O.R.S. 2. Bas.Rec. 1/592, 30/9/1852; Enc. D.35. 3. Bas.Rec. 1/594; Enc.D.35.

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blacks unite at once, and see if a power which could do nothing with Uithaalder would not soon be driven into the sea". / Moroko himself paid a special visit to Bloemfontein in mid October and appealed for immediate assistance as Moshesh had intimated that "nothing short of his giving up all communication with the English, and taking up his residence at Thaba Bosigo, would satisfy him".[2] Reports were also received by Green from several farmers that their Basuto and Bataung servants had suddenly departed at the call of their Chiefs and he declared that in the opinion of the French missionaries, according to a private but authentic source, Moshesh's inclinations were for war.

The Resident did not fail to inform the High Commissioner from week to week how the general situation was deteriorating and that the farmers had seldom of late reported their losses, as the Government could not afford them any assistance when they did so. He stated that the general opinion seemed to be that peace would never be established until Moshesh was humbled, and added that Councillor Linde had proposed to him that the burghers should be called out to punish Moshesh, before he had time to carry into effect his system of intimidation. The victimized frontiersmen had practically no alternative but to beg the return of their property from Moshesh to whom they were compelled to look for protection in the face of the government's powerlessness to help them: "They are obliged to cringe to Moshesh (Englishmen would not do it) who never fails to impress them upon such occasions with the magnitude of his power and the insignificance of that of the English Government. Were this boasted power broken, the farmers would resist where they now succumb. Since the flight of Vhervoet, they have been sunk in a state of apathetic fear, from which they will only be roused by the appearance of a strong regular force in the country". With this end in view Green notified Cathcart of the number of burghers and Native auxiliaries available in the Sovereignty and of the steps he had taken to provide forage corn and oathay and also outlined the route to be followed from the Eastern Frontier to Smithfield. He advised the High Commissioner to bring a force consisting chiefly of cavalry for he estimated that the Basuto and Bataung could put at least 3,000 mounted men in the field; and he added that the expedition should aim more at capturing the guns and horses of "the enemy" than their cattle.[3]

The High Commissioner endeavoured to preserve an open mind about an attack on Moshesh, for he did not feel sufficiently acquainted with the matters in dispute beyond the Orange. It appeared to him from Moroko's representations that there were faults on both sides and he remarked that when this was the case no interference was possible.[4] He had counselled the Resident - rather cold comfort for Green - that in any case all he could do, "and British influence will do much", was to make formal remonstrance, with a demand for an inquiry and redress, and that in small cases where

1. C.O.1603, Schedule No.7, 7/10/1852; Enc.D.35. Bas.Rec.1/595, 7/10/1852; O.R.S. -a-4, and Bas.Rec. 1/597, 8/10/1852, Green, "He knew that England could bring out a much larger force than she had here at present; in fact ships had been coming out with soldiers for two years back; but where were they? Raw stupid fellows, whom Uithaalder had shot down as fast as they arrived". 2. Bas.Rec. 1/599, 16/10/1852; G.H.31/1. Enc.D.35, 14/11/1852. 3. Add.Bas.Rec.1/598, 14/10/1852; Enc.D.35, 14/11/1852, G.H. 31. 4. C.O.1603, Schedule No.2, 19/8/1852.

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a simple admonition might suffice there should be no hasty resort to interference. Cathcart's equanimity seemed to have been disturbed, however, by the practice of resident missionaries conducting the correspondence of the Chiefs, whose voluminous treatises he characterised as "political frauds". The Resident was requested, therefore, to notify the Chiefs that in future official notice would be taken only of communications through an authorised messenger and reduced to writing as the "Word" of the Chief in the presence of a sworn translator. He was "also to make known to those gentlemen who so gratuitously assume a political agency that it cannot be tolerated within Her Majesty's Sovereignty and, if persevered in, stringent measures would be adopted to put a stop to it".[1]

From Green's recent accounts of developments the High Commissioner could not escape the conclusion that some form of intervention was required and he expressed the hope of being able to visit the Sovereignty before the end of November "with sufficient force to give weight" to his authority.[2] His natural caution called for further particulars to be collected meanwhile respecting the cases which had been quoted by the British Resident and which he intended to settle:- "If I make war upon Moshesh at all, it must be on good grounds and a well established casus belli and then it must be no small war".[3] Such a casus belli would be provided if Green could prove that Uithaalder was being harboured in Basutoland, but Cathcart did not believe this nor that the colonial Kaffirs and Hottentots who had taken refuge there exerted much influence. In view of the uncertainty about the Sovereignty's future and of his recent despatch to Pakington recommending withdrawal, he instructed the Resident to prevent any such rash movement as that contemplated in Linde's proposal till his arrival, and to remove the Platberg Bastards away from the scene of conflict if possible. He mentioned that he had already given directions to the Commissary General and asked Green to supply detailed information regarding the route to Smithfield, the position of Thaba Bosigo and good halting places, guides and interpreters. In order to be under no obligation to the Native allies he declared his inclination to use only the burgher levies, in addition to the regular troops, should force be required. When Green wrote later that the Basuto and Bataung commandos had withdrawn from the vicinity of Platberg in consequence of an expected attack from Sikonyela, who was reported to have received aid from a Zulu Chief in Natal, and suggested that "should this prove true the present will be a very favourable moment to attack Moshesh", the High Commissioner administered the gentle rebuke: "Why should I attack Moshesh? This must be made out in a satisfactory manner before I do so".[4]

Early in November the High Commissioner felt that he could safely withdraw sufficient troops from the Eastern Frontier for his task in the Sovereignty and he

1. Bas.Rec. 1/587, 2/9/1852. Bas.Rec.1/592, 4/10/1852 for Cameron's sarcas--ordered-tic reply. Bas.Rec.2/19, 3/2/1853 for Casalis' refutation. Bas.Rec.1/597, 8/10/1852. C.O.1603, Schedule No.10, 28/10/1852. Green reported to Cathcart that messengers from Chief Moshesh were dissatisfied and remonstrated against the contents of the letter, but when he explained that all the Chiefs were to be treated alike in the matter, they departed more satisfied. See also O.R.S.4. and Bas.Rec.1/600, 3/11/1852. He added that the Rev.Mr.Cameron treated the instruction with great disrespect. 2. Bas.Rec. 1/599, 20/10/1852. C.O.1603, Schedule No. 8, 14/10/1852. 3. Bas.Rec.1/597, 7/10/1852; C.O.1603, Schedule No. 7, 7/10/1852. 4. C.O.1603, Schedule No. 9, 21/10/1852.

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ordered a force of 2 guns, 500 cavalry and 2,000 infantry to march northwards to the Orange.[1] The eve of his departure from Grahamstown was devoted to official and private correspondence, the affairs of Transorangia alone taking up three lengthy despatches to the Secretary of State. These deserve particular notice in view of what happened subsequently. In one of them the High Commissioner outlined the nature of the crisis and reviewed the events leading up to it with the object of justifying the "imperative duty" imposed upon him of intervening to "administer strict justice with a strong arm and in a lasting manner, in vindication of the sovereign honour and authority". "Whatever", he added, "may be the policy ultimately adopted with respect to retaining or abandoning the Sovereignty, British authority having once been asserted, it could neither be retained nor abandoned with honour in the present unsatisfactory state of things". He further described this duty, which he intended to perform with the "able counsels" of his two Assistant Commissioners, as a three-fold one: "first, after due investigation on the spot, to fix and define the equitable amount of compensation due by the chief Moshesh, and exact, and if necessary compel, prompt payment; secondly, to adjust all other claims which may be submitted to me, not only as to boundaries between chiefs, and compensation for their mutual reprisals, but the more important questions which remain unsettled between the Boers and Griquas, subjects of the chief Adam Kok; thirdly, to declare certain definite fines as cautionary penalties for the infringement of such injunctions as I may see cause to leave, in order to guard against future irregularities, and in support of the authority of the Resident; and when I have by my coming convinced the native chiefs and others that the British Government has the power and sooner or later will enforce the payment of such penalties, they will possibly be respected".[2]

General Cathcart repeated his hope of being able to settle all disputes and to establish peace without the use of force.[3] A Proclamation was duly prepared to that effect, announcing his coming to all sections, white and black, and appealing to them to remain quiet and to abide by his decision.[4] He also repeated to Pakington his determination not to call upon the Griqua and Native allies, nor yet the Burghers, in the event of hostilities, lest these auxiliaries might "avail themselves of a plea of loyalty, in the real hope of being aided and abetted, and supported by sufficient force in destroying and plundering their more powerful and wealthy neighbour", and thus perpetuate the "discord" he aimed at removing.[5] Referring to Sir Harry Smith's campaign of August 1848, undertaken with a much smaller body of regulars, Cathcart observed, "Great merit is due to the accomplishment of great ends with small means, but no small a display is not calculated to restore an adequate respect for the power and means of the British Government, and therefore I hope that this new expedition in which I am about to embark will meet with the approval of Her Majesty's Government, and that it will prove the last".[2]

In a confidential and what must be regarded as a key despatch the High Commissioner dealt further with the question of the retention or abandonment of the Sovereignty and affirmed all he had written the month before. He considered it would be "unjust to commit the interests of the less civilized people "to the exclusive legislation of the boers". The basis of the argument he put forward was that none of the

1. G.H.31/1, D.38, 14/11/1852; Bas.Rec. 1/602; B.B.XV.2.90. Cory V. -Native- p. 465-7. 2. G.H.31/1, D.35 14/11/1852; C.C. p.137; Bas.Rec. 1/604; B.B.XIII. 2.183 and XV.2.82; "The Friend" 7/1/1854. 3. C.C. 14/11/1852 p.341. "I go to arbitrate and administer justice with a strong arm; but I do not expect to have a fight... I begin to hope I may have executed my commission in six months more time and will then ask leave to come home". 4. Proclamation O.R.S. 38/134-5; Bas.Rec. 1/610, 15/11/1852; "The Friend" 2/12/1852.
5. D. 14/11/1852 quoted in "The Friend" 7/1/1854. 1. The Amatolas had been cleared and the Gaikas were on the run. Uithaalder had fled; Sandilli had fled beyond the Kei whilst herds had been taken from Kreli who had promised to pay the fine.

Native tribes had "ever at any time acknowledged their vassalage or Her Majesty's superiority", and therefore it appeared to him "to be open to the British Government to leave these native tribes in the state of independence in which they were found, and in which they have never ceased to consider themselves".1 However he observed that should an obligation to protect these tribes be held to remain upon the granting of independence to the European population, then this could be secured in the same instrument and "an infringement of those stipulations to an extent that could not be reconciled through the intervention of a consul or resident in a satisfactory manner would form a "casus belli", for the vindication of which a sufficient force ought at all times to be available within the colony". On the other hand he impressed upon the Secretary of State that if the Sovereignty were retained it would be "indispensable that the political relation of these native chiefs, whether as vassals or independent sovereigns, should be duly established and understood by both parties".2

Upon the main issue Cathcart's conclusions remained unchanged and, although he had not yet entered the Sovereignty, he restated the case for withdrawal even more emphatically. The formation of one republic by the emigrant Boers on both sides of the Vaal would be a "desirable consummation because it is easier to deal with one head than with two and one common vulnerable and tangible point at which a decisive blow might be struck". Commenting on the Attorney-General's deep disappointment at the eclipse of the former policy of intervention in disputes between the Natives and Europeans on humanitarian grounds, he observed "Experience has convinced me in most cases the evil is aggravated ultimately by interference, for that, although the white settler has a tendency to encroach, and it appears to be a law of nature that he should prevail, his individual interest is more to live in peace with his neighbour than to quarrel with him, his encroachments are gradual for he covets and grasps at no more than he wants, and possibly though I fear but rarely his object is accomplished by fair means, whereas military interference ... terminates in ... extirpation of whole hostile races and acquirement of vast and waste territories". In a nutshell, "I am decidedly of opinion that unless the British Government be prepared to constitute the Orange River Territory as a separate government under a Lt-Governor, with all the requisite departmental organisation and moreover to garrison it with a force of not less than 2,000 men, a quarter of which should be cavalry, it is impossible to hold it and fulfil the engagements which are inseparable from an assumption of sovereignty or even an engagement of armed intervention, without the constant humiliation and impolicy of manifesting to all the surrounding tribes and nations an attempted undertaking on the part of the British Government devoid of the means of giving it effect: and whilst the natural course of things in succeeding generations must progressively call for increasing expense of government, and probably frequent remote and expensive wars. I am unable to see a prospect of any proportionate advantage that can ever be derived from this acquisition of territory, either to the colony or to the mother country.

I concur in the opinion contained in Mr. Porter's paper that an opportunity now offers for the abandonment of the Orange River Sovereignty with honour and equity; and I have every reason to think that the voluntary transfer, as an act of grace, of the independent sovereign rule to new authority, constituted in a sufficiently valid and substantial form to receive the reins of government, and give the requisite pledges for the security of property and vested rights might now easily be effected without risk of anarchy or injustice.

I believe also that it is an established principle, that in cases in which the public good is necessarily and manifestly involved individual interests and even vested rights must give way; but in that case those individual interests and vested rights give a just claim to equitable compensation at the public expense. In the Orange River Territory such compromise would be easily effected, so long as those who can produce valid claims are few, as they are at present; but the difficulty would be increased if claims be allowed time to multiply and establish their validity. Thus, if this opportunity be lost I should doubt the possibility of its recurrence in so favourable a shape".3 -Meanwhile-

1. G.H.31/1, D.34, 14/11/1852; B.B.XV.2.71; add.Bas.Rec.1/608. Cathcart's solicitude was somewhat one-sided for he took no apparent account of the position of the European frontier farmer who might actually be in need of protection from the encroachment and acts of aggression of a "more powerful and wealthy neighbour". 2. Yet see inter alia the Basuto appeal of 1842 (Bas.Rec.1/42-44) p.16 above.
3. D.34, 14/11/1852; add. Bas.Rec. 1/608-10.

Meanwhile Boers of the Bloemfontein district border who could procure grazing for stock were withdrawing further away and also very near a hundred farms in the Smithfield district had been unoccupied for some time owing to the disturbed state of the border and, not having been inspected by the Land Commission, were yielding no revenue.[1] Actually no more thefts had been heard of since the news of the High Commissioner's forthcoming visit had got abroad and it had become known that the Commissariat wagons were already pushing to Burghersdorp and Smithfield in advance of the troops.[2] According to a request for compensation signed by 46 of the leading inhabitants of Winburg district including Councillors J.F.J. van Rensburg, A. Greyling, R. van Rooyen and Commandant M.H. Wessels as well as G. Meyer and other Justices of the Peace and Field-Cornets, their losses since Viervoet amounted to 631 horses, 1821 breeding cattle and oxen, 410 sheep and 316 goats. These people took the opportunity to remind Cathcart that Moshesh and Molitsane had not fulfilled their promise to the Assistant Commissioners to make early restitution and they regretted that the Government had not taken any active steps in the matter. They stated that the British Resident had been bound by treaty obligation to interfere in the strife between the Chiefs during 1850 - '51, when "the strongest destroyed the weakest and committed cruel murders", and that they had loyally obeyed Major Warden's calls upon them for commando duty - "Your memorialists beseech Your Excellency to lay this our just application before our Sovereign Queen and the Imperial Parliament, - and will the supplications of unfortunate men who have been ruined only on account of their fidelity and obedience to their Sovereign, remain unheard? No, we cry with one voice, the Most High Judge forbid it"![3]

The High Commissioner joined the forces at Burghersdorp on the 27th November and made arrangements to form his standing camp on the right bank of the Caledon about ten miles from Smithfield where "a very sufficient" commissariat magazine had been prepared. The General observed in a despatch to Pakington that according to the information available the mere demonstration of military power would suffice to accomplish his objects and that there appeared no reason to doubt the speedy and successful termination of the expedition. He remarked too "The long delayed adjustment of the several other matters with the Griqua chief and others, for which the British Government is responsible, will give no trouble". If Moshesh should "prefer the issue of battle to restitution" he was "happy to say the small force I have here assembled, both in respect to commanders and men, is as perfect in all respects as I could desire as well as sufficient for all purposes that can be required of them, and therefore it will be my fault if that which may, after duly consulting my Assistant Commissioners, conscientiously appear to me to be essential to the establishment of a permanent peace, and the vindication of Her Majesty's authority, be not accomplished in a satisfactory manner". In this confident mood Cathcart for the first time committed to paper his opinion of the merits of the dispute between the Basuto and the Boers and proposed in the event of opposition to his 'equitable demand' to proceed to Thaba Bosigo via Letsie's kraal near the French mission of Morija - "This Letsie is the eldest son of Moshesh, and his people, instigated by him-

1. C.O.1603 Schedule No. 9, 21/10/1852 and No. 10, 28/10/1852. 2. O.R.S.4; Bas. Rec. 1/602, 12/11/1852, Green notified Moshesh of Cathcart's intended visit.
3. O.R.S.33/125; Bas.Rec. 1/600, 5/11/1852, Molitsane had restored 162 horses and 264 breeding cattle.

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him, have been the principal thieves.

From the kraal of this chief to Thaba Bosigo the access is easy; and that place, which is situated on a table mountain, believed by the Basutos to be difficult of access, contains all the personal property of the chief, great store of gunpowder, etc. Even should the requisite reprisal of cattle be rendered difficult by the driving of them into the mountains, sufficient indignity will be inflicted by the destruction of this citadel. Whilst, should resistance be offered, all the enemies of Moshesh shall be let loose upon him, and the mountains will no longer shelter his cattle.

The necessity for a decided assertion of authority in this case does not merely rest on the interests of the inhabitants of the Orange River territory; but Morosi, a Basuto chief tributary to and under the control of Moshesh, is the immediate neighbour on the border of this district, and has been most active in his aggressions against the colonists of the district of Albert, and it is questionable whether the balance of advantage from depredations and reprisals does not now rest on his side"!

In a private letter of the same date he repeated his assurance .. "I have good advisers, and the most perfect little miniature army that can be conceived ... if I have anything for them to do, I cannot fail"; but he concluded significantly enough, "when all is right and secure they will not find it easy to detain me in this country (South Africa). "This part of it is a curious but miserable desert. The clouds and swarms of locusts have eaten up every blade of grass and the thermometer has been at 100° all day in my tent, during which I have been incessantly writing". 2

The edition of "The Friend" newspaper immediately preceding Cathcart's arrival saw difficulties ahead, however, and gave the views of persons who claimed to be familiar with the Basuto tribes and intimately acquainted with Moshesh as well as with his less astute but more belligerent sons. These people were convinced that the Basuto would give battle should the British forces cross the Basuto line and reported that the Natives had been baking large quantities of bread, sharpening assegais and making similar active preparations for a campaign or siege ever since September. 3 The intention of the Basuto to show fight seemed to be borne out further by the desertion of Native servants whose homes were in Basutoland and also by the departure of all the Basuto from Beersheba station near Smithfield on the order of Moshesh. 4 Other observers were satisfied that the Basuto Chief would follow his usual temporising tactics and agree to the demands made upon him, only to withhold delivery in full. In view of the possibility also that a diversion might be staged by unsubdued Kaffirs and Hottentots on the Eastern frontier of the Cape Colony at the instigation of Moshesh, the Editor contended that the Governor should curtail the preliminaries as much as practicable. He suggested further that something more should be done than taking cattle from Moshesh and recommended that the Basuto tribe should be disarmed; for there was really no need of fire-arms in Basutoland in the absence of game there. The suggestion was made that any cattle taken should be converted into cash compensation for the farmers otherwise the Basuto would recognise and recover the same cattle

1. G.H.31/1. D.43 and D. 29/11/1852, C.C. p.164 and Bas.Rec.1/611. At Smith- -with- field the plans were changed and instead of proceeding via Morija he went to Platberg where the standing camp was formed. Vide Theal VII pp. 324 - 334 and Cory V. pp. 474 - 484 for accounts of the campaign. 2. C.C. p.342. "The Friend" 18/11/1852 referred to locusts; also J.McKay "Reminiscences" p. 168.
3. "The Friend" 25/11/1852. In alluding to the anticipated attack of the British forces Moshesh is said to have remarked that his women were badly off for the means of pounding their corn and that a quantity of cannon balls would be thankfully received. "He is a thorough humbug, a true vampire".
4. "The Friend" 2/12/1852.

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with interest. "The Friend" quoted finally a common proverb among the Basuto which Moshesh was reported to have applied to the British, that "the white man has a large mouth but a small hand", and asked "Will General Cathcart's hand be larger than his mouth? ... Is not the General's motto 'Gripe hard'?" /

From his temporary camp the High Commissioner despatched a summons in terms of his proclamation to each of the Chiefs Moshesh, Molitsane, Moroko, Sikonyela and Gert Taaibosch to meet him at Platberg, the most conveniently central spot, on the 13th December.[1] The Assistant Commissioners and the Resident were required meanwhile to investigate and report upon the matter of the stolen stock and upon the boundary question. Cathcart anticipated that everything would go smoothly and according to his own memoranda he contemplated paying a flying visit to Bloemfontein on his return from Platberg and being back to meet Adam Kok at Smithfield on the 20th, one week later![3] The news, however, that he was shortly to proceed to Platberg with the troops greatly alarmed the burghers of the Koesbergen district who apprehended that the neighbouring tribes of Jan Letelle, Poshuli, Seperi, Mohali and Morosi would then attack them. In order to protect the border from invasion their Field-Cornet H. Weber appealed to Assistant Commissioner Ebden for the assistance of forty men from the adjoining field-cornetcy and Vowe instructed Commandant Burger Smit to comply.[5]

During his few days' stay at the standing camp the High Commissioner received a complimentary address from the burgher officials in the name of the inhabitants of the Caledon River district. These people mentioned that they had patiently endured the losses suffered through the aggression of the Natives and desired permanent peace.[4] Cathcart replied that he hoped to settle matters with the aid of his 'just and impartial' advisers so that "due compensation for losses sustained may be made and a better state of security established on your border with the native tribes". He referred to the summonses sent to the Chiefs and stated that each of them would be "compelled to pay" whatever was stipulated by his Assistants, who would then return to Smithfield to "consider such matters as may tend to the great object in view, the establishment of a peaceable state and security of property ..." In case he did not visit the capital Cathcart took the opportunity to add that he had not received any decision from the British Government regarding the resolutions passed by the delegates at Bloemfontein in June and forwarded by him "as the most satisfactory expression of opinion I could obtain from the inhabitants of European origin to consider whether sovereign rule should continue to be exercised as at present by Her Majesty or whether Her Majesty might be moved to grant some other form of government based on other principles, but equally securing the rights of property and the privileges of liberty and justice now enjoyed by Her Majesty's subjects in the Orange River Territory".[6] The High Commissioner omitted to state that he had recommended the abandonment of the Sovereignty and, as "The Friend" put it later, -that-

1. "The Friend" 18/11/1852. See Green's suggestion p.371 above. 2. G.H.31/2, D. 45; Bas.Rec. 1/614: His proclamation was published in "The Friend" 2/12/1852. See p. 373 above. Summons in Bas.Rec.1/613, 2/12/1852; C.C. p.173 and in Govt.Gazette Extraordinary Platberg 24/12/1852. Rain fell as they approached the Caledon and the river rose rapidly. J.Mc Kay "Reminiscences" p.168. 3. O.R.S.17; Bas.Rec.1/613, 2/12/1852; Enc.D.45. 4. "The Friend" 9/12/1852. 5. O.R.S. 41; Bas.Rec. 1/614, 6/12/1852. 6. G.H. 31/2 Enc. D. 45, 4/12/1852.

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"that he had a president cut and dry for the berth, that he had 'taken care' to prepare the way and to keep the door 'open'!"/ Indeed in a despatch of the same date to the Secretary of State he enclosed the above answer "which I intend should obtain publicity and serve all political purposes which I consider requisite or desirable to enter upon at this moment and will only add that, from all that I have yet seen or learned since my arrival, whichever policy Her Majesty's Government may be pleased to adopt in respect to the Orange River Sovereignty, I see no cause to alter my opinion that their views may be at the present time carried into effect without difficulty, and if judiciously managed without excitement".[2]

Owen, Ebden and Green quickly set about the task assigned to them. With the object of arriving at the closest possible approximation as to the number and value of the stock stolen from British subjects within the Sovereignty the Resident had recently instituted a Board of claims in each district before which all farmers were invited to give evidence on oath regarding their losses.[3] Altogether the returns of the Civil Commissioners of the Bloemfontein, Caledon River and Winburg districts showed that cattle, horses, sheep and goats to an estimated value of over £36,000 had been stolen by the Basuto and Bataung tribes during the years 1850, 1851 and 1852. Cathcart evidently considered this figure preposterous for he suggested its reduction by a quarter. His assistants agreed that the returns needed revision as these two tribes might conceivably have been charged on insufficient evidence with some thefts they had not committed. Accordingly they reduced the amount of the claims to be demanded of Moshesh to £25,000, payable in 10,000 head of full-grown cattle and 1,500 horses, and they submitted that the Basuto Chief should also be required to surrender 500 fire-arms. With reference to the boundary line between the Caledon River district and Basutoland this Committee did "much doubt the expediency of disturbing the one agreed upon between the Chief and Major Warden on the 1st of October and published on the 18th October 1849".[4]

On the 13th December 1852, after practically a week's easy marching the High Commissioner and the troops reached Platberg where they encamped near the ruins of Carolus Baatje's village. There were no Chiefs present and the place was entirely deserted except for the presence of the missionary, Mr. Giddy. That evening two of Moshesh's sons crossed the swollen Caledon on horseback; but they were not received by Cathcart, who deputed Owen the next morning to accompany them to Thaba Bosigo with a message for the Basuto Chief to see him without delay.[5] At the same time the attention of Moshesh was drawn not only to his failure to pay the fine of cattle agreed upon as long since as February but also to the thefts perpetrated subsequently upon his neighbours by the people under his control such as his eldest son Letsie, Molitsane, Moperi, Letele and Poshuli - "In short the Basuto people under your rule have become a nation of thieves" ... "I will not, therefore, stop to talk, but tell you now once for all, that having carefully inquired into the business, and judging as mercifully and justly as I can what is the amount of cattle and damage you should -be-

1. "The Friend" 15/10/1853. 2. D.45, published in "The Friend" 9/12/1852.
3. See "The Friend" 2/12/1852. 4. C.R.S. 41, 5/12/1852; Bas.Rec. 1/615.
5. For message see Enc. D.46; Bas. Rec. 1/616-8.

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be required to restore, I demand of you ten thousand head of cattle and one thousand horses, to be delivered over to the British Resident at this place within three days' time, in order to be restored to those from whom they have been stolen.

If this be not done I must go and take either cattle or other things from you and your people, and from Molitsane and his people; and if resistance be made it will then be war between us, and I must then take three times the amount of cattle, as well as kill many of your people and destroy their dwellings and kraals, which I should be very sorry to be obliged to do; but if this cattle be paid within three days, and I am assured that peace is restored, I will take the army back again in peace.

Now, chief, if you are an honest man, it is for you to pay the just fine, which is not more than the cattle stolen, and save yourself and your people from ruin, or else prepare for war, for on the fourth day I must bring you to an account.

You must also pay back to Sikonyela what you have stolen from him, and be at peace with him. Carolus Baatje and his people must return to Platberg, and the boundaries fixed by Governor Sir Harry Smith must be respected". /

The Assistant Commissioner succeeded in persuading Moshesh to attend an interview with the Governor at the camp on the 15th. The Basuto Chief was accompanied by the missionaries Casalis, Dyke and Maitin. Cathcart repeated the above ultimatum and said: "I demand but ten thousand head, though your people have stolen many more, and consider this a just award which must be paid in three days". On Moshesh asking for six days to collect the stock the Governor refused, referring to the Chief's unfulfilled promise to Major Hogge and asserting that he would go to Thaba Bosigo and take them by force if they were not delivered within the time limit.[2] Words evidently ran high for the sound of fist on table was distinctly heard outside the Governor's marquee.[3] Moshesh admitted that he had not returned half the number demanded and pleaded: "I have not now control enough over my people to induce them to comply with the demand, however anxious I may be to do so ... Do not talk of war, for however anxious I may be to avoid it, you know that a dog when beaten will show his teeth... I wish for peace; but have the same difficulty with my people that you have in the colony. Your prisons are never empty, and I have thieves among my people". As a sole concession Cathcart agreed not to count the day of the interview in the three specified.[4]

During the interim Moroko and Carolus Baatje had meetings with the High Commissioner, who also received word from Sikonyela that he remained a loyal subject but was afraid to leave his stronghold. An address was presented to him from some sixty inhabitants of Bloemfontein and district expressing their regret that he could not visit "the principal town of the Province" to witness their demonstration of loyalty. To these chiefs and the people of Bloemfontein Cathcart explained that he had come to put a stop to the lawless and systematic plundering of them all by the Basuto and the Bataung, who had become "a nation of thieves", and to establish peace.[5] He repeated his intention to recover their losses, preferably without fighting but if Moshesh should not pay the fine demanded within the time stated then he would take this by

1. G.H. 31/2, D.46, 13/1/1853; B.B. XV.2.94 and XIII.2.203; Bas.Rec.2/2-4. -force- There were only three habitable dwellings, those of the missionary and two European traders. Bas.Rec. 1/616; Govt.Gazette Extraordinary, Platberg 24/12/1852; Enc.D.48, 13/1/1853, G.H.31/2; B.B.XV.2.109. 2. "The Friend" 23/12/1852. 3. J.McKay was on guard duty outside the tent, p.172. Rev.Moore Dyke wrote, Bas.Rec. 1/633, "the conversation was rather more prolonged than the reports would lead you to believe". 4. "The Friend" 30/12/1852. Enc. D.46; C.C.176; Bas.Rec. 1/618-9 Govt.Gazette Extraordinary 24/12/1852. 5. O.R.S. 38/136; "The Friend" 23/12/1852, presented by Messrs. Colley, Erasmus and Bouwer. They had read the report of his reply to the Smithfield address. "The Friend" 23/12/1852 quotes Cathcart's reply 6/12 - "plunder which has too long been suffered to pass unpunished".

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force. Though he directed them to keep out of trouble, Cathcart warned them of the necessity for vigilance and organisation to meet and repel any attempt at retaliation in case he had recourse to hostilities.[1] In that event he recommended to the burghers:

"You should instantly form commandos and proceed to inflict summary justice on those border thieves from whose evil practices you have so long suffered". Moroko was required to patrol the road between the camp and Bloemfontein and Sikonyela to render active assistance in the event of war. Incidentally pending other arrangements, Cathcart promised an annuity of £50 each to the Barolong chief and Carolus Baatje, in respect of the former's loyal services to Major Warden and in lieu of the latter's old station Platberg, to which it was considered inexpedient he should return.[2]

On the 18th December, the last day of the ultimatum, Moshesh's son Nehemiah brought in only 3,500 head of cattle. According to Mr. Dyke's observations afterwards, these were meant to be a first instalment; for Moshesh sent a message that others were coming in and that a settlement was but a matter of time.[3] Moreover, as the Governor "gave no positive reply", the Basuto were "quite unprepared" for his next step. The High Commissioner had his own opinion and wrote later: "The information that the Chief Moshesh was collecting all his forces in the neighbourhood of Thaba Bosigo also convinced me that he would not submit fully to such terms as I might think it my duty to impose, except upon compulsion".[4] No more cattle arrived on the following day and in order to bring matters "to a speedy issue" Cathcart directed his force to advance, leaving Lt-Col. Macduff behind with one brigade of over 800 infantry in charge of the standing camp and its 150 wagons, 2,000 draught oxen and mules. The troops spent the night some twelve miles from Thaba Bosigo at Leslie's drift, the highest of the three wagon drifts into Basutoland and linking it with Molitsane's country. They crossed the Caledon at daybreak, taking the precaution to leave a company of the 74th Highlanders to guard the flying camp and the pontoon at the drift.[5] Cathcart's orders to his commanders were to chastise the Basuto and to capture the thousands of cattle congregated on the Berea mountain, a scarped plateau of irregular shape bulking some twelve miles from east to west and four miles north to south astride their line of march to Moshesh's stronghold. For this purpose he most imprudently divided his force into three columns each proceeding by a separate route. The largest one, 499 strong or approximately half the troops engaged that day, consisted almost entirely of infantry under Lt-Col. Eyre, who had instructions to sweep the cattle from the summit of the Berea. Lt.Col. Napier had to take most of

1. "The Friend" 23/12/1852 repeated in issue of 7/1/1854. Small supply of ammunition issued to Sikonyela to be used in defence of his people and property. Cp. the remarks and actions with his despatch of 11/2/1853. 2. O.R.S. 36/77; Bas. Rec. 1/621, 18/12/1852; "The Friend" 23/12/1852. O.R.S.17; Bas.Rec.1/616, 10/12/1852 and Bas.Rec. 1/620, 17/12/1852. 3. Bas.Rec. 1/619, 621; Enc.D.46 Cattle reached Bloemfontein on 22/12/1852, "The Friend" 23/12/1852. Rev.M.Dyke Bas.Rec.1/633 28/12/1852. 4. Bas.Rec. 2/2-4; D.46. Lagden sweepingly asserts "Time, however, with over 2,000 soldiers, eager for fighting was too precious to be frittered away in hearing evidence - the fates were against it"; See account of battle, p.150. 5. O.R.S.36/51, Govt.Gazette Extraordinary 24/12/1852. Bas.Rec.1/622-8 for report of proceedings; C.C.179; Enc. D.46, 13/1/1853. Four companies 74th Highlanders, and Queen's Regiment were left with Col. Macduff.

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the cavalry, comprising 233 men of the 12th Lancers and the Cape Mounted Rifles, round the northern and eastern faces to prevent the escape of cattle from the mountain, but apparently was told not to ascend it. Cathcart himself accompanied the third column, which consisted of the remainder of the infantry and cavalry supported by the howitzers, round the southern and western base towards the plains of Thaba Bosigo, where the others were required to join it at midday.

That the progress and purpose of the troops would be contested became obvious from the outset, for numbers of armed Basuto were observed as the regulars approached the foot and sides of the mountain. Cathcart's column, however, proceeded to its destination according to plan without mishap or loss. The Commander-in-Chief was fired upon when he advanced to parley with groups of mounted Basuto, who were watching the force as it rounded the southern angle of the Berea. The troop of cavalry was thereupon ordered to disperse the Natives and, when they took refuge amongst rocky ground, a few well directed rounds of shrapnel caused them to beat a hasty retreat towards Thaba Bosigo. On reaching the plain opposite Moshesh's stronghold this column took up a position commanding the approaches by which Eyre and Napier were expected to join it. Here it waited until late afternoon warding off by disciplined fire the Basuto horsemen who harassed its front and rear in ever increasing numbers.

Napier's column did not appear at all. Having rounded the north-eastern corner of the Berea this officer noticed a large drove ascending a steep cattle path and immediately went in pursuit. On reaching the top, he found immense herds of cattle and took possession of a large number. When most of the troopers were busy driving these down the mountain, their rearguard was suddenly assailed on rocky ground by an overwhelming body of mounted Basuto, with the result that the 12th Lancers suffered severe casualties. Napier hastily assembled his whole force and managed to extricate the rear-guard without further loss. The column succeeded in descending to open ground with its capture of 4,000 cattle, many sheep and goats as well as a few horses, and then headed for the drift with the Basuto hovering menacingly on its flanks and striving to recover their stock. Col.Napier accordingly sought assistance from the company of 74th Highlanders at the drift and with this additional protection the cattle were brought safely across the Caledon.

Eyre's column had meanwhile been unable to complete its task according to schedule. Its ascent of the Berea was disputed by a considerable force of Basuto making the most of the cover afforded by the mountain side. Parties of the Rifle Brigade and of the Light company of the 73rd were therefore detached to scale the heights and succeeded in turning the left flank of the defenders with little loss, whilst the main body forced its way up the regular but rugged path to the summit. The Natives thereupon

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scattered for the time being and the troops helped themselves to "at least 50,000 head of cattle, with many horses having saddles on them". Such vast numbers could not be controlled by the few mounted men at Eyre's disposal and many thousands were driven by his handful of Fingo helpers down the opposite side of the mountain from that to which he was heading. Indeed this is not surprising in view of the fact that Basuto prisoners were also employed in driving the cattle! By noon all but 1,500 head had been abandoned and the column was kept fully occupied in the face of renewed attacks throughout the afternoon by additional hundreds of Basuto horsemen. The only casualties, however, occurred when Capt. Faunce and a couple of soldiers of the 73rd were surprised and cut off by Basuto who were wearing the white caps and bearing the lances of the troopers of Napier's rearguard slain in the forenoon a few miles away on the north-east side.[4] The Natives attacked repeatedly until some effective shots with the rockets caused their withdrawal, and the column descended unmolested to join the Commander-in-Chief on the Thaba Bosigo plain at 5 p.m. The soldiers had spent a strenuous day and had not been able to halt once for refreshment.

The arrival of Eyre brought timely relief to Cathcart's beleaguered column. Nevertheless the combined force had enough to do, for it was outnumbered by ten to one. The firing ceased only at nightfall, after the bold attempts of some seven thousand mounted Basuto to surround the British and to seize points of vantage had been finally frustrated. The troops then bivouaced for the night with the captured cattle safely kraaled.

Both Cathcart and Moshesh must have awaited the morrow with some misgiving. The former's plans had partially miscarried and the main cavalry detachment under Napier had yet to be accounted for, whilst the Basuto Chief had been deeply impressed by the "withering fire" and unshaken front presented by the Governor's small column throughout the afternoon in the face of overwhelming odds.[1] "For five hours", wrote the Rev. Mr. Dyke in a private letter at the time, "the roar of artillery and the roll of platoon firing was kept up without intermission" and the Basuto "lay down to rest in a measure dismayed by the courage of the troops, and filled with admiration at their coolness and discipline".[2] To this should be added the observations of Field-Cornet A.J. Smit of Smithfield, who visited Thaba Bosigo shortly afterwards and found the Basuto very much humbled and more civil than they had been for years. When he inquired of Moshesh how it was that his 7,000 mounted men did not "eat up" the 700 soldiers at Berea, the Basuto Chief replied "the infantry of the Governor are invincible; I fancied they would be like so many Basutos on foot but I was sadly mistaken and I now believe what I have heard of the bravery of the English troops".[3] Moreover according to the military reports, the Natives suffered severely and although Mr. Dyke, who watched the battle at a distance of from two and

1. Sergeant McKay, p.175. 2. Bas.Rec. 1/633, 28/12/1852. 3. "The Friend" -a- 3/2/1853. Bas.Rec.2/30, 11/2/1853 Rev.Richard Giddy to Sir G.Cathcart wrote of the powerful impression made on the Basuto at Berea "The bravery and manoeuvring of the infantry quite astonished them. Letsie, the eldest son of Moshesh, who during the engagement remained at a distance, was most anxious to induce his father to ask for peace". Bas.Rec. 2/43, 30/3/1853 Green wrote that his respectful reception "afforded positive proof of the good effects of the chastisement inflicted by Your Excellency on that occasion" - Berea. 4. Orpen p.246 says Capt. Faunce was short-sighted and galloped up to Molapo's men.

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a half to four miles, mentioned that the British Commander was deceived in that respect and repeated that the Basuto had "sustained little loss" and "the loss of men ... was by no means considerable", there is also the vivid testimony of the rank and file that the artillery "ploughed streets through them" ... "Bless your eyes they were so thick that you couldn't see the blessed sun through them".1

For the first time Moshesh had to deal with a British Commander who had acted against him promptly and everything pointed to a resumption of hostilities in the morning. To quote Mr Dyke further:- "He at once saw that if another battle was fought the result must be that the natives would become desperate, and instead of attempting to retain the open plains as they had done, they would occupy the high and almost inaccessible mountains in which they could hope to maintain themselves for some months by a sort of guerilla warfare ... and he also saw that his people had received a salutary lesson from the undaunted courage and coolness with which the troops had received their attacks, and that they would thus be more submissive to his commands". Faced with the possible dismemberment of the nation he had called into being the Basuto Chief dictated at midnight on the 20th the following "brief but characteristic letter to the Governor desiring peace ... and by one wise stroke saved his land from the horrors of a prolonged war and, it may be, his tribe from ruin": "Your Excellency, - This day you have fought against my people, and taken much cattle. As the object for which you have come is to have a compensation for Boers, I beg you will be satisfied with what you have taken. I entreat peace from you, - you have shown your power, - you have chastised, - let it be enough I pray you; and let me be no longer considered an enemy to the Queen. I will try all I can to keep my people in order in the future".2

When dawn broke on Tuesday, the 21st, there was no sign of the Basuto on Thaba Bosigo plain and, as Napier's cavalry had not joined him and Eyre's 1,500 cattle were an encumbrance, Cathcart ordered the troops to withdraw to the flying camp on the Caledon.3 The fourteen mile return journey round the base of the Berea was watched by some groups of Basuto on the summit but the troops met with no opposition. The Governor meant to resume operations in a day or two - the first day's work serving as a reconnaissance, as he explained to the Secretary of State later - and sent an escort express to Brigadier McDuff at the reserve camp to forward a portion of the troops with one gun.4 In the afternoon however Moshesh's letter was delivered to Cathcart and the latter somewhat eagerly accepted it. His action is not really surprising for when his model army crossed the Caledon the General had expected no initial set-back to what he had hoped all along, in spite of his threats, would be the speedy collection of the fine without recourse to prolonged fighting. It should be borne in-

1. McKay p.175 quotes an artillery sergeant. "The Friend" 6/1/1853 gives this comment of the soldiers after Berea. D.46, 13/1/1853 Cathcart estimated the Basuto losses at between 500 and 600. "As to our fight with Moshesh, he was most severely punished but both my commanders of columns ran wild after cattle and did not act according to orders ... If Col. Eyre and Col.Napier had done what they were bid they would have met me about noon, and we should have smote the Philistines more severely". C.C.p.345, 13/1/1853; Bas.Rec. 2/8. 2. Legden p.155,"Moshesh spent a miserable night; conscious of victory and dreaded its consequences more than defeat. Chief stirred by instinct that retribution awaited him at the hands of the British aroused Casalis at dead of night and ordered the educated Nehemiah to drite down the letter". C.R.S. 17 original in museum; C.C. p.230; Bas.Rec. 1/627; "The Friend" 30/12/1852.
3. D.46, 13/1/1853, Bas.Rec. 2/2-4; G.H. 31/2; B.B.XV.2.94; also XIII.2.203 with map. Bas.Rec. 2/43, 25/3/1853 the cattle captured from Moshesh and received in Bloemfontein sold for £3,948 14s 0d. at credit of six months. 4. Sergeant McKay p.175. In Sir J. Fortescue's History of the British Army (Vol.XII. pp.558-9) there is a brief account of the Berea:"a force which can extricate itself with a loss of no more that 2% of its numbers cannot be said to have run very serious risk. Had not Moshesh sent at midnight a message of abject submission Cathcart was fully resolved to continue his operations the following day".

1. Theal VII p. 330 says Basuto lost 20 killed and same number wounded and J. M. Orpen's Reminiscences p. 247 says Casalis wrote to this effect.

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in mind also that the question of the Sovereignty's future was still under consideration and, weighing all the circumstances, Cathcart declined to involve the Imperial Government further at this juncture. That he had neither the will nor the enthusiasm in any case to continue the campaign seems clear from certain passages in his private correspondence. Since his embarkation upon this enterprise Cathcart had already hinted twice that he longed to be relieved of the onerous post of Governor and High Commissioner and his state of mind after Berea may be gauged by such extracts from his subsequent letters as the following "I am glad to think the war is over and I hope to be able to get home for it is a troublesome and thankless service"[1]... "I shall then ask leave to go home, for I am tired of this and expect neither thanks nor honour, nor emolument from this appointment"[2].. "I am nearly worn out both in mind and body ... when able to return home, I will not have anything more to do with public business, but finish my days in peace and happiness with my family in private".[3] Accordingly Cathcart despatched a reply forthwith to Moshesh, the man whom he had last addressed as the Chief of a nation of thieves, styling him Great Chief and telling him that he was not angry with his people for defending their property .. "I have taken the fine by force and I am satisfied". He announced that he was proclaiming Martial Law in the Sovereignty to empower the burgher officers to form commandos in a regular manner in future and, with the consent of the Resident, to enter Basutoland in search of plundered horses and stock. He sought Moshesh's co-operation and in a postscript issued an invitation to the Chief or his sons to visit him at Platberg the following day "in the same friendly manner and in the same good faith as before the fight".[4]

The Governor's decision nevertheless met with the unqualified disapproval of his entourage. The Assistant Commissioners had not been consulted beforehand and Owen wrote an immediate protest urgently requesting Cathcart to reconsider the matter. He placed no faith in Moshesh's protestations of peace and contended further that failure to enforce the full terms demanded in the face of such deliberate resistance would discredit British authority and only prolong the struggle. Owen was satisfied that mere threats would accomplish nothing and prophesied truly enough that the Basuto would exploit their advantage and display their trophies among the tribes of South Africa as proof of victory.[5] The effect upon the troops was similar. The astonishment of the soldiers on seeing a Native arrive with the white flag turned to chagrin, when they heard that peace had been granted before they had been given the opportunity to avenge their fallen comrades. It was reported in the camp that Colonel Eyre had appealed in vain to the Commander-in-Chief to be allowed the use of the entire force for three days to take Thaba Bosigo, offering to provision it at his own expense.[6] In these circumstances Cathcart's general order thanking his forces for driving-

1. C.C.p.343, 13/1/1853. 2. C.C. p.346, 13/1/1853. 3. C.C. p.347, 10/2/1853. 4. Bas.Rec. 1/627, 21/12/1852; Enc. D. 46, 13/1/1853. 5. G.H.S. 40; Bas. Rec. 1/628, 21/12/1852 Owen's letter omitted from Bluebooks. Many of the papers re Berea are to be found as Enclosures to D.46, 13/1/1853, G.H.31/2; B.B.XV.2.94 and XIII.2.203. 6. "The Friend" 6/1/1853: Theal VII p.333: and Free Statia p.38.

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driving the enemy from the field "with such severe loss as to compel him to sue for peace" provided but cold comfort.[1]

As Moshesh had not put in an appearance by Thursday, the Governor decided to cancel the parade arranged for his benefit and to return to the Colony, contenting himself with the issue of another Proclamation announcing that the Basuto Chief had made "full and humble submission and sued for peace" and that this had been granted. He changed his mind about proclaiming Martial Law, dismissing the measure as too drastic and dangerous, and announced instead that the Civil Commissioners and burgher officers were to organise, in case of need, for self-defence and the recovery of property, presumably to accomplish what he had failed to do![2] On the following day, the 24th December, the army broke camp and Owen went to Thaba Bosigo, where he was received by Moshesh and his councillors "with great civility and respect" and assisted to inter the horribly mutilated body of Capt. Faunce and 19 rank and file. According to the Assistant Commissioner, the Basuto Chief had declined Cathcart's invitation owing to "the disturbed state of the country" and "begged that what had passed might be forgotten and that he might still be considered a subject of the Queen and a friend to the Government".[3]

Meanwhile on Christmas Eve a public meeting had been held at Smithfield in the hope of inducing the High Commissioner on his return to deal with certain pressing problems of the Caledon River district. The assemblage resolved to present a memorial requesting him, before making any final settlement of the land question, to consider their statement of the previous April to the Assistant Commissioners and not to alter the boundary line made by Warden and agreed to by Moshesh. Moshesh was to be asked to evacuate Poshuli and to take measures to prevent vagrancy, which was daily becoming more prevalent and was in part due to the shelter and refuge afforded by the mission stations within the disteict. They were prepared to offer their services to Cathcart and to hold themselves in readiness to turn out at the first call.[4] Their disappointment and anxiety, when they learnt of the withdrawal of the troops expressly brought by Cathcart to establish peace on their border, were revealed in the subsequent address signed by some forty residents, including Commandant B. Smit and Field-Cornet A.J. Smit, which was read to him at the house of the Civil Commissioner upon his arrival.[5] In their opinion his proceedings had not tended to restore peace but, on the-

1. Bas. Rec. 1/629, 22/12/1852; Enc. D.46. 2. C.C. p.233 Govt.Gazette Extraordinary 24/12/1852; Bas.Rec.1/631, 23/12/1852; Enc.D.46, MacKay mentions that a parade was held at Platberg before Berea but Cathcart was not impressed by the muddled manoeuvres especially by Col. Eyre. On his expedition to Basutoland Cathcart lost no fewer then 35 men by desertion, majority being young men, the oldest 26 and "The Friend" 17/2/1853 has three columns furnishing description of each of these deserters. Cathcart issued a General order, see "The Friend" 23/12/1852 that anyone who induced any soldier to desert would be liable to transportation for life.
3. O.R.S.41; add.Bas.Rec.1/632, 28/12/1852, Enc.D.46. Lagden Vol.I.p.158-9 says that there is no escape from the view that Moshesh's conduct was defiant and his professions of loyalty insincere. Moshesh certainly gave his old hackneyed excuse.
4. O.R.S. 38/137, J.J. Klopper in the chair. 5. O.R.S. 38/138; "The Friend" 13/1/1853.

Chapter XV.

The Sovereignty's days are numbered.

Once back in Grahamstown the High Commissioner sent to England three despatches, dealing respectively with his expedition to Basutoland, the future of the Orange River Sovereignty and the position of the Native tribes there. In his account of the military operations at the Berea there is a noticeable contrast between the sense of his opening pronouncement that the battle resulted in "the entire submission of the enlightened and powerful chief Moshesh and his first recognition of vassalage to Her Majesty's authority" and his subsequent explanation of what transpired. In spite of alleged victory, for instance, he could only "hope" that the "severe loss" of life and property inflicted on the Basuto and their Chief's "conviction that the preservation of his villages and rich corn lands, and even his own residence, from destruction, only rested upon the forbearance and discipline of Her Majesty's troops and which his armed force has not the power to resist" would "secure the permanency of the peace now re-established and the sincerity of his endeavours to prevent collision between his people and the border farmers". The value of such a guarantee was really negligible, for the fact could hardly be obscured that the Basuto strength had actually prevented Cathcart from accomplishing his full purpose. Indeed this whole despatch is very much of an anti-climax to the absolute confidence he expressed before crossing the Caledon. With regard to his own losses Cathcart declared that the casualties were "occasioned chiefly by an accidental circumstance", namely the shock sustained by the 12th Lancers, although he went on to concede that the Natives evinced "not only by their equipments, but their movements, a degree of military efficiency little inferior to irregular Cossacks"./ In a private and more intimate version to his brother, Earl Cathcart, the Governor emphasized that he was left in the lurch by the commanders of the two other columns, Colonels Napier and Eyre, who "ran wild after cattle and did not act according to orders" ... "They are both fine fellows and therefore I say nothing about this in my despatch but soldiers will easily see that the fault is not mine that we did not make a better job of it".2 The General's reasons for accepting the Basuto Chief's overture after the latter had been "most severely punished" savoured of the "unsatisfactory compromise" he had sought to avoid:- "I recognized an important crisis, in which one false step might involve the nation in a Basuto war, and embarrass the Government by perhaps irretrievably compromising the free option which now exists as to their future policy, in respect to the retention or abandonment of the sovereign rights and obligations of this territory, and at the same time leaving a state of irritation and excitement which might aggravate and perpetuate the evils I came to allay, and requiring an army of occupation to counteract the consequences; whereas the abject and complete submission of the enemy, the sincerity of which I have no cause to doubt, and the forced payment of the penalty which had been accomplished and admitted, were all the solid advantages I could ever hope to gain. Under these circumstances, I thought it my duty to accept the chief's submission, without further prosecution of the war". It is noteworthy, moreover, that in another private letter of the same date he consoled himself with the reflection "but, perhaps it is better as it is; for, had the Basutos been driven to desperation by loss of lives and cattle, the end would have been war instead of peace, as soon as I should return with the army and leave the country unprotected".3

Cathcart next reverted to the question whether the Sovereignty should be retained or abandoned. From the first he had scrupulously followed Earl Grey's parting -injunctions-

1. D. 46, 13/1/1853, G.H. 31/2; Bas.Rec. 2/3. 2. C.C. p.343; Bas.Rec. 2/7, 13/1/1853. 3. C.C. p. 345; Bas. Rec. 2/8, 13/1/1853.

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injunctions and had avoided involving the Imperial Government further, even declining to introduce the changes in the character of its government either as indicated in the unpromulgated Letters Patent or as proposed by the meeting of delegates at Bloemfontein and supported by his Assistant Commissioner and the British Resident. We have seen, too, that he had actually recommended the course of abandonment to the Secretary of State before leaving for the Sovereignty. This fact probably more than any other dictated his ready acceptance of Moshesh's offer of peace after his failure to smash the Basuto resistance at the first assault. During his brief visit he had not been favourably impressed by the little he had seen of the Sovereignty observing that it was "not worth keeping" ... "There is not a particle of wood, or a single tree of any sort, in the whole country, except a few willows in the bed of the river; and water, except in the Caledon, is very scarce. There was not an inhabitant of any sort in 101 miles of this country which we traversed; for Moshesh's people live on the other side of the river Caledon, where the country rises to the Blue Mountains"./ The High Commissioner regarded it as "absolutely necessary" in order "to obviate the risk of most serious consequences" that the Imperial Government should decide either to give up the Sovereignty or to authorise him to give effect to the Letters Patent by the appointment of a Lieut-Governor and the establishment of a regular government backed by an army of 2,000 men under a Major General to "enable him to keep in check not only the burghers of questionable loyalty who inhabit the territory, and petty tribes, being Her Majesty's adopted subjects but the far more formidable Transvaal emigrants, and the two powerful and warlike chiefs of the native aboriginal tribes of the Zulus and Basutos, Panda and Moshesh". So much, apparently, for the Sand River Convention and Berea! "The fate of great and powerful future nations" he continued solemnly "is involved in the course of policy which now must be adopted ... and a fault in a single elementary stipulation or enactment may involve international difficulties, the inconvenient consequences of which are incalculable and may be irretrievable". Cathcart pleaded that it was necessary he should be relieved of responsibilities at a distance of 400 miles in view of all his other duties. He proposed that in either case the Imperial Government should send out some prominent person of ripe political experience, well-versed in international law and having no previous connection with the Cape, to carry out its policy. As he favoured withdrawal Cathcart recommended that this official should be appointed Chief Commissioner and suggested that the Assistant Commissioners would be of the greatest use to him.

The feelings and desires of the European inhabitants did not receive more than a fleeting reference, in which the High Commissioner assured the Secretary of State that he had "witnessed no excitement among the burgher population on this question, and only anxiety on the part of those of colonial or British origin, who are almost all land jobbers, possessed of titles to numerous farms which they hold unoccupied with a view to profitable speculation".2 This "set of covetous, profligate, -unscrupulous-

1. D.46, 13/1/1853; C.C.p.346 and Bas.Rec.2/9. 2. D.47, 13/1/1853, G.H.31/2; B.B.XV.2.106; he enclosed a letter from Porter 8/11/1852 - "The Letters Patent 22/3/1851 by which the O.R.S. is made a distinct British settlement ... arrived in the thick of the Kaffir War but were laid aside pending a more favourable conjuncture for promulgation. To have published the letters patent after Earl Grey's despatch 698, 21/10/1851 had instructed Sir H. Smith that 'the ultimate abandonment of the O.R.S. should be a settled point in our policy' would have been obviously improper. My own idea is that it will be better not to promulgate or act upon them. It would seem to be clear that we must soon either abandon the O.R.S. or grant to it representative institutions".

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> unscrupulous landjobbers of colonists" he wrote unofficially, "expected that I was to use the Queen's troops not in support of justice, but to aid and abet and support them in injustice and rapacity, at the expense of commencing another war".[1]

There is no evidence that the possibility of withdrawal was ever publicly mentioned by Cathcart on his recent expedition, nor was there anything to suggest this in his carefully worded replies to the addresses of the Smithfield burghers, who certainly showed that they were far from being indifferent to their future. Had Cathcart carried out his original programme and also discussed the question of abandonment and all its implications with the people concerned, both European and Native, he would not have forwarded such a splenetic and hasty generalisation. Evidently the battle of Berea still rankled, and the General's weariness and ill-humour had not passed.

The third despatch painted a similarly misleading picture of Native affairs between the Orange and the Vaal. With the obvious motive of strengthening the case for withdrawal the High Commissioner submitted "certain facts ... which materially alter the circumstances of that part of Her Majesty's newly-acquired South African possessions". He began by differentiating between "the only two real territorial chiefs", the hereditary Sikonyela and the long-established Moshesh, and the "nominal" Chiefs of the Barolong and the Bastards, Moroko and Carolus Baatje, whom he described as "little better than men of straw". With regard to the former, the "two principal aboriginal powers", he claimed to have "every reason to believe" that friendly relations had recently been restored between them. Of the other two, Moroko had been "seemingly satisfied" with the award of cattle and the yearly stipend of £50 in settlement of his claims and "pretensions", whilst the "adventurer" and "refugee Hottentot", Carolus Baatje, had appeared "personally satisfied" with what had been arranged "but required to consult his people" ... "It is a satisfaction to me to believe, that whilst among these native tribes in the Orange River Territory a good understanding and peaceful relations have been restored to a degree which has not existed for many years, all claims upon the British Government have been sufficiently compensated, and all wrongs redressed; and, unless wilful aggressions should take place on the part of the colonists of European origin, a degree of security and peace may result from recent events which has not been experienced since the assumption of the sovereignty". Next Cathcart briefly disposed of the Griquas, the "renegade Hottentot" communities of Waterboer and Adam Kok and the matter of the adjustment of boundary lines. Referring to the recent death of the former Chief he stated that there was "reason to believe" that his son would prove an equally faithful ally, but with regard to Adam Kok and his tribe he made the very pertinent though perfunctory observation that there were "some nice questions as to land tenure etc., partly guaranteed by treaty and partly interfered with by arrangements incidental to the establishment of the sovereignty".[2] He concluded by explaining why he had not left the Assistant Commissioners behind to investigate these questions as well as the allegation that the principle of leaving the Europeans and the Natives on the land they had occupied prior to the proclamation of the Sovereignty had been most unjustly disregarded: "on nearer inspection and further consideration I arrived at

1. C.C. p.347, 10/2/1853. 2. D. 48, 13/1/1853, Bas.Rec. 2/5; G.H.31/2; -the-B.B.XV.2.109.

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the conclusion that it would be most dangerous to meddle with a defective and ill-cemented edifice until I should have a knowledge of the foundation upon which its reconstruction should be founded".

Even before these despatches were penned protests were on their way to the High Commissioner reviving unpleasant memories of his confident promises before Berea and disturbing his recent wishful thinking. Moroko flung back the annuity and charged the British Government with oppressing instead of protecting him: "I have not yet seen the justice of the Governor and still ask my property from Government"./ Carolus Baatje reminded Cathcart of the demand upon Moshesh that the Bastards were to return to Platberg and rejected his subsequent proposition that they should give up the land to which they had "become attached by many ties that cannot be snapped asunder". That his people should be punished in this way for obeying the order of the British Government to take part in a war which it had started did "not comport with" their "simple ideas of justice", and they could not abandon the hope that justice and not "the dictates of expediency" would prevail.[2] The British Resident was instructed to reply to the Barolong Chief that he had been told to make his peace with Moshesh and that the annuity of £50 and the thousand head of cattle which he had kept were a reward for his past loyal services and cancelled all claims on that score. He was to point out that compensation for losses would only encourage negligence and even dishonesty and therefore could not be attempted.[3] With respect to Carolus Baatje's people, the Governor wrote to Green that he now had "reason to believe" in the possibility of their being reconciled with the Basuto and re-occupying Platberg. He suggested that friendly relations might be renewed between them with the assistance of the missionary, Mr. Giddy, but made the re-occupation of Platberg conditional upon the production of the original title deed of that area granted by Moshesh to the Wesleyan missionaries, which Baatje claimed to be extant but had hitherto failed to produce.[4]

That Moshesh would long remain the faithful ally of the British Government or that the Basuto nation had been humbled by the recent expedition against it was not the view of Owen, who repeated to Cathcart the opinion he had expressed in writing the day after Berea. The Assistant Commissioner was engaged at the moment upon an inquiry into the Kat River Hottentot rebellion and had been informed by the Chief Commissioner of British Kaffraria, Col. Mac Lean, that a report of the result of the battle of Berea, to the effect that the troops had been defeated and driven out of Moshesh's country, had been conveyed to the frontier tribes in an incredibly short space of time. He was convinced that this was believed by the Natives to the severe detriment of British prestige.[5] -Extreme-

1. C.O. 1603, Schedule 13, 13/1/1853; Bas.Rec.2/1, 4/1/1853. Bas.Rec.5/2, 8/1/1853.
2. O.R.S.17; Bas.Rec.1/630, 22/12/1852. 3. O.R.S. 34/214; Bas.Rec. 2/13, 2/1/1853.
4. Bas.Rec.2/9, 18/1/1853; C.O. 1603. 5. O.R.S. 40, 11/2/1853. Chief Pato's statement. See also Bas.Rec. 2/55, 11/6/1853 Casalis to Green. O.R.S.40, 12/3/1853 as his two year period of appointment was due to expire Owen asked to return home: he had "found occasion to differ on matters of policy from His Excellency, the High Commissioner". First request O.R.S. 40, 8/1/1853.

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Extreme indignation and disappointment found forceful expression in the columns of "The Friend", for it was quite unaccountable that the High Commissioner should have returned satisfied after all he had threatened and omitted to do. The Sovereignty seemed destined to be "humbugged" and the impotent displays which had previously injured its affairs had been consummated in the battle of Berea. This last campaign had been mismanaged in spite of specific warnings, and the Editor questioned whether, with the exception of the conduct of General Whitlock of Montevideo and Buenos Aires notoriety, anything similar was to be found in the record of British Generalship: "By whatever motives His Excellency may have been influenced, or to whatsoever point his policy in regard to the Basutos was intended to be directed, one thing remains evident, that he has most palpably failed either in inspiring Her Majesty's subjects within this Territory with confidence, or the native Tribes with that respect which the means at his disposal were sufficient to command or rather coerce". 1

The paper went on to stress the importance of the geographical position of the Sovereignty as a connecting link between the Cape Colony and Natal, as an advanced post and "as a barrier between open foes and not very secret enemies". "To withdraw this post, to break this chain, to throw down this barrier and continue the same or greater military expenditure upon a new defensive line, could not fail to prove highly disadvantageous to the interests of all concerned. Had a trader acted as the British Government has, he would have been called a cheat, a swindler, an obtainer of money under false pretences and justly so". 2

Deeply concerned also at the adverse turn of events, the resident householders of the town and district of Bloemfontein held a preliminary meeting during the first week of January and chose a committee to consider what remedies should be adopted in the circumstances. The members were Commandant Erasmus, Field-Cornet Pienaar, W.C. Bouwer, Dr. A.J. Fraser, J.H. Ford, G.Home, D.C.Grant, J.Jordan, T.S.Colley, E.Harries, Commandant M.Wessels and J. van Rensburg of Winburg, R.Finlay of Smithfield and J. Johnason of Harrismith with C.P.Wienand as Secretary. At the same time it was agreed to hold a general meeting of the inhabitants ten days later and to present the case of the Sovereignty to the Queen in Council or the English Parliament. The petition which was adopted by the general meeting for presentation to the House of Commons followed the lines of the memorial of the previous June. It took strong exception to the way the former Resident had stigmatized them as "rebels" because they had declined to assist him in settling disputes between the Native tribes. In the opinion of the petitioners Cathcart's failure to enforce his demands or to carry out his threats was due to the employment of only one-third of the military force at his disposal as well as to his decision not to avail himself of the burghers and the native allies, and they deplored the probable effects upon every British settlement in South Africa. 3 What they wanted was the adoption of measures which would restore -confidence-

1. "The Friend" 30/12/1852 and 6/1/1853. 2. "The Friend" 26/5/1853 and 10/2/1853 for second part of quotation. 3. "The Friend" 20/1/1853 and 14/4/1853 for terms of petition, also 16/6/1853. See pp. 355-6 above. The despatch of the petition was postponed when it became known that a special commissioner was being sent out for it was felt that his proceedings might render same unnecessary or suggest new facts or arguments.

confidence and the introduction of a system of government somewhat more liberal than that proposed in the Letters Patent and conforming to the desires of their delegates at the Bloemfontein meeting. They felt they could manage their affairs quite effectually if this were done and the protection of a moderate military force of 300 cavalry and 200 infantry, to which they had a just claim, were provided for a few years to allow the new institutions to become well established. After all, in spite of their difficulties, the estimated revenue for 1853 amounted to £9,000, exclusive of the Sovereignty's long overdue share of the colonial customs duties, and the export of fine wool was increasing. On the other hand, if Parliament found it consistent with the honour and dignity of the British Crown to abandon the territory, then full compensation should be made to all concerned.

The reaction of the burgher officials to the High Commissioner's declaration at Smithfield was immediate and practical. He had indicated that they would have to fend for themselves and they took him at his word. Commandant Smit and the field-cornets of the Caledon district accordingly wrote to Moshesh on the last day of the year, expressing the hope that he would keep his people in order in future and exert himself to recover stolen cattle and also suggesting that he should appoint some responsible petty captain on the border to further this end.[1] Evidence of Moshesh's willingness to co-operate was provided shortly afterwards when Jan Letelle, styling himself 'Chief captain', resumed his inquiry into the case of two Natives who, he alleged, had been "murdered" in the Caledon district as far back as 1851 but who had actually been shot by a burgher patrol while in the act of escaping with stolen stock after killing four Boers. The Basuto Chief readily subscribed to the Resident's request that this petty captain should be compelled to desist from such annoyances, as the past was best forgotten, and wished him to assure the farmers of the Caledon district that they had nothing to fear.[2]

It would appear that the burghers bordering on Griqualand also took advantage of the new order and promptly followed up thieves across the Griqua line. Upon the Resident's explanation that Kok's territory had for some time been the refuge of Barolongs and other Natives reduced by destitution to stealing, Cathcart endorsed the action of these farmers but he insisted that the right of recovering cattle should not be abused and unwarrantable murders committed as had been alleged in the case of Captain Bailie.[3] When Adam Kok made application for one of his subjects, Jan Pienaar, to purchase 400 lbs. of gunpowder and 100 flints at Colesberg, Green declined to

1. Bas.Rec. 1/636, 31/12/1852. 2. Bas. Rec. 2/10, 19/1/1853. For original allowincident see Bas.Rec.1/485; O.R.S.38/94, 5/1/1852: Bas.Rec. 1/495; O.R.S. 41, 18/1/1852: Bas.Rec. 1/593; O.R.S. 39, 4/10/1852 for deposition of Fd.-Ct.Olivier. Bas.Rec B/12, 25/1/1853 and Bas.Rec. 2/16, 29/1/1853 also C.O.1603, Schedule No.14, 27/1/1853. Cathcart felt the Resident should have entered into a temperate investigation before writing to Moshesh in the tone he had done. The facts were quite a year old and later Cathcart approved Bas.Rec.2/35,18/2/1853,C.O.1603. 3.C.O.1603, p.152,Schedule No14, 27/1/1853.

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allow any Griqua to buy more than 5 lbs. of gunpowder at a time and the High Commissioner duly approved.[1]

The field-cornets of Winburg acted as promptly as those of the Caledon district. They took the precautionary step of notifying the Chiefs of the Bataung and the Basuto through Biddulph, their Magistrate and Civil Commissioner, that passes would have to be carried by Natives entering their district and that no armed Native would be allowed to cross the line either with or without a pass. Moshesh observed this intimation, but on Sunday, the 23rd January, the village of Winburg was greatly alarmed by the arrival of Molitsane's son and twenty armed followers, who dismounted at Schnehage's house and stayed for upwards of an hour until the time of Divine service. Biddulph, who had long been estranged from the Bataung, informed the Resident that these were the identical Natives who had plundered the district after Viervoet and that the visit was intended as an insult and an act of defiance. He quoted from current report that they boasted of what they had done, of the defeat and the flight of the troops at Berea, that they dissociated themselves from the peace and claimed the country as theirs and accordingly he asked the Resident to send a sufficient supply of gunpowder.[2] At a meeting of the burgher officials the following Tuesday it was proposed by Field-Cornet Erasmus, with the support of Biddulph, that these Natives should be disarmed but Commandant M.Wessels, no doubt from bitter experience of the Government's weakness in the past, advocated that they should be allowed to pass on this occasion, as they were peaceably disposed, and that a meeting should be called to ascertain whether the public would assist in disarming them should they again intrude.[3] Green replied that Biddulph should not have countenanced regulations, which were difficult to enforce, without the approval of a higher authority. Nevertheless he directed the Chief of the Bataung to carry out the instructions in future and notified Cathcart of these developments.[4]

The matter was not to rest there, for another account soon reached the Resident from the Rev. Mr. Daumas of Mekuatling and also appeared in "The Friend". According to this version the party of Bataung had apologised for troubling the village on a Sunday and, further, Biddulph had not only driven a son of Molitsane away in a very insulting manner saying he would not see any of that Chief's people, but had also subsequently declined to receive David Raliye, Molitsane's messenger. On the other hand, Gert Taaibosch and his people had passed unhindered through the village on their way to Sikonyela, with the intention, it was surmised, of re-occupying their country-

1. C.O.1603, p.157, Schedule No.15, 17/2/1853. 2. Bas.Rec. 2/10, 24/1/1853; Bas.Rec. 2/22, 29/1/1853. Two Basuto came to the magistrate with a pass which he renewed. 3. "The Friend" 3/2/1853, G.M. and H. Wessels supported Erasmus. Schnehage and van Rooyen supported Cdt.M. Wessels. 4. Bas.Rec. 2/13, 26/1/1853; Bas.Rec. 2/14, 26 and 27/1/1853. Endorsed by Cathcart Bas.Rec. 2/32, 4/2/1853.

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country.[1] As the Magistrate's replies to the charges preferred against him were considered unsatisfactory, Green recommended that he should be transferred to the Vaal River district. This was agreed to by the High Commissioner, whose Assistant Ebden observed: "I do not wish to attribute anything to Mr. Biddulph beyond error of judgment brought on it seems by strong prejudice against Molitsane and his people. It is of the utmost importance that the spirit of the late peace with Moshesh should not be departed from and that a course of justice and reconciliation should be pursued towards the Basutos, Bataungs and all other coloured tribes".[2] The time was not opportune, however, for changing magistrates and no doubt the several memorials of the Justices of the Peace, the Field-Cornets and the people of Winburg district objecting to a proposal to remove him late in 1852 stood him in good stead, for Biddulph stayed on.[3]

The news of Gert Taaibosch's return with the two-fold object of assisting his friend Sikonyela to recover what the Basutos had seized during the previous year and of driving the Bataung from Umpukani and Merumetsu and thus resuming the occupation of his own territory roused the British Resident to instant action.[4] He directed the Magistrate of Winburg to deliver personally a written warning to the Koranna Captain against disturbing the peace and to dissuade him from indulging in reprisals. Biddulph had also to warn the Field-Cornets against allowing Taaibosch's followers to take refuge with their booty in the district and thus induce a collision between the farmers and the Bataung.[5] At the same time Green intimated to Moshesh that the Government would no longer support one tribe against another and that Taaibosch should be forcibly repulsed if he attacked the Bataung or the Basuto.[6] Relations with these tribes had much improved and the Resident informed the High Commissioner that not a single theft had been perpetrated by them since Berea and that he proposed visiting Moshesh shortly.[7] Cathcart approved Green's conduct of affairs on these lines: "I think you are going on the right tack, that of equal justice to both parties in the difficult game of chess you have to play 'black men against white men' ... You are quite right as to the propriety of stirring nothing that can be avoided till the arrival of the Commissioner and the great question comes to be decided ... Do nothing to compromise Government or establish any new claims or difficulties.. Let things remain as they are".[8] Similarly Cathcart completely withdrew his animadversions on the French missionaries when Casalis took umbrage at them after five months' silence and the chastened and apologetic Governor explained that since he had become personally acquainted with the Basuto Chief and the French missionaries he realized that what he had written "possibly in a moment of undue impatience" could not apply to them for the latter were "incapable of being actuated by any sinister motive, and if circumstances should call for their political agency, which they occasionally must do, I feel convinced it will be

1. Bas.Rec. 2/22-29, 29/1/1853 and 8/2/1853. Bas.Rec. 2/15, 28/1/1853. -afforded-
2. Bas.Rec. 2/32, 17/2/1853. Bas.Rec. 2/35, 18/2/1853. O.R.S. 6, 15/3/1853, Memo of Ebden; also C.O.1603, Schedule 16. 3. Memorials to Cathcart O.R.S. 33/114, 16/11/1852: 33/115 Fd.Ct van Rooyen: 33/119, 9/11/1852 Fd.Ct. Fick and 37 Wittebergen farmers: 33/120, 19/11/1852 J. Vermeulen: 33/122, 5/11/1852 J. Schutte. 4. Bas. Rec. 2/16, 28 and 29/1/1853: Bas.Rec.2/31, 11/2/1853: Bas.Rec. 2/34, 18/2/1853.
5. Bas. Rec. 2/18, 21, 3/2/1853. 6. Bas.Rec. 2/17, 3/2/1853. 7. Bas.Rec. 2/29, 10/2/1853 and Bas. Rec. 2/36, 18/2/1853. 8. O.R.S. 38/159, Extracts from letters Cathcart to Green, 26/4/1853, 18/2/1853, 3/4/1853, 17/4/1853.

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afforded with perfect loyalty, sincerity and good faith in the cause of peace".[1]

Meanwhile, the High Commissioner also continued to avoid becoming entangled in the repercussions of the "arbitrary" proceedings of the Transvaal Boers towards Secheli which had provoked a dignified letter of protest from the missionaries Roger Edwards and Walter Inglis residing at Mabotsa: "In our opinion the treaty between the Emigrants and the British Government has been violated by the capture of children in war which will be regarded through Cape Colony, England and Europe as nothing else than slavery. Many of the said captive children will probably be taken away and sold to other parties in distant places where their parents may never see them more".[2] A report of Edwards to the London Missionary Society had been printed earlier in the year in the "Commercial Advertiser" in which he made similar charges, adding "If some Power do not interfere, either from policy or humanity, the ruin and slavery of the native tribes will inevitably follow at no distant period".[3] This was too much for the new Republic to stomach and accordingly the two missionaries were summoned to appear before the court of landdrost and heemraden at Rustenburg in November and banished from the Transvaal. To these happenings "The Friend" gave considerable publicity. Though inclined at first to sympathise with the Transvaal burghers in their organization of a commando to "castigate the bumptious" Secheli, the Editor described their summary expulsion of Inglis and Edwards as ludicrous and expressed his "extreme surprise" at so "shortsighted" a policy; for the missionaries were needed to "disseminate civilization". To his mind the letter protesting against slavery and the separation of children from parents appeared "so exceedingly tame that unless we were aware that those gentlemen lived in a lawless land we could scarcely be brought to appreciate the mild terms in which said letter is couched" and he suggested a petition to both Houses of Parliament.[4] The charges of seizing Natives in order to make servants of them seemed to demand an immediate answer and he offered to insert any that Pretorius might send.[5] As slavery could not legally exist in any part of British territory the paper subsequently proposed, on the analogy of Lord Mansfield's judgment before the abolition of the negro slave trade, that if any Transvaal Boer who arrived at the Bloemfontein market was suspected of holding Natives in bond service or compulsory apprenticeship he should be served with a writ of Habeas Corpus to bring such servant to court.[6]

When Secheli came to Bloemfonteih early in the new year, he despatched an appeal to the High Commissioner to protect him and prevent a repetition of the slaughter of his people, but Cathcart merely deplored the Chief's losses and undertook to inform the Secretary of State. He pointed out that his military command did not extend beyond the Vaal and that armed intervention was unlikely in view of its impracticability.

1. See p.374 above: Bas.Rec. 2/19, 3/2/1853: 2/47, 6/4/1853 Casalis to Green. Bas.Rec. 2/41, 22/3/1853 Cathcart to Green: C.O. 1603, p.175. 2. B.B. XV.2. 119 et seq. for letter to Scholtz: Theal Vol. VII. p.383 et seq. deals with the Secheli affair. Also see pp. 368-9 above.
3. S. A. Commercial Advertiser 19/5/1852: Theal Vol. VII.p.388 Edwards was charged with high treason for calling in another power.
4. "The Friend" 4/9/1852, 7/10/1852, 20/1/1853 gave five columns to the trial.
5. "The Friend" 27/1/1853. 6. "The Friend" 17/3/1853.

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bility and of the terms of the Sand River Convention.[1] That the missionaries and their societies failed by their representations, memorials and interviews to move the British Government will appear later. The High Commissioner continued to follow scrupulously this policy of laissez-faire and refused to be drawn: for instance, he declined to grant a request from Griquatown that the Treaty of 1834 with Andries Waterboer should be renewed with his son Nicholas, the new Chief, on the ground that the treaty was a personal one and that, as he observed to the Secretary of State, it also included certain stipulations regarding the supply of arms and gunpowder which would be incompatible with the Convention concluded with the Transvaal Boers.[2] Likewise the verdict in the case of the memorial of one Alex Davidson praying Cathcart to intervene in the recovery of debts due to him by persons resident in the Transvaal was simply "I do not think the Transvaal Boers have power or inclination to aid an Englishman in the recovery of debts although their courts of law may give a decision in his favour".[3]

As if he had insufficiently emphasized his case for the abandonment of the Sovereignty or had left any doubt about the success of his recent intervention and the efficacy of the steps he had taken there, the High Commissioner devoted at least one despatch each month to these topics, urging with increasing stress that the moment was opportune for withdrawing should the British Government finally favour this policy. On the 11th February, 1853, just as on the 13th January, Cathcart actually despatched three dealing either wholly or in part with Sovereignty affairs.[4] He reaffirmed that he had restored peace and security, confidence and a good understanding and that the black and the white inhabitants were "ready to separate on good terms and in a fit state for an amicable and equitable diplomatic adjustment of their line of demarcation ... I have settled and cancelled all claims engendered by a mistaken policy of recruiting petty native chieftains on the side of Government and in placing them in array against the powerful chief Moshesh in order to court favour with the boers". He repeated also that he had severely punished Moshesh, "mulcted" him of 9,000 head of cattle and thus enforced a just penalty in respect of the "balance of spoliation" which had rested with the Basuto. The Chief had made "due submission" and Cathcart expressed confidence in his "perfect loyalty and good faith" and that he would remain a faithfully ally. On the other hand he was not equally sure of the Europeans and entreated the Secretary of State to reach an early decision for there was "every prospect of stability unless disturbed by wilful indiscretion or evil design on the part of the colonists ..[5] The only chance of

1. G.H. 31/2. D.55, 11/2/1853; B.B.XV.2.111: re Secheli Cathcart wrote to -any- Newcastle "he has been on good terms with traders, class of adventurers whose undue and indiscreet dealings in arms and powder may not improbably have got him into his present troubles". Also Encs. D.55, Cathcart to Green 25/1/1853, C.O.1603 and Schedule No. 13, 13/1/1853, p.149, "Care must be taken not to compromise British Government", Cathcart to Green. 2. Encs. D.60, 15/3/1853, Request 18/1/1853 and Reply 7/3/1853. Also G.W.Land Records Exhibit No.218, 15/1/1853 which acknowledged news of death of Andries Waterboer and expressed the hope that the good understanding would continue. 3. C.O.1603, p.157, Schedule No.15, 7/2/1853. 4. G.H. 31/2, D.51: D.54, also Bas.Rec. 2/29 and C.C.p.7: D.55, also B.B.XV.2.111.
5. D.54, 11/2/1853 Cathcart referred to the mistaken policy of Warden in arbitrarily demarcating boundary lines and that the new policy was one of non-intervention in petty quarrels between the Native tribes: G.H.31/2, D.60, 15/3/1853, also B.B.XV. 3.1; Also addenda Bas.Rec.2/39. G.H.31/2, D.2, 14/4/1853 Also B.B.XV.3:3;also addenda Bas.Rec. 2/47. Cp Sir H. Smith's boundaries must be respected, p.381 above.

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any disturbance of the peace or renewal of hostilities lies in the covetous or rapacious spirit which at all times pervades the burgher population and in which land speculators and traders of colonial extraction, who constitute the rest of the Orange River community, are too apt to participate. If the question of abandonment or establishment of an efficient government be not soon decided, provocation may again lead to retaliation; but I am convinced that the desire for peace is on the side of the Basutos, and the provocation, if not the aggression, will be on the side of the burghers". / Moreover, when he heard of the recent reaction of the Natives to the measures of the burgher officials, he was not surprised in view of the "rancorous spirit evinced by the Boers and certain evil disposed persons of colonial origin more immediately connected with them who, I am inclined to think, are agents of mischief with a view to their own ends, encouraged I have no doubt that hostilities will be provoked and in that case they must take the consequences on themselves". 2

It would appear that the High Commissioner had recently been required to examine the whole question of frontier policy with a view to withdrawing British control if practicable or expedient, not only from the Orange River Sovereignty but also from British Kaffraria and a comparison of his reasons for recommending the abandonment of the former and the retention of the latter, even though the cases were not absolutely on all fours, affords final proof of his complete failure to grasp the essential unity of the South African scene. He asserted that the boundary line could not be withdrawn from the Kei to the Keiskama or the Fish because of the engagements to white settlers who had been allowed to take root, as it were, at Kingwilliamstown and, further, because the Natives would misinterpret such an end to the war which

"would not fail to be proclaimed to all surrounding native tribes and revive the war of races extending possibly to Natal with renewed hopes of being able by perseverance ultimately to drive the white man into the sea".3 True enough matters did not wear a favourable aspect when Cathcart came out with the sole object of terminating the Eighth Kaffir War and with no appreciation of his predecessor's "holistic" approach to the South African problem or the fact that the Sovereignty was the keystone of Sir Harry Smith's South African settlement. Even so he rather curiously failed to see that British Kaffraria and Transorangia were parallel cases. Instead he stood by his mistaken views of the previous September and October and delivered himself of the following pronouncement: "I have always expressed my conviction that the abandonment of the Orange River Sovereignty must inevitably be followed by the union of the Emigrants on both sides of the Vaal and I see no inconvenience in that result. The Chief Moshesh is avowedly endeavouring to unite the black population who are to the southward of the O.R.S., and to convince them of the necessity of making common cause under his rule as paramount chief, not with any view to aggression, but for self-defence in the event of aggression on the part of the Boers, which the recent hostilities against Secheli, on the north side of the Vaal, induce him, with much reason, to look to as a danger which it is necessary to provide against. I see no reason to object to this policy on the part of the Basuto Chief, for it is desirable that when the line shall be drawn between the black and the white population north of the Orange River, and which in fact has been done, subject to some partial adjustment which in the present temper of all parties may be amicably settled, I consider it very desirable that a balance of power should thus be established, so as to obviate the necessity of interference for the protection of the coloured races, now Her Majesty's subjects, but who, should they be absolved from their allegiance at the will of the British -Government-

1. D. 55, 11/2/1853. 2. C.O. 1603, 14/2/1853, Cathcart to Green add. Bas.Rec. 2/32. 3. D. 54, 11/2/1853, He referred to the stimulation supplied by Umlanjeni.

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Government might still consider themselves entitled to claim that protection". [1]

And, further, "Panda and Moshesh are great friends and allies, and when the present Sovereignty united with the independent emigrant boers form one powerful state, the attention of these great chiefs will be turned outwards ... the only aggression they have now to apprehend must be from the side of the Dutch, against these, if left to themselves, they are both at present strong enough to protect themselves". [2]

Cathcart had had enough of public business and asked only to be allowed to go home.

"I am much disappointed in our southern stars: the Southern Cross is a poor constellation compared with the Great Bear".

Other questionable statements appeared in the official correspondence of this lonely and somewhat pathetic figure so anxious to be off home. In March he wrote of the returning confidence and prosperity in the Sovereignty and of the increase in the value of property since the peace with the Basuto, so much so that the "Colonial speculators would now be easily reconciled to the separation", and he added that there were "no apparent symptoms of impatience or distrust among the Burgher population", with its "decided preference for independence", on the score of the long delayed decision of the British Government.[3] Nevertheless he continued to keep the Sovereignty in the position of Mahomet's coffin and claimed that, owing to the uncertainty, the Government of the territory was "virtually little better than anarchy" and that longer delay might lead to uncontrollable difficulties.[4] The following month he again assured the Secretary of State that the result of his visit had been "as I anticipated and reported as my object, the restoration of peace by the administration and enforcement of equal justice to all classes of Her Majestyds subjects, that being the only basis on which peace unmaintained by an army in the field can prove lasting". In a minute laid before the Legislative Council of the Cape Colony in May he referred to the resumption of commercial intercourse between the farmers and the Basuto. Yet despite this satisfactory prospect he was content to observe that "all is prepared for a transition either to a state of independence or a confirmed government under British rule. If abandonment, I have secured the agency of some of the more influential persons of that community in support of Government by convincing them that it is for the interest of all parties that the transition should take place in a regular and orderly manner to some other constituted authority capable of pledging itself for the maintenance of existing rights and privileges in respect of laws, liberty and land".[5]

Though the Legislative Council of the Sovereignty had not met for some time and the political shape of things to come was kept in suspense by the High Commissioner, the state of the administration by no means warranted the charge of anarchy. The ordinary routine continued. In March the Magistrate of Griqualand held court at Faureswith. The Court of Combined Magistrates sat in April, during which month the rules for the admission of Notaries Public were gazetted.[6] In May the Resident attended the Court held by Captain Adam Kok at Philippolis in conformity with the

1. G.H. 31/2, D.18, 17/5/1853; B.P.XV.3.5; Bas.Rec.2/51. 2. D.24, -Maitland- 14/2/1853, B.P.XV.3.7; Bas.Rec. 2/56. The British Government would restrain undue acts of aggression on the part of the Boers by political negotiation, backed by the power of stopping all commercial intercourse and communications with the sea by any port, not even excepting Delagoa Bay. The Zulus and Basutos will lean to the British Government for support, and if the Boers will leave them alone, will not seek to quarrel with them".
3. G.H. 31/2, p.60, 18/3/1853; add. to Bas.Rec. 2/59.
4. G.H.31/2, D.51, 11/2/1853: "Everything must remain in a state of suspense until H.M.G. shall have come to a decision". 6. G.H.31/2, add. Bas.Rec.2/52, 20/5/1853; C.C.p.189. 6. "The Friend" 17/2/1853, 7/4/1853, 21/4/1853, 5/5/1853. C.O.1603, p. 206, proceedings sent to Porter.
7. C.C.p.350,15/5/53.
4. See Theal VII p. 340.

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Maitland Treaty.[1] Every effort was being made to obtain payment of the quitrents due as well as of arrears, especially in the remote and extensive Vaal River district, where the newly appointed Civil Commissioner gave timely notice of his itinerary. The burgher officials carried out their duties as formerly and the Land Commission received explicit regulations regarding the allocation of vacant lands.[2]

While the High Commissioner was piling on the agony at the expense of the Sovereignty the future of that territory had been further indicated in England. Just before Lord Derby's shortlived Government gave way to that of Lord Aberdeen at the end of 1852, the then Secretary of State, Sir John Pakington, had minuted his agreement with Cathcart's recommendation of abandonment on the eve of his military expedition across the Orange. Pakington had furthermore approached the Law Officers of the Crown for their opinion on the legal mode of abandonment.[3] As these learned gentlemen decided that Parliamentary sanction was necessary the position became one of stalemate, for the Government was not prepared to risk discomfiture or even to expose the Colonial Office to criticism by pressing the matter in Parliament. On receipt however of Cathcart's despatch revealing that the Letters Patent had not been used and also enclosing the conclusion of his Attorney-General in favour of abandonment, Pakington's successor the Duke of Newcastle in turn consulted the Law Officers of the new administration early in 1853. In the new House of Commons when Adderley inquired whether the movement of troops into Basutoland was likely to lead to a prolongation of hostilities or promised a speedy and permanent establishment of British authority over the Orange River Sovereignty, he was simply conceded the temporising reply that Cathcart "had not gone into the Sovereignty in pursuance of any decision of the Government of this country in connection with the Sovereignty of that part of South Africa".[4] Moreover when the High Commissioner's despatch following the Battle of Berea reached the British Government it was merely announced in the House that Cathcart's expedition had resulted in the "complete submission" of Moshesh and the restoration of peace along the whole frontier.[5] But Newcastle acted in accordance with the terms of Cathcart's despatches and the conclusions of his predecessors and replied to the High Commissioner that the British Government had decided to withdraw from the Sovereignty now that such a measure would "not entail any compromise of honour and dignity ..[6] You were satisfied, I have no doubt, that the durable impression which the expedition was calculated to produce on the minds of the

1. "The Friend", 26/5/1853, Treaty 5/2/1846, 20th clause - see also regulation 13 of Proclamation 14/3/1849. C.R.S.40, 19/5/1853, Memo of Owen and Ebden that great consideration was necessary before the Resident should interfere personally in Adam Kok's administration of justice. 2. "The Friend" 17/2/1853 Vaal River district Land Commission comprised acting C.C.Burnet as President, F.Orpen Govt. Land Surveyor, P.Bester and M.Cauvin. "The Friend" 20/1/1853. See Govt.Notices in "The Friend" 9/6/1853. Regulations in "The Friend" 31/3/1853. "The Friend" 13/1/1853 Govt. Notice confirming election of N.Muller as Field Cornet of Lower Modder "having been elected by the majority of the inhabitants". 3. See debate on Adderley's motion in Hansard House of Commons CXXXIII, p. 79, Pakington's speech. Also Collins Free Statia p.79 et seq. De Kiewiet, p.69-71. 4. Hansard H.C. CXXIV, p.40, 14/2/1853. 5. D.47, 13/1/1853. Hansard H.C.CXXIV, 1853, p.737. 6. C.O. 1349, D. 39, 14/3/1853; Bas.Rec. 2/38-39; B.B.XV.2.118.

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natives in the Orange River Sovereignty would not be weakened by the immediate return of the troops to their respective stations ... "[1]

The Duke of Newcastle regarded the alternative project of maintaining a force of 2,000 soldiers and of re-organising the government as "inadmissible" in the absence of any advantage to compensate for the risk and expense: "The policy therefore of relinquishing the Sovereignty over the territory in question may be considered as settled."[2] He directed Cathcart to continue to withhold the promulgation of the Letters Patent and informed him that a Commissioner would be sent out forthwith to make arrangements for withdrawing British authority from the territory and for adjusting the eastern frontiers of the province.[3] During the next month, April, he notified Cathcart that his commission as High Commissioner would be modified by excluding from it the Sovereignty, to which Sir George Clerk, late Governor of Bombay and a distinguished civil officer of the East India Company, had now been appointed Special Commissioner.[4] The preamble to Clerk's Commission referred to the Proclamations of Sir Harry Smith establishing the Sovereignty and its form of government but kept silent about the decision of the Committee of the Privy Council for Trade and Foreign Plantations as well as about the issue of the Letters Patent. This document made no mention of any intention to abandon the Sovereignty in spite of Newcastle's very explicit despatch of the previous month[5] nor did it disclose that further instructions were to follow; instead, it simply revoked Cathcart's authority over that territory and required Clerk "to take all such measures, and to do all such matters and things as can and may lawfully and discreetly be done by you for settling the internal affairs of the said Orange River Sovereignty, and for determining the disputes which exist among the Native and other Inhabitants thereof, and for enabling the said Inhabitants to establish Peaceable and Orderly Government therein", in which connection "We do command and require all Our Officers, Civil and Military, and all Our faithful subjects inhabiting the said Sovereignty, to be aiding and assisting you in carrying this Our Will and pleasure into effect".[6]

Cathcart lost no time in advising the British Resident of the Secretary of State's decision. "Although I have nothing definitive to communicate as to the policy of Her Majesty's Government regarding the Orange River Sovereignty I am happy to say my suggestions and request ... have been acceded to". Green was asked to obtain all the information he could about land questions on which claims might be founded and about boundaries between the colonists and the aborigines "without creating public excitement or anxiety".[7] He was adjured to keep things straight until the arrival of the Special Commissioner and then required to communicate in future direct with Mr. Clerk, to whose care the affairs of the Sovereignty had been entirely entrusted.[8]

-Andries-

1. C.O. 1349, D. 37, 14/3/1853; Bas.Rec. 2/37; B.B.XV.2.118; B.B.XIII.2.244.
2. C.O. 1349, D. 39, 14/3/1853; Bas.Rec. 2/38-39; B.B.XV.2.118. 3. C.O. 1349, D. 38, 14/3/1853; B.B.XV.2.118. The figure of 2,000 was Cathcart's and "The Friend" 8/9/1852 took strong exception and quoted the delegates' figures of 500. Cathcart gave the number either through "ignorance or misrepresentation". 4. C.O. 1349, D. 52, 14/4/1853; B.B.XV.2.119. 5. C.O. 1349, D.38, 14/3/1853. 6. "The Friend" 1/9/1853; Bas.Rec. 2/45; C.O. 1349, D. 52, 14/4/1853; B.B.XV.2.119: dated 6/4/1853 under the Great Seal. 4. See De Kiewiet p. 70 for a description of Sir G. Clerk.
7. C.O. 1603, p. 192, 26/4/1853; Add. Bas.Rec. 2/50.
8. C.O.R.S. 38/159 (Extracts of letters Cathcart to Green) 2/6/1853. C.O. 1603, 31/5/1853.

Andries Pretorius also was notified of the sending out of a Special Commissioner for the purpose of "finally and amicably adjusting all matters north of the Orange River" and, when news came to hand of the death of the Voortrekker leader, the message was repeated later in the year to his son Marthinus.[1] The idea of abandonment had already been opposed by the Colonial public and press generally; but they remained in the dark concerning the real recommendations of the High Commissioner until Clerk set foot in the country. In fact, on hearing of the latest change of government in Britain "The Friend" had consoled its readers with the thought that "great things" could be expected of the "good men and true" in the new administration of the Earl of Aberdeen.[2] The suggestion was even mooted that a general legislature for South Africa should be established under the Crown - "Union is Strength" - and it was argued that such a system of Imperial governorship should prosper as well as or better than one under an elective President "about the appointment of whom there would take place a triennial squabble all over the country".[3]

The principal, if not the sole advocate overseas of the retention of the Sovereignty was C.B. Adderley, who followed up his question in the House of Commons by replying to an article on Cape affairs which appeared shortly afterwards in the "Evening Mail". As this letter expressed "The Friend's" attitude it received immediate publication in the Bloemfontein paper.[4] The "Evening Mail" had argued that the territory ought to be made over to the colonists on the express condition that British aid should not be required for their support and Adderley remarked that that was precisely the opinion of the colonists themselves. He referred to the two days' able debate of the delegates during June, when they asked for free institutions and were prepared to ensure the peace of the territory, if they received a nucleus of 500 troops "around which they might gather when occasion required, for five years, but desiring the constitutional liberty of deciding the occasion".[5] The difficulty of the question had to his mind been increased by the novelties of government and commissionerships which Lord Grey had set up over his own extensions of territory but he felt that all rights would be secured if the territory entered into a federal connection with the Cape Colony. He also touched on the different points of view in England: "There are some who wilfully shutting their eyes to the cheap and effectual alternative of self defence, connect in their minds the necessity of England maintaining a large standing army on the spot with the retention of this territory and who are therefore calmly contemplating its abandonment". Others again saw no use in retaining colonies if they might not bully them, whilst certain people considered that Native rights had been infringed and were ready to relinquish what might have been an ill-judged aggression. "There may be some", he concluded, "who see nothing to regret in Lord Grey's having emulated Lord North's ill fame by-

1. C.O. 1603, p.302 et seq. 24/6/1853: p. 278, 15/11/1853. 2. "The Friend", 3, 9/6/1853. 3. "The Friend" 21/4/1853. 4. 19/3/1853 quoted in "The Friend" 10, and 31/3/1853. 5. "The Friend" 30/6/1853, settlers almost unanimous for retention of O.R.S. provided latitude of self-government afforded and some 500 troops retained.

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by transferring to a rival republic a portion of a continent due to Britain's Empire ... The first symptom of Rome's decay was the willing relinquishment of her Danubian Provinces ... When the Roman legions drew in their line from the Danube, it was not the loss of the province of Dacia, but the satisfaction of the Roman people, which constituted the evil omen and national decline - are we to exclaim like the luxurious and effeminate Roman triumvir, we have lost a world and feel content to lose it!" /

When the House of Commons went into Committee of Supply early in August and came to the vote for the expenses of the Kaffir War, this solitary champion roundly condemned the Duke of Newcastle's frontier arrangements at the Cape with particular reference to the subject of withdrawal from the Sovereignty. Mr. Peel, the Under Secretary of State for the Colonies, replied that the Government was of the opinion, in concurrence with the last and the preceding administrations, that where practicable the limits of the Colony ought to be controlled rather than extended:[2] "The Orange River territory was annexed without any previous communication with the authorities at home and with very little acquaintance with the feelings of the inhabitants and even that little as it had subsequently turned out, was entirely incorrect ... and during the five years since its annexation it had been of no advantage either to this country or to the colonists, on the contrary it had been a constant source of uneasiness to Sir H. Smith and General Cathcart lest there should be a rupture between the Kaffirs and the Europeans ..." Mr. Peel did not refer to the proposals of the delegates in June 1852 but went on: "We had originally occupied the Orange River Territory with the view, not so much of making it part of the Colony, as of exercising an arbitration between the inhabitants and of composing their quarrels, but that had been found impossible without marching a military force into it. General Cathcart whose opinion was entitled to some respect had come away from the territory fully impressed with the opinion that it was not and never had been the wish of the natives to be placed under our rule. With regard to the Dutch farmers there was every reason to believe that they still cherished the same feelings which led them originally to abandon the Cape Colony".[3] In the course of his reply the Under Secretary also made the authoritative statement that the Government had expressed "a general opinion in favour of abandonment", and he added that there was no legal obstacle in the way. He stated that the Government had not laid down "any positive directions" when appointing the Special Commissioner for "the manner and time of carrying out that measure must depend upon a conjunction of circumstances, which could only be seized by persons on the spot". Adderley thereupon gave notice that he would move early in the next session for the appointment of a committee to inquire into the legality of abandoning the territory without the consent of Parliament and at the same time he published an appeal/for the retention of the Sovereignty (in the "Evening Mail").[4]

1. Hansard House of Commons CXV/51, p.1424. 2. The Imperial government was always genuinely concerned about this need for curtailment in South Africa. D.26, 14/7/1853, G.H. 31/2 Cathcart himself was anxiously awaiting confirmation of his measures on the Eastern Frontier - the forfeited Tamboekie territory and the district of Victoria generally. He had taken over the Amatolas and proclaimed Queenstown where he wished to place a barrier of bona fide occupants of farms. D.124, 13/9/1853, C.O. 1350 A. Newcastle replied he was unable to authorise a change of boundary i.e. the detaching of the part North of the Amatolas from British Kaffraria and annexing it to the Cape Colony until he was aware of the grounds thereof - which Cathcart supplied D.138, 13/10/1853.
3. Hansard (Third Series) CXXIX pp.1455-61. 4. Quoted in "The Friend" 29/10/1853: "Is it clear that because we have paid dearly for S.A. acquisitions abandonment of them must be the way to economize in future?" His chief points were that it would be more economical to retain the territory in view of claims for compensation in case of abandonment and further that Lord John Russell had lately argued against the abandonment of colonial territory on the ground that other nations would snap up the rejected possessions. He supplemented his argument in Parliament that the relinquishment of the Sovereignty would entail the loss of Natal by the warning that this would mean surrendering good soil for cotton as well as the best post from which to watch the Portuguese Slave coast.

Chapter XVI.

The Arrival of the Special Commissioner.

The crucial problem of the legal mode of abandonment was still 'sub judice' at the time of Sir George Clerk's appointment; indeed several months passed before it was solved by the decision that the Crown could lawfully abandon the Sovereignty without recourse to Parliament. Meanwhile as "ulterior measures for the abandonment of this territory were in contemplation" by the Duke of Newcastle he must have acquainted Clerk with the general situation as well as with the intentions of the Government.[1] Without doubt he expressed the confident hope of receiving an early and favourable opinion from the Law Officers of the Crown. It would also appear that however much Newcastle was influenced by Cathcart's reports and desired to evacuate the Sovereignty, he nevertheless left Clerk the discretion to recommend its retention upon good cause shown.[2] What more was said is purely conjectural, but the Secretary of State evidently stopped short of authorising the Special Commissioner to abandon forthwith or to make any such premature official announcement.[3]

As he was about to leave Plymouth for the Cape, Clerk received certain unpublished instructions from Newcastle "which directed me to proceed and await here Your Grace's further commands".[4] Accordingly when he reached Grahamstown on the 22nd June Sir George Clerk waited for at least a month in the vain expectation of receiving the above opinion together with further directions. During his stay there he was furnished with all the information Cathcart possessed respecting his important mission and it would appear that he also came to share the latter's decided views upon abandonment.[5] The High Commissioner's latest gesture on being relieved of further responsibility for the Sovereignty had been to assure the Secretary of State again of the "favourable state of things which there prevails at present and does not appear likely to be disturbed", and Newcastle expressed satisfaction that this description appeared "to offer so little impediment to the proceedings and ultimate decision to be taken by Her Majesty's Commissioner now despatched there on your suggestion".[6] "I am encouraged by your despatch to hope for a favourable conclusion of the important settlement of affairs which yet remain to be completed in the Orange-

1. Clerk to Newcastle, 1/10/1853, B.B.XV.3.37: "My duties continue to be confined as therein directed (instructions 14th April) to maintaining during the interval peace and government in the community, and to the investigation of a variety of land disputes and wrongs unredressed. B.B.XV.3.53, 3/12/1853 "It is prescribed that I should consider my own powers of government as simply limited to maintaining the existing legislative and executive system during the interval which must elapse before the ulterior measures to be sanctioned by the law advisers of the Crown can be carried into execution". 2. Newcastle to Clerk 14/11/1853, B.B.XV.3.87. See pp.434-6 below.
3. Walker p.265 "Newcastle told him that retention was still an open question". Theal VII p. 339, "In other words he was sent out to withdraw British authority with the best grace possible". Cory Argief Jaarboek 1939 I p.92: "but nothing then was said about the abandonment or the release of the people from the allegiance to the Crown". De Kiewiet p. 73, "Sir G. Clerk's primary concern was with the interests of the Imperial Government as these had been interpreted to him by the Duke of Newcastle, and not with the interests of the Sovereignty population". 4. Clerk B.B.XV.3.23. 12/7/1853: B.B.XV.3.60, 10/12/1853; O.R.S. 43. 5. D. 24, 14/7/1853, B.B.XV.3.7; add. Bas.Rec. 2/56 Cathcart: "It is desirable that the British Government should be as little pledged by any treaty as possible in respect to intervention ... an opinion in which I am glad to find Clerk fully concurs". B.B.XV.3.49, 10/11/1853; Bas.Rec. 2/73 Clerk to Newcastle: "Those equitable precepts and sound views that characterise the too brief administration of the present Governor of South Africa".
6. G.H. 31/2, D.22, 14/6/1853, Cathcart. C.O. 1349, D.74, 14/6/1853, Newcastle.

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Orange River Territory. I am aware of no reason which should prevent its accomplishment and the continuance at the same time of friendly relations with the Boers beyond the Vaal, if the powers of self-government acquired by the latter are used with forbearance towards the native tribes established in their neighbourhood and at the same time on the frontier of Her Majesty's dominions".[1]

Impatient of further delay and desirous of returning to England as soon as possible, the Special Commissioner crossed the Orange at the beginning of August and on the 3rd entered Smithfield, where he received an address but deferred making any reply until he reached Bloemfontein on the Monday five days later.[2] Passing through this 150 mile stretch of country in the midst of winter and shortly after a locust invasion of unprecedented magnitude had so denuded the veld, already impoverished by a four years' drought, that the countless game had become "half-tamed by starvation" and the horses and mules "too weak for expeditious service", Clerk no doubt agreed that it answered Molesworth's designation of "as barren a desert (to use the words of the Surveyor-General) as is to be found on the earth's crust". Having noted also the "very sparse population of Europeans" whose habitations were "more commonly hovels than houses" and situated "many miles apart", he must have felt doubly convinced that his duty was to abandon the territory.[3] Whatever his instructions Clerk made this clear from the first. On the day after his arrival the Municipal Commissioners and other inhabitants of Bloemfontein presented a loyal address of welcome in which they confined themselves to expressing the fond hope that he might recommend such measures as would permanently restore to them "the blessings of peace, prosperity and happiness".[4] Whereupon in an equally brief reply Sir George straightway announced that whilst it would have been "most agreeable" to him to give the answer they naturally desired, the Imperial Government had nevertheless determined "to relinquish dominion" over the territory in "the interests of all".[5] He trusted that their investments and profits in land, buildings or trade would not suffer from the change. At the same time he offered the consolation to any British subjects who should find it necessary to abandon the country that due consideration would be given to their claims for compensation in respect of capital so invested in reliance on the proclamations of former governors.[6] This announcement was made known simultaneously to the British Resident in an official instruction requiring him to convene a meeting on the 5th September of the field-cornets and two elected representatives from each ward for the purpose of deciding upon "the form of that self-government which must in consequence devolve upon them".[7] -Within-

1. C.O.1349, D.106, 7/8/1853; B.B.XV.3.76: Newcastle acknowledging Cathcart's D.18, 17/5/1853; G.H. 31/2; Eas.Rec. 2/61; B.B.XV.3.5. 2. "The Friend" 11/8/1853. 3. "The Friend" 28/7/1853. O.R.S. 44, 15/8/1853, Clerk to J. de Smidt, A.C.G. Bfn. Molesworth's speeches p. 168. Clerk to Newcastle 28/8/1853, B.B.XV.3.23; O.R.S.43. This despatch has enclosures No. 4 and 5 below. 4. O.R.S. 31/235, 9/8/1853. 5. O.R.S. 31/236; "The Friend" 11/8/1853. 6. O.R.S. 31/256 gives claims "grounded on the abandonment of property acquired under encouragement held out by former authorities". 7. O.R.S. 44; Letter Book 1853, Clerk to Green 9/8/1853.

Within a few days Sir George Clerk followed up this initial step by sending the Assistant Commissioner, Mostyn Owen, to Thaba Bosigo to inform Moshesh of the intention to abandon the country and to make arrangements for settling the long disputed boundary between the Boers and the Basuto, which "I am most anxious should be one of my first acts".[1] The Chief Moroko was informed as well and urged not only to continue friendly towards the British Government but also to cultivate similar ralations with his neighbours.[2] Later in the month Clerk wrote to the Churchwardens of Fauresmith explaining that the British Government had become convinced of the failure of the Sovereignty to accomplish the objects for which it had been established, and had resolved upon withdrawal after "much deliberation".[3] The Special Commissioner thus made no secret of the matter although no government notice on the subject appeared in the press.

The inhabitants of the capital recovered sufficiently from the first shock of dismay to hold a meeting in the Court House on the following Saturday, 13th August. One of their resolutions expressed their utmost concern for the future: another appointed a permanent vigilance committee to watch their interests and draw up protests. In addition to the prospect of ruin facing "numberless" private interests they considered that the general interests of civilization and social advancement would be destroyed and that the honour of Great Britain was deeply involved. They feared that even between the Orange and the Vaal religion and morality would in all probability fall upon evil days. Without admitting the legality of the action of the Crown in severing its connection with its subjects, the meeting decided to send a deputation to the Special Commissioner to request a delay of at least a year.[4] Clerk replied guardedly to the deputation that the time for withdrawing could not be fixed but would naturally be regulated by the interests and obligations involved and that these could only be ascertained by investigation. He repeated his previous public statement upon claims for compensation and dismissed their anxiety regarding religion and morality as groundless in view of Dutch respect for religious and moral duties.[5]

Whilst the inhabitants of Bloemfontein and its vicinity were reacting in this way to the policy of Sir George Clerk the burghers of Winburg district were obtaining the last signatures to a memorial to Cathcart. This document had been drafted upon the first mention of the appointment of a Special Commissioner and had been submitted to several meetings. More than a hundred burghers signed it, including the three -Justices-

1. C.R.S. 44; Bas.Rec. 2/59, 12/8 and 23/8/1853. 2. C.R.S. 44; Bas. Rec. 2/59, 17/8/1853. 3. C.R.S. 44, 29/8/1853. 4. "The Friend" 18/8/1853; Enc. D, 25/8/1853; B.B.XV.3.33, Clerk to Newcastle. Bloemfontein citizens to the number of 70 signed a protest dated 1/9/1853. A memorial was also presented to Clerk on 5/9/1853 signed by 59 residents of Sannahspoort and district - "The Friend" 17/9/1853. 5. "The Friend" 25/8/1853; Enc. D, 25/8/1853, B.B.XV.3.33.

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Justices of the Peace, Jan Schutte, Jan Vermeulen and Jan Fick, who had done their best in the past to support the Sovereignty régime but now wanted a clear-cut firm policy. They reminded Cathcart that they had been involved in serious danger and disappointment and that he had "relinquished all matters" after the Berea to the Commandants, Civil Commissioners and Field-Cornets and had left them to the mercy of the Native tribes. They naturally found difficulty in reconciling this state of affairs with the continued designation of themselves as British subjects. In their opinion the appointment of a Commissioner would cause too much delay for they might all be murdered before he arrived. In the circumstances they inquired whether they were still British subjects and whether the Government was despatching more troops. If the replies were in the negative they were prepared to manage their own affairs without compensation and their own defence without the troops at Bloemfontein. Should British authority be withdrawn they empowered one J.E. van der Hoven to arrange terms of free commercial intercourse with the Cape Colony. These views reached Clerk a fortnight after his arrival in the capital.[1]

At this stage the Special Commissioner wrote at great length to the Secretary of State. It should be remembered that Sir George Clerk had not stirred farther afield than Bloemfontein and had only sounded some of "the few Dutch settlers" who resided in that part of the territory, yet he concluded from the Boers' dislike of the former policy of the British Government in the Cape Colony that "It may be anticipated therefore that a large majority of the Dutch settlers here ... if left to the exercise of their own judgments, will rejoice in the prospect of being allowed to govern themselves". He noted, however, that there "was little hope of the loyal meeting cordially with the disloyal for the formation of a mode of self-government". His remarks upon Native policy included the same criticisms of Sir H. Smith and Major Warden as had appeared in the notes forwarded at Cathcart's request by Henry Green just before he became British Resident. About Smith he observed "I find it most difficult to persuade myself that it was either just or expedient" for a Governor of the Cape Colony to bring the native tribes "under British dominion ... But supposing the measure to have been wise, the scheme for accomplishing it fell very short of being effectual". He added that the late Resident "subsequently gave way to the importunate applications" of his Secretary Allison, the brother-in-law of Missionary Cameron at Thaba 'Nchu, and that "thenceforth all went in accordance with the desires raised in the breasts of petty chiefs ..."[2]

On the subject of defence the Special Commissioner contended that the number of the regular troops, which amounted in all to the 150 Europeans and 50 Hottentots of the garrison of Bloemfontein, was "of course inadequate to prevent the probability of reinforcements being required at any time". He felt also that they were situated as the styles himself, "from what I have seen and heard of Mr. van der Hoven I should ... consider that no motive akin to disinterestedness or a desire to promote the wishes and real interests of the public in general has dictated his conduct on this occasion".

1. C.O.R.S. 43, The "President" 2. Although Clerk acknowledged that there were "truly pious men" among the missionaries who had deprived themselves of the amenities of civilization in order to improve and convert the natives, yet he concluded "I have never heard of an instance of the real conversion of any one of these people to Christianity; and the British Resident assures me that no case of the kind has ever come to his knowledge".

1. C.O.R.S. 31/114, 16/8/1853; Enc. D. [illegible]/11/1853, B.B.XV. 3. 47 - "principally landowners."

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"situated in a very false position" for the nearest military posts on the Eastern Frontier of the Cape Colony or in Natal were quite fifteen days away by forced marches. Nevertheless he did not favour the proposal of the delegates in June, 1852, that they would assume full responsibility for their protection provided 500 British troops with some guns were stationed in the Sovereignty. Whilst conceding that the consumption of supplies for such a force would be beneficial to the settlement he submitted that the additional expense and drain upon the military chest "would not seem to be justified by any objects the attainment of which here would deserve an appropriation of the treasure or the military strength of Great Britain".

Sir George Clerk was embarrassed by the non-arrival of the further instructions which he had been "led to expect" from the Secretary of State. For instance he had no directions in the matter of compensation, to which he fully appreciated some classes of people were justly entitled. He rejected the claims of all land [illegible] speculators, but observed to the Duke of Newcastle: "It is a legitimate venture when a merchant consigns articles of European manufacture to be sold or bartered among early settlers or barbarous tribes. It frequently has a tendency also to serve the beneficial purpose of advancing civilization among such people. But when the British Government has declared its supremacy and its control over these classes of consumers, such a trade is thenceforth regarded as discreet and secure and even cautious men of business no longer hesitate, either of themselves to embark in it, or to advance to others less deterred by privations and distance the capital requisite to carry it on". In the circumstances he could do no more than offer the consolation of his repeated assurances to such sufferers that he was presenting their claims to the favourable consideration of the British Government, but his inability to redeem these forthwith caused disappointment and also doubt as to the full extent of his powers. He saw too that the possessors of grants of land confiscated after Boomplaats would have to be considered: "Had full discretion been vested in me to deal finally with all matters here involving obligations which it is indispensable to terminate even at some cost of money, this case also might I conceive, have been now adjusted on very favourable terms". Not the least of the difficulties which he anticipated were those created by the treaties with the Griquas and he proposed to discuss on a future occasion the measures "proper to adopt in order to avert from the British Government the reproach of being regardless of obligations to abandon a weak and helpless ally". /

There was yet another rub. From the start Clerk experienced the vigorous opposition of "The Friend" newspaper to any notion of abandonment.[2] Its arguments were supported by extracts from most of its Colonial contemporaries showing the unwisdom of such a step whether from the point of view of frontier defence or of political ethics: "If it is seditious, disloyalty and rebellion to abscond, or escape or defy the Queen's Government, by what terms can we designate the abandonment of a people, after they have been subdued, sworn to allegiance, bound to obey the law, exposed to its penalties, who have bargained for land, paid their taxes and been compelled to suffer the consequences of a misrule which has rendered it impossible for the Government to hold its position?"[3] On the eve of his arrival the newspaper -published-

1. Clerk to Newcastle, 25/8/1853, B.B.XV.3.23; O.R.S. 43; extracts in Bas.Rec.2/61.
2. "The Friend" 9/6/1853 published the memorial to Cathcart which appeared in its issue of 19/6/1852 - see pp.354-6 above - also Despatch of Grey to Smith dated 25/3/1851 enclosing Letters Patent and Instructions. 3. "The Friend" 4/6/1853 quoted Port Elizabeth Mercury on Frontier Defence: 23/6/1853 quoted Natal Witness 20/5/1853 above. "Governmental coquetry is a new vice in the history of colonial systems".

published a memorial to both Houses of Parliament subscribed by some thousand land-holders and inhabitants of the quitrent portion of the Sovereignty.[1] When Clerk made his first public announcement the Editor challenged his right to call meetings or to exercise authority within the territory until his Commission had been published, whereupon he handed it over for publication in "The Friend and Sovereignty Gazette" of the 1st September, a few days before the meeting of the elected representatives, for all to see that it made no mention of abandonment, as the Editor did not omit to point out.[2] The paper returned to the attack, "We are not Tories but since politics began to be regulated by the price of cotton and the turning of spinning-jennies, so that what "don't pay" must be given up, we have been disposed to think that the Manchester Lords will gain such an ascendancy in the Councils of the Nation that we shallnot only have to exclaim with Edmund Burke that the days of chivalry are gone, but that the days of Philanthropy, ay, and of common sense have followed. The Orange River Sovereignty said Sir W. Molesworth is a desert and that gentleman showed by books and figures that to keep possession of more than the sea ports of the Cape Colony was only a dead loss to the people of England, hence the connection that exists between Sir William's notions (he being in the Cabinet) and the proposed abandonment of the country seems natural and plain enough. Clerk says: "The good of all has to be considered in dealing with this question". But is it for the good of all that Hong Kong was taken? Was it from such a motive that a slice of the Burmese Empire was 'taken in' the other day?".[3] Somewhat discomfited no doubt, Clerk found place in his despatch to remark that "The Friend" newspaper proprietors resided in Grahamstown and were interested in the market for land, "Their constant exhibition of the attractions and resources in the most exaggerated light may for a time have deluded some enterprising and credulous men at a distance but will tend ultimately to an undue and general depreciation".[4]

As the charge of speculation made repeatedly of late by Cathcart was adopted and preferred 'ad nauseam' by the Special Commissioner, it seems appropriate to deal with it here.[5] There is no evidence that speculation was more widespread in the Sovereignty than is customary in the opening up of new territory, in fact, the opposite might be affirmed.[6] At first, during 1848-1849, the Government disposed of unclaimed or waste land by free grant, subject to payment of quitrent from 40/- to 50/- p.a. but without condition of occupation. Subsequently Earl Grey wrote opposing the grant of huge tracts to a few individuals and stressing the evils of dispersion, whereupon Sir Harry Smith directed the British Resident to encourage bona fide occupation.[7] Early in 1850 with the dual object of increasing the revenue and the population, for the extreme anti-British Boers had moved beyond the Vaal, Major Warden offered Crown land for sale at an upset price of £20 for a full-sized farm, upon which a reduced annual quitrent was payable.[8] Generally speaking however the Boers declined or were unable to pay even this 'low' figure, with the result that allotments of public land were -actually-

1. "The Friend" 16/6/1853; see pp. 393-4 above, also "The Friend" 14/4/1853 and 7/4/1853: the despatch of this was postponed at the time as it was felt that the proceedings of the Special Commissioner might render it unnecessary or suggest new facts or arguments. 2. "The Friend" 18/8/1853. 3. "The Friend" 25/8/1853.
4. Clerk to Newcastle 25/8/1853, B.B.XV.3.23; O.R.S. 43; extracts in Bas.Rec. 2/61.
5. See pp. 390, 399, 400 above. 6. See Walker p. 268; Theal VII p. 340; Cory Archives Year Book 1939 I. p.99. 7. D. 308, 23/4/1849, B.B.XVI.
8. Br..Rdt. 5, 28/1/1854, Crause to Clerk.
. See p. 224 above. Oppen p. 85-6: "Land was given away right and left or sold t public sales at £20 a farm. 5. O.R.S. 38/160, 10/4/1855 Clerk to Green, "the use of my early attention having been given to that point was in fact owing to the tten opinions of the late High Commissioner in my possession".

actually hawked about Bloemfontein for some time before being sold.[1] It was inevitable in all these circumstances that considerable areas would pass into the hands of a few individuals, some of whom belonging to the old colonial families bought extensively, for sheep farming demanded large tracts of land in that country. According to the figures available nearly thirteen hundred land certificates totalling upwards of eleven million acres with an average of nine thousand acres per farm, which was well within the maximum extent of five thousand morgen laid down by the regulations, had been issued up to the time Green assumed office.[2] Of these farms 264, or roughly one-fifth of the total number of titles and averaging approximately the same acreage, were held, it is true, by 139 British landowners, about a third of whom were resident.[3] "This sounds like large property but the greater part of it is desert" Clerk himself wrote to Newcastle, "and must always remain so". Nor should the estimate be overlooked that eight million acres of land remained unappropriated after deduction of the thirteen million acres in the Native and Coloured reserves, so that more than enough land remained for all.[4]

Sir George Clerk specially included the public servants in the above charge of land speculation, "the shameful state of things inherent in the grasping system prevailing here as patronised by the officers of Government".[5] He stated that the twelve members of the official civil establishment above the grades of field-cornets, constables and messengers, held over 300,000 acres but remarked in extenuation of such land holding that their salaries were inadequate to cope comfortably with the cost of living.[6] When he proclaimed the regulations for the government of the Sovereignty in March 1849 Sir Harry Smith notified Warden that the civil functionaries and military officers were not to purchase land.[7] Apparently this prohibitory order was never promulgated but on Green's remarking that he had not seen it,[8] Clerk exclaimed that

"its existence was universally known and that no one but an idiot stares at the sun to know if he is shining".[9] Nevertheless Green rendered a return showing that during their connection with the civil administration of the territory the twelve officials cited by Clerk had purchased in all only eleven farms, totalling 100,000 acres, None of them public land.[10] Of the eleven farms Vowe held six "purchased from private individuals ... and as he never sold any land his land jobbing could not have been very extensive".[11] In justice to Green it must be repeated that he had -explained-

1. O.R.S. 38/147, 1/11/1854, Green to Clerk. 2. O.R.S. 32/137, 6/4/1853. D. 25/8/1853, B.B.XV.3.23, Clerk. D.8/10/1853, B.B.XV.3.39; O.R.S. 43. 3. Return O.R.S. 31/5. According to Clerk three of these held 400,000 acres viz. Fraser possessed over 130,000 acres of land or "desert, for the most part worthless either exclusively or co-parcenary with Mr. Southey"; Bain had 110,000 acres and Green held upwards of 160,000 acres in co-parcenary with Jordan, a Bloemfontein storekeeper. O.R.S. 43, 14/1/1854, Clerk to Newcastle; O.R.S. 38/160, 10/4/1855, Clerk to Green. 4. D. 8/10/1853. See J.S. Marais "Colonization of New Zealand" p. 3 et seq. Gibbon Wakefield's ideas. 5. O.R.S. 44, Clerk to Cathcart 27/12/1853; Enc. D. 31/12/1853, B.B. XV.3.64, Clerk to Newcastle. 6. Enc. D. 10/11/1853, B.B.XV. 3.53. Cory p.99 AYB1939 I. Theal VII p. 340-1 quote only Clerk's figures. Green had a good half in partnership with Jordan. 7. See p. 139 above. Letter Book 14/4/1849. 8. O.R.S. 38/156, Green to Secretary of State, 27/3/1855. O.R.S.32/157, 23/10/1855, Green to Clerk. O.R.S. 32/174, 16/1/1854, Burnet. O.R.S. 32/175, 3/11/1853, Lowen. O.R.S. 32/177, 4/11/1853, Biddulph. 9. O.R.S. 38/157, Clerk; O.R.S. 38/160, 10/4/1855. 10. O.R.S. 38/155, 1/11/1854. 11. O.R.S. 32/159, 23/10/1853: O.R.S. 32/176, 5/11/1853, Vowe. O.R.S. 38/147, 1/11/1854, Green to Clerk.

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explained his position as a landowner before becoming Resident and that Cathcart had been only too pleased to appoint him: "Neither myself nor any other official had during my administration", he protested to Clerk, "acquired an acre of land except Mr. Lowen who had one farm for use not speculation. How then can the charge that the officials were neglecting their public duties to attend to land speculation, be sustained?" /

On the 5th September the burgher officers who could be spared and the elected representatives of the several wards in each of the four districts, altogether 76 Dutch and 19 English delegates, duly assembled in the Dutch Reformed Church, Bloemfontein. The proceedings opened with the reading of Clerk's Commission followed by his address. He stated that he had admitted the public to hear his announcement that Her Majesty's Government had determined to withdraw from the Sovereignty and that he had instructions to direct them to prepare themselves for undertaking the government of the territory whenever British jurisdiction should be withdrawn. Clerk explained that as he would require time to attend to the many matters and interests affected by this change, they would have ample leisure to devise and mature such measures as might be suitable to the description of self-government which they might prefer. He added that should their discussions leave anything undecided they could select a Committee to remain in consultation or, when the weather was more favourable, he would appoint another place for its meeting in future. Dr. A.J. Fraser was then elected Chairman and the meeting adjourned in order that Clerk's address and Commission might be printed for circulation. [2]

When they met the next day the delegates first of all considered the address and agreed upon the following acknowledgment on the motion of Josias P. Hoffman, subsequently the first President of the Orange Free State Republic:- "We are unable to conceive the reasons that may have induced it to take that step" - the decision of the British Government to relinquish the Sovereignty. "There has certainly been no desire expressed on our part for such a measure. We trust it has been due to no misconception in regard to our feeling of loyalty, for though we have at times given expression to our feelings of dissatisfaction in regard to local misgovernment, it was because we felt aggrieved at not participating in the advantages of good government and protection which we know Her Majesty's subjects elsewhere enjoy". [3] Seeing that Clerk's Commission revealed no word about abandonment the meeting decided also to send a deputation to ascertain from him in writing the extent of the powers entrusted to him and whether he had the power to absolve the people from their allegiance to the Crown. [4] Thereupon Clerk informed them: "I would wish to be explicit because I am very sensible of the extreme importance that the matters to which you now refer must assume as you proceed with your deliberations regarding your future position. Respecting my duties, the Royal Commission adverts

1. O.R.S. 38/147, 1/11/1854, Green to Clerk. D. 1/10/1853, B.B.XV.3.37.-generally- Clerk to Newcastle: When the British Government moved up "it intended to prevent Dutch rapacity. Its agents and servants contrived as they do still, that it should serve, instead, to encourage and to screen avaricious land-speculations of their own". De Kiewiet p.72, "Government had crumbled till all that was left were a few officials who thought more of feathering their own nests than of their duties".
2. For names and proceedings see "The Friend" 8/9/1853 and extra issue; G.H.18/1; O.R.S. 36/222, 225. G.H. 18/1 p. 7 for Commission, p. 15 for address, also O.R.S. 36/185. 3. G.H. 18/1 p 19, omitted from B.B.XV.3. 43; O.R.S. 36/186.
4. "The Friend" Extra 8/9/1853; O.R.S. 36/187. J.M. Orpen p. 274 "We had been studying Blackstone and authors on the constitution and it appeared clear that it was held by these that the tie of allegiance between Sovereign and subjects ... could not be dissolved by either the one or the other".

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generally to disputes of the character of those arising out of unadjusted boundaries of the Basuto border, or out of the differences about land tenure in Griqua country, and I am to enable you to establish peaceable and orderly government. My care is to take measures for protecting the interests of those who have legally become possessed of forfeited estates either by purchase or by grant in free gift for good service to the State. Her Majesty's Government has it not in contemplation to devolve upon you the freedom and responsibilities of independent government without legally absolving you from your allegiance prior to your undertaking that self government for which I am directed to prepare you". / This statement was also printed and circularised, but as it was not considered sufficiently explicit the delegates resolved before adjourning for the day that Clerk be asked again to say whether he possessed the power and was prepared to absolve them from their allegiance or not.[2]

The reply of the Special Commissioner was presented at the commencement of Wednesday's session. It read: "I am not yet in possession of the legal instruments requisite to effect the object of absolving the inhabitants of this territory from their allegiance but that by such legal instruments Her Majesty's Government intend that the inhabitants shall be enabled to substitute the self-government which must devolve on them as soon as British Sovereignty shall be withdrawn".[3] Faced with this position the delegates then agreed by a majority of 55 votes to 25 to constitute a Committee to consider their future form of government. In order that it should be as representative as possible the delegates decided to elect a Committee of twenty-five members comprising five from each district, the inalienable territory being regarded as a separate district for this purpose. Each delegate was accordingly required to bring such a list of names on the following day.[4]

When the delegates assembled on Thursday, 8th September, they recorded their dissent from the decision of the British Government to withdraw, especially as the source of dissatisfaction might be traced to misgovernment.[5] The meeting then resolved that certain matters had to be adjusted by Sir George Clerk to the entire satisfaction of the Committee and that his adjustments had to be ratified by the Imperial Government as well as by the full body of delegates before any proposal for the formation of an independent government was to be entertained. The matters which the delegates had in mind were the following:-

1. The settlement of the Griqualand question.
2. The adjustment of the boundary line 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 from beyond the Vaal river should not molest the inhabitants of the Sovereignty, more particularly in regard to confiscated farms.
5. Compensation for those who might find it necessary to leave the country or 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 or Natal, or the cession of a port in either of those colonies.

-The-

1. G.H. 18/1 p. 24 and "The Friend" 8/9/1853. 2. G.H. 18/1, p.26 and "The Friend"; O.R.S. 36/189. 3. O.R.S. 36/191 and "The Friend".
4. "The Friend" Extra 8/9/1853; G.H. 18/1, p. 30. 5. O.R.S. 36/241.

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7. The complete or conditional absolution of the inhabitants from their allegiance to the British crown.
8. The settlement of all disputes regarding boundaries of farms as yet undecided by the several Land commissions.
9. The cancellation of all existing treaties with natives.
10. Permission for the future government to purchase munitions of war of all kinds in England or the British colonies, and a guarantee that no obstacle should be thrown in the way by the Colonial Government to prevent such munitions of war from reaching the Orange River territory.
11. The refunding of all fines unlawfully imposed and the restoration of, or payment for, all farms unlawfully confiscated. /

At this stage, the scrutineers having completed their task, the names of the members of the Committee elected were duly announced:- Bloemfontein - DrA.J. Fraser, D. Griesel, J.J. Hoffman, F. Linde and J. Venter; Caledon River - J.H. Greathead, H. Halse, H. Joubert, J. P. Hoffman and Dr. Way; Winburg - F. Senekal, J. van Rensburg, G. Vergottini, A. Wessels and Cdt. Wessels; Vaal River - D. Hattingh, J. Naude, F. Orpen, J. Orpen, H. van Vuuren; Griqualand - J. Groenendaal, C. Hutton, J. Johnson, G. van der Walt, G. Visser. [2]

This body was then instructed not to adopt any form of government without first submitting it for the approval of the delegates. It was also to bear in mind that an independent government had not been solicited but had been forced upon the people, that they were entitled to the Queen's protection as her loyal subjects and if that protection were withdrawn that full compensation was to be sought. Furthermore the decisions of the district land commissions were to be confirmed by Clerk, farms were to be inspected and titles granted. Dr. Fraser advised Sir George Clerk of the election of the Committee and the Assembly thereupon broke up. [3]

On the next day the resolutions were laid before the Special Commissioner and the Committee also presented him with an address protesting against withdrawal and embodying the instructions they had received from the assembly of delegates. He was requested to provide a room and a secretary, as well as an allowance to the Committee members for each day's absence from home. [4] Clerk intimated however that the sitting of the Committee might be dispensed with as he was not yet ready to avail himself of their services. During the week-end he formally acknowledged their proposals observing that several were very reasonable and that certain of them were already engaging his attention. Some he said he could not entertain, particularly their fourth resolution, for the best relations should be cultivated between the Transvaal Republic and the Orange River territory. Dr. Fraser replied to this on behalf of the dozen members still remaining in Bloemfontein that they did not want any attempt at amalgamation of these two communities. He asked Clerk to send copies of the proceedings of the Assembly to the Imperial Government, to which the latter agreed. [5]

The Special Commissioner had already seen fit to write to the Duke of Newcastle on the Saturday, 10th September, without enclosing a full report of the week's -deliberations-

1. O.R.S. 36/195: See Theal VII p. 341: Cory p. 95 Argief Jaarboek 1939.
2. O.R.S. 36/195; G.H. 18/1 p. 37; B.B.XV.3.44. Archives Year Book 1941, II F.A.F. Wichmann, p. 137 says it was a committee "hoofsaaklik uit Engelse bestaande". "The Friend" 8/9/1853 Extra; O.R.S.36/193, 8/9/1853. 3. "The Friend" 8/9/1853 Extra; G.H.18/1 p.38. Vote of thanks to Rev.A.Murray for his services as interpreter.
4. "The Friend" 8/9/1853 Extra; O.R.S.36/195. 5.O.R.S.36/198,13/9/1853;O.R.S.36/200.

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deliberations or Thursday's important list of resolutions. These were not sent off for another month with the result that the Secretary of State actually gave his final decision upon incomplete and misleading information. The impression created by Clerk naturally removed any doubt in Newcastle's mind, as we shall see, as to the propriety of cutting the painter. "The entire Dutch population throughout this territory, outnumber the English by twenty to one.[1] Nevertheless the untiring zeal of the Scotch Presbyterian clergyman of the Dutch Church here (the Rev. A. Murray) and the contrivances suggested by the keen instinct of the few but largely speculating Englishmen supported by the cordial goodwill of every man in the government paid civil establishments, who, though not settlers or intending to be settlers are active land speculators seem likely to represent public opinion to be very much the reverse of what I believe it really to be. The Dutchmen were prepared for the most part to elect as delegates those who wished that the community should be left to self government. Others of the small but very respectable class were anxious to return either one of themselves or any other inhabitant English or Dutch who would advocate the continuance of British dominion here. In grappling with the former, that is the majority, every instance of vacillation at any time in the past history of the colony has been adduced to give force to the tone of intimidation which English speculators have had recourse to in a case which owing to my total inability to indemnify even just claims becomes of the most vital importance to them. They have accordingly represented the measure of withdrawal by the British Government as merely used for ascertaining who are well disposed, so that, as they give out, those whose sentiments may be manifestly opposed to British rule by agreeing to any sort of government of their own, may hereafter be known and discountenanced. They instance also, as another proof of stratagem intended, that a commissioner, ostensibly appointed to carry it out has evidently no authority to treat and finally dispose of any case involving compensation for loss to be sustained by a change of British policy by the few who owing to past relations with the British Government here might fear to remain on its withdrawal. To have adjusted a single case of the kind would have had a very good effect and had there been any funds here I might have taken upon myself the responsibility of doing so, but the entire revenue of this territory amounting to £12,000 is exceeded by expenditure. In fact setting aside these claims very many years of the most careful management of the revenue of the territory would not liquidate the sums which it has long since been considered by the British authorities ought to be disbursed to sufferers by wars in which they have engaged on our side and which has accordingly been promised to them!

"However the result of these delusions practised on the inactive Dutchmen is that they have generally been led to send in a majority of representatives not wishing to prepare to adopt a government of their own. And of those who had come in holding other opinions, the greater number have returned to their farms weary with discussion and disheartened by the difficulties which they feel to be thrown round them by the tricky character of the schemes of their British neighbours. Another circumstance tending to throw doubt on the intentions of Her Majesty's Government as declared by me has been the exhibiting by one who next to the chief civil authority, the British Resident, is the principal farmer and speculator, a letter written to him lately by Sir H. Smith from England and received here last month, assuring him that this country cannot be abandoned".

"The mail from England brought me no further instructions so that were the inhabitants already willing to take the territory from my hands I am by no means in a position to make it over for want of the further instructions, which I was by Your Grace's letter of the 9th April last, directed to expect that I should soon receive and for want of authority to adjust fairly all pecuniary claims upon the British Government".[2]

The Special Commissioner's allegation that such a small pro-British minority influenced the election of delegates throughout the Sovereignty in its favour does not bear examination. On the other hand it seems incontrovertible that this section attempted to exploit the uncertainty produced by the conflicting terms of Clerk's public announcement and his commission during the sitting of the Assembly in Bloem-
-fontein-

1. D. 26/8/1853, B.B.XV.3.23, Clerk wrote "eight to one".
2. B.B.XV. 3. 34, 10/9/1853. This reference to Sir H. Smith not in the Bluebook but in O.R.S. 44. Fraser referred to: O.R.S. 43. 1/10/1853; add. B.B. XV. 3. 37.

Bloemfontein. The large majority of delegates nevertheless endeavoured, with reasonable qualifications, to carry out his directions. Clerk had evidently expected that independence would be welcomed by the elected representatives with open arms and did not bargain for the stipulation that a number of knotty questions should first be settled to their satisfaction. They naturally objected to being saddled with serious difficulties not of their own making. He entirely overlooked the fact that these delegates spoke for the many inhabitants who were dissatisfied with the mismanagement of Sovereignty affairs in the past and were actuated not so much by any anti-British feeling or craving for independence as by an urgent need for security of property.[1]

> "... I was not sent here to ascertain opinions on this subject, or to institute any inquiries of the kind ... From all I had heard from trustworthy and unprejudiced persons and from what I had read of previous correspondence I presumed the fact to be generally well known that the sentiments of the inhabitants of this territory are for the most part in unison (with the Winburg Memorial). The notoriety of such sentiments I supposed was considered to render it unnecessary to prescribe to me the duty of seeking information regarding them nor have I here discovered any ground for doubting that the Boers in general are fixed in those feelings which they so plainly manifested and which were recorded by the British authorities in 1850 - '51".[2]

Sir George Clerk was primarily concerned with the interests of the Imperial Government and, not wishing to be hindered, himself rejected collaboration with the Assembly of Delegates by adjourning their Committee. He wrote privately to Newcastle suggesting that a visit to England for a personal conference before separation was effected might be advantageous.[3] One of his objects in proposing this was his realization that

> "What requires to be done is wholly incompatible with the limited and wholly inadequate extent of the powers entrusted to me" and his conviction "that the most suitable and efficient mode of effecting without unnecessary delay the withdrawal of Her Majesty's dominion from this territory would be the appropriation of a sum of money for that purpose".[4]

The Sovereignty's chances of survival were further attenuated by Cathcart's despatches which took for granted that its abandonment was as good as settled. He suggested to Newcastle "on the score of economy, expediency and policy" that the four long nine-pounder guns at the Queen's Fort, and the stores belonging to them, should be made over to the new government upon evacuation. In this way they would part as friends for the guns would give the new state a feeling of security and yet present no obstacle if invasion again became necessary.[5] He decried the opposition to withdrawal-

1. De Kiewiet p. 73 says "Wilfully or not he entirely overlooked the existence of the numerous body (above) ...": See also p. 74, "The question of independence was in reality secondary to that of the protection of their property" ..." that seventy-six intelligent Boers could have been drawn into expressing views totally at variance with their real sentiments is inconceivable". Clerk alleged intimidation "If anyone were to commit himself (in favour of abandonment) he would share the fate of Dreyer whose grave, a heap of loose stones, is situated close to my cottage": O.R.S.43, 28/3/1854. 2. Despatch of Clerk B.B.XV. 3.47; O.R.S. 43, 3/11/1853. He misrepresented the Winburg memorial which made it clear that if the British government was not prepared to govern properly, they would rather take over without compensation: even Clerk himself did not trust the leader of the petition, v.d.Hoven, see p.408 above and footnote. 3. See Newcastle B.B.XV.3.67, 14/11/1853. 4. O.R.S. 43, 14/1/1854; add. to B.B.XV.3.73. 5. C.H. 31/2, 13/9/1853; B.B.XV.3.7. He advised that a list would be prepared of the civil servants who showed zeal in helping Clerk and whom he recommended, and an endeavour made to provide for them in the Colony. Newcastle approved D. 148, 12/11/1853; C.O. 1350 A; B.B. XV.3.77.

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withdrawal which continued to be voiced for months to come throughout the Cape Colony not only at the border towns of Colesberg and Burghersdorp but also further afield at Graaff-Reinet, Uitenhage and Swellendam and at the larger centres of Grahamstown, Port Elizabeth and Cape Town. Public meetings were held and petitions to the Queen numerously signed in which the proposed abandonment was characterised as a dishonourable and retrograde step for a variety of reasons already familiar, whether commercial, religious and philanthropic or strategic and political.[1] These documents did not reach the Secretary of State till the following year and any influence they might have exerted had already been prejudiced by Clerk's wholesale condemnation of the Sovereignty and such wild aspersions as Cathcart's to Sir C. Trevelyan, the Assistant Secretary to the Treasury:- "You must not mind the open mouthed clamour of the Cape press about giving up the Orange River Sovereignty. They are all interested: for the Sovereignty was to them - the English speculators - a great gaming table, and, moreover out of the reach of the police. Outlaws for debt in the Colony are great land speculators in the Sovereignty, and the mortgagors (sic) in the Colony particularly at Cape Town, Grahamstown and Port Elizabeth, say they have £50,000 at stake. No doubt a slice of the desert is good security for a bad debt. The Dutchman has no newspaper, and has not had time to open his mouth yet; but he is not of the same way of thinking".[2]

Meanwhile the Special Commissioner had not lost sight of the protests that had been forwarded to England by Livingstone, Edwards and Inglis and particularly of their accusation of slavery against the Transvaal Boers.[3] Strong representations had been made to the Secretary of State by the Earl of Clarendon and the London Missionary Society regarding this alleged violation of the Sand River Convention, but the former had no intention of involving the British Government again in Transvaal affairs and he merely directed Clerk to make the most discreet inquiries: "I do not consider it advisable that you should for this purpose visit the Transvaal territory or that you should enter into any official correspondence with the boers".[4] Newcastle maintained the same attitude when he was presented later with a united memorial of the British and Foreign Anti-Slavery Society, the Aborigines Protection Society, the London and the Wesleyan Missionary Societies and the Peace Society and with their request that he would receive a joint deputation: "It seems to your memorialists that whilst it may have been desirable for Her Majesty's Government to bind itself not to encroach upon the territory north of the Vaal River it was not less so that the limits of the Transvaal Republic should have been specifically defined, and that -the-

1. "The Friend" 22/10/1853 re public meeting at Burghersdorp on 21/9/1853. "The Friend" 17/9/1853 Petition from Colesberg re-directed to Col. Govt.. "The Friend" 12/11/1853 re Grahamstown meeting. "The Friend" 19/11/1853 re Cape Town (400) and Swellendam. B.B.XV.3.9. Darling to Newcastle 31/10/1853 enclosing Swellendam 27/8/1853, 100 signatures and Burghersdorp 157 signatures, acknowledged D. 153, 19/12/1853. C.O. 1350A. B.B.XV.3.11 Darling to Newcastle 18/11/1853 enclosing Presbytery of Swellendam consisting of delegates from D.R.C. Caledon, George, Riversdale, Bredasdorp, Mossel Bay, Napier, Knysna, Ladysmith, acknowledged C.O. 1350, D.171, 9/1/1854. B.B.XV.3.12 Cathcart to Newcastle 15/12/1853 enclosing Grahamstown petition, 683 signatures, acknowledged C.O.1350 and B.B.XV.3.78. B.B.XV.3.14 Darling to Newcastle 23/12/1853 enclosing Uitenhage 5/9/1853 and Colesberg, acknowledged C.O. 1350, D.181, 10/2/1854. B.B.XV.3.17 Darling to Newcastle 23/12/1853 enclosing Graaff Reinet 93 signatures 30/9/1853, acknowledged C.O. 1350, D. 181, 10/2/1854. B.B.XV.3.21 Darling to Newcastle 21/1/1854 enclosing Port Elizabeth Commercial Association, acknowledged C.O. 1350, D.186, 3/3/1854. B.B.XV.3.8 Darling to Newcastle 31/10/1853 enclosing Cape Town memorial, acknowledged C.O.1350, D.168, 1/1/1854. "The Friend" 1/10/1853 referred to Cape Monitor's fear, 17/9/1853, of immediate junction with Transvaal Republic. 2. C.O. 18/9/1853, p. 375. 3. See pp. 375-6, 397-8 above. Clerk had been advised about this at Plymouth. 4. B.B.XV.2.119, 14/4/1853; C.O.1349: See D. 19, 14/2/1853.

1. See footnote 1 p. 426 below.

the Boers should also have been bound not to make encroachments on the territories of independent tribes ... The progress of Christianity and civilisation is thus seriously impeded (by the expulsion of missionaries and breaking up of mission stations), whilst the lives, property and the personal liberty of the aborigines are likely to be sacrificed to that spirit of self aggrandisement which has made the Boer a byword for cruelty and oppression". He simply repeated the assurance which he had already given at two former interviews with some of them, that the friendly offices of the British Government would be used to induce the Transvaal Boers to respect the rights of the Natives. He emphasised however that as the Sand River Convention had recognised the independence of those Boers, "any act of interference which might lead to collision" was "totally out of the question". Accordingly he declined to give another deputation "the trouble of an interview" and only modified his previous directions to Clerk to the following extent, "I should be glad if you could assist in any way in checking such unjustifiable proceedings on the part of the boers, as are described in the accompanying documents; but I must caution you at the same time to abstain from any act beyond making friendly remonstrances to those who are in authority over them"./

In view of the Secretary of State's explicit instruction Clerk was in no way perturbed on receiving a memorial from certain missionaries of the London, Paris and Berlin Missionary Societies upon "the state and prospects of the Transvaal natives and the missions established among them". This document had been drawn up as the result of a meeting held under the Chairmanship of the Rev. Robert Moffat at Likatlong in July and described the recent commotion and bloodshed in the Transvaal. The missionaries expressed their grave concern for the future and their fear that the evils would be increased should the abandonment of the Sovereignty be effected: "The Emigrant farmers have always entertained very low views of the rights and privileges of the aborigines, have ever seized upon every opportunity of showing their superior might and of bringing the natives into subjection, but since the convention between Her Majesty's Assistant Commissioners and the Transvaal Boers in 1852 their demands and usurpation have surpassed all bounds". They alleged that several native chiefs had been attacked without provocation and that five mission stations had been destroyed by the Boers, through their "love of plunder, lust of power and desire of obtaining constrained and unpaid labour". Nothing would satisfy the Boers but "the entire destruction of native authority and the complete subjection of all the natives of the Interior to the arbitrary authority of the Republic". Notwithstanding the prohibition of slavery in the Convention "many hundreds, if not thousands of natives" were "under various disguises held in slavery by the Boers" and that "the whole system pursued by the Boers towards the tribes" was "reducing them to servitude". 2

It so happened that Commandant P. Scholtz visited Bloemfontein during the sitting of the Assembly of delegates and Clerk accordingly requested him to reply to these charges. Scholtz denied most of them point-blank stating that the mission stations had been broken up through the desertion of the missionaries and that the Boers were -not-

1. B.B.XV.3.81, 22/7/1853, Enc. Similar reply to the Paris Missionary Society whose missionaries near Kuruman "etaient dans les plus vives alarmes". Newcastle to Cathcart D.126, 28/9/1853, C.O. 1350A; B.B.XV.3.77. 2. O.R.S. 34/142, 13/7/1853 memorial. O.R.S. 34/143, 11/7/1853 re meeting. See Govt. notice in "The Friend" 28/4/1853. Pretorius warned travellers that the route to Lake Ngami was dangerous in view of the hostilities in which Boers were engaged with Natives. "The Friend" 26/11/1853 Marico district had been abandoned by Boers for past six months as they were afraid of the Bechuanas taking vengeance for the raid on Secheli. The paper suggested that if every Native child taken by the Boers were given up there would be no trouble.

not responsible for their destruction. As the leader of the expedition against Secheli he described how he went to Livingstone's station to get some ammunition but found that the whole of it had been carried off. He admitted that he had removed two immense firelocks as he had ascertained that the missionary had given thirteen to the enemy with whom the Boers were fighting. The Commandant then gave the following significant explanation of the relations between the Transvaal Boers and the Native tribes: "The natives with whom the boers were at war came into the country which they (the Boers) had acquired by conquest from Moselekatse. They accordingly demanded a tribute of service from the natives in acknowledgment of the benefits and protection enjoyed under their rule. This tribute some of the tribes paid; others of whom Secheli was chief refused and challenged the boers to fight and in this line of conduct they were encouraged by the missionaries. The boers being much in want of labour and the natives having no means of paying the tribute demanded, the boers offered to accept of their labour in substitution for the tribute. Some agreed to this proposal and others refused it ... It is true that many natives are in the service of the boers and that many, according to the Emigrant laws, are apprenticed for a certain period and when the time of apprenticeship is concluded, they are allowed to depart, but no slavery is permitted". On the subject of the banishment of Edwards and Inglis "on the most flimsy pretexts" he claimed that instead of attending to their duties they promoted discord between the Boers and the Natives. He emphasised that there would be no question of any combination among the Native tribes should the missionaries not excite the Natives against his countrymen. Scholtz observed finally that they had secured a minister of religion, Mr. van der Hoff, and two schoolmasters, all from Holland, at Mooi River dorp and he invited the British Government to send a Commission of Inquiry. Clerk was content to let the matter rest.

Upon the return of the delegates to their homes the Special Commissioner resumed his statistical survey of the Sovereignty administration preparatory to ultimate withdrawal. As "The Friend" observed "Sir George Clerk appears to be unremittingly engaged in business and is accessible and courteous". But the continued absence of further instructions for Clerk from overseas encouraged the supporters of the Sovereignty régime in the hope that they might stave off the proposed abandonment. Subscription lists were opened by mid-September in all five villages for the purpose of collecting funds to defray the expenses of sending a deputation to England to represent the interests of the Sovereignty. At the end of the month a public meeting at Bloemfontein subscribed about £400 on the spot and agreed to approach the Rev. A. Murray and Dr. A.J. Fraser. These two gentlemen consented and their mission was subsequently -approved-

1. O.R.S. 34/144 Scholtz's statement to Owen. B.B.KV.3.14 Darling to Newcastle 23/12/1853 enclosing Colesberg petition against abandonment. David Arnot Jr. Colesberg on behalf of public meetings 28/10/1853 and 7/11/1853 "And here your memorialists would also advert to the well known system adopted among those people beyond the Vaal river viz. of forced apprenticeship of the natives as servants, which is called delusively Inboeking or Registration for a certain number of years but which is in reality tantamount to actual slavery, although at present perhaps not yet in its worst form, a very dangerous example from its proximity". 2. "The Friend" 8/10/1853. ~~3. He ordered the refund of the fines totalling over £3,000 which had been levied by Hogge and Owen.~~ When these amounts were repaid later Biddulph duly deducted the arrears of quitrent ~~which~~ practically ahlf of the claimants had owed for one or two years! O.R.S. 35/37 and 38/41 Biddulph paid £2,300 to 91 persons between 28/2/1853 ~~and 27/2/1854 as promised O.R.S. 35/37, 41.~~ 3 "The Friend" 17/9/1853. 4. "The Friend" 1/10/1853.

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approved by the Committee of Delegates. Support for Bloemfontein's stand came immediately from a public meeting at Smithfield, where the Rev. P. Roux and Commandant Burger Smit moved a resolution that abandonment would be "an atrocious breach of faith and productive of incalculable evil to the interests of order and religion".[1] An appeal for aid was also circularised in the Cape Colony and within a short time £250 was subscribed in Cape Town.[2] At the same time Dr. Fraser notified Clerk that the Committee of Delegates would meet in the middle of October and asked him to sanction the hire of a room and a secretary, if required, as well as the same travelling and subsistence allowance as members of the Legislative Council received while away from home.[3] Clerk replied that he would authorise Green to hire a room and to disburse the same allowance as to members of the Land Commission. It would appear that his real reason for proposing the reduced scale was his "expectation that the plans of the Committee would not tend to the dispatch of the public business".[4]

The fear that his stay in South Africa might be indefinitely prolonged prompted the Special Commissioner to address two more despatches to the Secretary of State within a week of each other. Time happened to hang heavily on his hands just then for the countryside lay in the grip of a severe snowstorm, that incidentally ended the long drought but played havoc with the flocks of the farmers.[5] With barely veiled impatience and disappointment he took "the liberty to request" that he might be favoured with instructions: "I came to fulfil the intentions entertained at that time by Her Majesty's Government regarding the withdrawal without delay from this territory, and on account of Sir G. Cathcart's urgent request for relief in that quarter. I had hoped without presumption to have been equal to that purpose if I were honoured with Your Grace's implicit confidence without limitation to my discretion". Clerk warned Newcastle that although Fraser and Murray would ostensibly represent the views of the inhabitants they in fact would speak for only two small sections, one the English speculators in land and trade, supported by several newspapers and mercantile associations in the Cape Colony, and "the other some respectable Dutch settlers and the benevolent but delusive expectation of the Church". "The majority", he went on, "have ever been averse to British administration, on account of wrongs which they remember to have endured under its rule in the Cape Colony. I have not here heard a disrespectful word or an insinuation from a boer's lips nevertheless, I have met with only very few who have not, by some observation or another made it apparent to me that they do not highly appreciate the foresight, wisdom or efficiency of our political or administrative measures on the Orange River frontier". He reminded his chief again that provision would have to be made for the payment of compensation: "Great liberality will be necessary to compensate honest schemes of pecuniary investment and good service at the call of appointed authorities to those who may lose by withdrawal, whose connections have grown up under encouragement from the highest authority in South Africa and by sanction from the highest authority in England". He could see no alternative course to the withdrawal of British dominion and arrived -at-

1. "The Friend" 8/10/1853. 2. "The Friend" 29/10/1853. 3. O.R.S. 36/201, 8/10/1853. O.R.S. 36/205, 11/11/1853. Clerk to Halse, "The Friend" 7/1/1854, 4/2/1854. The Committee declined any allowance less than that for members of the Legislative Council. 4. O.R.S. 36/212. O.R.S. 36/202, 15/10/1853.
5. "The Friend" 15/10/1853 In Winburg district van Rensburg and T. Wessels each lost 1,000 sheep, M. Wessels 500. In Wittebergen the farmers had not more than 30-50 left of flocks from 300 - 500.

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at the following trenchant conclusion in both despatches: "The more I consider the position of this territory, relative both to the Cape Colony and to its own internal circumstances, the more I feel assured of its inutility as an acquisition, and impressed with a sense of the vain conceit of continuing to occupy it with our civil and military establishments in a manner becoming the character of the British Government and advantageous to our resources ... It is a vast territory, possessing nothing that can sanction its being permanently added to a frontier already inconveniently extended - the greater part of it is desert and must always remain waste and sterile. It secures no genuine interests, it is recommended by no prudent or justifiable motive, it answers no really beneficial purpose; it imparts no strength to the British Government, no credit to its character, no lustre to the Crown. To remain here therefore to superintend or to countenance this extension of British dominion would be tantamount to my encouraging a serious evil and participating in one of the most signal fallacies which has ever come under my notice in the course of near thirty years devoted to the public service"[1].

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1. B.B. XV.3.37, 1/10/1853; for Add., see O.R.S. 43. B.B.XV.3.39, 8/10/1853: for Add., see O.R.S. 43. As Cathcart expected to be relieved soon "I have repeatedly asked to be relieved. I wish I could go home". C.C.p. 368, 13/8/1853. Clerk requested Newcastle not to consider him "as qualified or desirous to succeed to the Government of the Cape Colony, with its intended constitution". Hansard CXXXIII p. 71. The only attraction he could find was its very superior climate and that it abounded in herds of game.

Chapter XVII.

Sir George Clerk takes the plunge.

As the weather had improved sufficiently by the middle of October and Assistant Commissioner Owen had made the preliminary arrangements, Clerk left Bloemfontein for Platberg to meet Moshesh and to inspect the boundary line, particularly the unsettled portion on the Smithfield border where the Boers were most mixed up with the Basuto.[1] He realised that the line could not be demarcated hastily as the result of a single interview and therefore called in the assistance of the British Resident's office. Green was required to attach to himself surveyor R. Moffat Jr. and his second clerk W. Auret as Dutch interpreter as well as a Basuto interpreter and to move southward from Jammerberg Drift recording all rightful claims.[2] In order to ensure a perfectly equitable adjustment of differences he had to procure the attendance of claimants and witnesses and to conduct a thorough investigation into the pretensions of Boers and Basuto alike, but he was strictly enjoined to avoid assembling a host of farmers in one spot or exciting the Natives in any way.[3] For the same reasons Clerk proposed that Moshesh should depute one of his sons or a confidential agent to accompany him for a few days and send messengers down the frontier at once to apprise the Basuto of his coming.[4] But Clerk's visit did not prove to be well-timed.

The Berea campaign had meanwhile resulted in only a temporary cessation of raiding among the Native tribes. As Basuto activity of the past year had considerably reduced their stock of cattle, Sikonyela and Taaibosch soon engaged in a succession of forays to recoup themselves. They struck first against a petty Basuto Chief living at the source of the Eland's river.[5] Taaibosch had evidently given out that he was acting under Government orders whereupon Green had promptly visited Moshesh at Thaba Bosigo to find the Basuto Chief much concerned about the relations between the Government and those tribes formerly known as the British allies. In spite of the Resident's repudiation of Taaibosch's alleged report and his personal re-assurance that the Government would not interfere in tribal disputes, Moshesh desired to see a proclamation to that effect and the withdrawal of the sovereignty over the Native territory. Green explained that the British Government was considering the propriety of withdrawing altogether from the land beyond the Orange: "Moshesh is evidently alarmed", he informed Cathcart, "at the reported subjugation of the tribes in the Trans-Vaal country by the Boers. He spoke to me in private anxiously on this subject; he sees that if the Government withdraws from the Sovereignty the Natives in it must sooner or later come into collision with the Boers, and he is endeavouring to prevent the tribes wasting their strength against each other.

1. Bas.Rec. 2/63, 5/9/1853. "The Friend" 8, 22/10/1853. 2. O.R.S.44, 18/10/1853. 3. O.R.S. 44, 20/10/1853; Bas.Rec. 2/70. 4. O.R.S. 44, 22/10/1853; Bas. Rec. 2/71. "The Friend" 29/10/1853. Simultaneously the Magistrates and the Crown Prosecutor left to hold the circuit court at Smithfield.
5. p. 396 above. Biddulph and Rev. R. Giddy's son failed to dissuade Taaibosch: Bas. Rec. 2/34, 18/2/1853 and Bas. Rec. 2/37, 2/3/1853.

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Should he succeed in his policy of uniting them, we should have rather a formidable phalanx to contend with in a future war". / Moshesh agreed to Green's proposal that moveable tribunals should be established to decide frontier disputes and this new arrangement was put into practice.[2] On one such occasion Green instructed Vowe: "the Government will not permit the occupation by a British subject of any part of the territory of a Native Chief without the express sanction of the Chief himself, and then only during the Chief's pleasure. No purchase nor permanent lease from Natives will be recognized, as the Native territory within the Sovereignty is little more than sufficient for the present wants of the inhabitants".[3]

A further instance of the policy of collaboration and restraint mutually adopted by the British Resident and the Basuto Chief may be cited. While Green was at Thaba Bosigo, Moshesh received a report of the killing of twelve Basuto and the seizure of 800 cattle by Taaibosch and Sikonyela's joint force from a kraal only twenty miles away, but the Chief merely ordered his people not to retaliate and appealed to the Mantatee Chief to desist from further incursions.[4] Such complaisance was too much to expect from his people, and most of them expressed their opinion at a pitso shortly afterwards that it was high time to call a halt to these attacks. Moshesh, however, still hoped to remain on the defensive to gain his ulterior object and so he earnestly requested Green to visit Taaibosch and Sikonyela and personally "endeavour to dissuade them from the evil course they pursue", but Green decided that nothing could be gained by personal remonstrance with these chiefs especially after the failure of Biddulph's attempt[5] to do so at Imperani earlier in the year.

In passing through the Barolong country Green had had an interview with Moroko. It would appear that the Chief had given credence to the reports of abandonment and applied to Moshesh for territory and protection.[6] On his return journey from Basutoland the Resident spent two days at Mekuatling and met Molitsane - "a very superior Kaffir although inferior to Moshesh in diplomacy and general intelligence ... I feel confident that his good faith can be relied on".[4] Nevertheless this Chief was powerless to prevent reprisals, as appeared when the two stormy petrels, Sikonyela and Taaibosch, drove Tulu's Bataung from their location near Sand River, burning their kraals and carrying off their cattle.[7] Tulu found refuge with his relative Molitsane, whose followers vowed vengeance and retaliated upon Sikonyela, recapturing some cattle. A party of neighbouring Boers were accused of complicity in the attack upon Tulu, and Green saw that this charge would have to be dealt with at once.

1. Bas.Rec. 2/43, 30/3/1853; Enc.D.2, 14/4/1853, G.H.31/2; B.B.XV.33. -Accordingly- Cathcart's approval p.396. Bas.Rec. 2/35, 18/2/1853: Bas.Rec. 2/40, 18/3/1853.
2. Bas.Rec. 2/49, 14/4/1853. Paul Matete fined a Beersheba Native for trespass and assault. Bas.Rec. 2/40, 18/3/1853; Bas.Rec. 2/50, 26/4/1853; "The Friend" 7/4/1853.
3. O.R.S. 31/226, 18/7/1853; O.R.S. 31/227, 28/7/1853; O.R.S. 31/229, 230, 231, 27/7/1853; Bas.Rec. 2/57-58. J.P. Hoffman lodged the complaint with Moshesh that a farmer Daniel Bothman intended to settle permanently on the grazing land given to Hoffman by Moshesh in 1847.
4. Bas.Rec. 2/44, 30/3/1853.
5. O.R.S. 34/165; Bas. Rec. 2/49, 23/4/1853. O.R.S. 32/144; Bas.Rec. 2/51, 15/5/1853.
6. Bas. Rec. 2/44, 30/3/1853. "The Friend" 30/6/1853.
7. O.R.S. 34/197; Bas.Rec. 2/50, 3/5/1853.
8. O.R.S. 32/142, Bas.Rec. 2/64, 31/5/1853: Field-Cornet Senekal came on a deputation to Bloemfontein because he feared reprisals by the Bataung upon the farmers. He promised Molitsane to make an investigation and have any guilty Boers punished upon which the Chief agreed to restrain his followers.
5. See p. 396 above.

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Accordingly he appointed a Special Commission of investigation under the Chairmanship of his Secretary, Percy Crause.[1] This body had no sooner been gazetted than the Resident was informed that the Mantatees and Korannas had staged an unsuccessful attack upon Witsi's tribe under cover of the wagons and draught oxen of some Boers, who took no part however in the fight.[2] The Commission found that the Native attacks and pilferings had not been provoked by the farmers.[3]

When Clerk reached Platberg on the 20th October Moshesh was still at Thaba Bosigo in the midst of preparations for an attack in force upon Sikonyela. The Caledon River was flooded but late the next day Moshesh was able to ford it with a few followers and slept that night in Clerk's camp. The interviews between them accomplished very little. The Basuto Chief did not refer to the Special Commissioner's previous notification of the intention of the British Government to withdraw from the Sovereignty whilst the latter considered it premature to ascertain his views regarding a final adjustment of his western boundary. "The mind of the old Kaffir chief", wrote Clerk, "was rather pre-occupied with concerns of more immediate importance to him" and he was "very impatient" to adopt coercive measures against Sikonyela and Taaibosch.[4] He received Clerk's endeavours to dissuade him with a "quiet air of respectful dissent" and the latter then appealed to Casalis.[5] The missionary was evidently powerless to intervene, for he replied that Moshesh was perfectly convinced that mediation would be of no avail and quoted the British Resident's declaration that the "Government was determined to interfere no more in the affairs of the native chiefs, and that he considered Moshesh was perfectly justifiable in repelling force by force".[6] Clerk noted that Moshesh left him "in a rather calmer mood", but the fate of Sikonyela was sealed. It transpired later that superior Basuto forces had already been set in motion and stealthily surrounded the Mantatee stronghold during the night. When dawn broke and the alarm was given Sikonyela and Taaibosch, who could have mustered a formidable fighting force one thousand strong, were taken completely by surprise and hopelessly outnumbered. In the ensuing mêlée on the mountain, where a heavy storm of rain increased the confusion, the Basuto slew Sikonyela's eldest son, David Makitikiti, and Gert Taaibosch. Sikonyela managed to secrete himself for several days until the Basuto withdrew with considerable booty, including 4,000 head of cattle.[7] Meanwhile a Bataung commando had actually entered Winburg and carried off the property of some of Sikonyela's-

1. Comprising in addition Magistrate Biddulph of Winburg, Field-Cornet Senekal, Jan Schutte J.P., and J.F.J. van Rensburg: Govt. Notice 31/5/1853 in "The Friend" 2/6/1853; O.R.S. 32/143; Bas.Rec. 2/53. 2. Bas.Rec. 2/55, 11/6/1853.
3. "The Friend" 30/6/1853. 4. B.B. XV.3.49, 10/11/1853; Bas. Rec. 2/72-3; O.R.S. 43. 5. Bas.Rec. 2/70-1, 22/10/1853: Bas. Rec. 2/76-81, 3/12/1853. 6. Bas.Rec. 2/17, 3/2/1853, Green's letter. 7. Bas. Rec. 2/77, 3/12/1853: Bas. Rec. 2/82-3; "The Friend" 10/12/1853: Theal VII pp. 343-5. Bas. Rec. 2/148 The Basuto stormed the height by mounting on the shoulders of each other and so forming a human ladder up the fronts of the precipices.

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Sikonyela's Fingo allies who had taken refuge there.[1] His power broken the son of the once dreaded MaNtatisi also arrived in Winburg at the end of November with but sixty followers, much to the consternation of the inhabitants, who feared that a Basuto commando would follow. He came to acquaint Sir George Clerk with his circumstances:

> "Moshesh will now have that I shall pay him tribute as he has paid to me; but I will not submit to Moshesh. On this account Moshesh wants to have my head. I have therefore come out of the way to hear what Government, which I have always obeyed, thinks of these things; and whether I am to get any help, considering that I have ever been ready to help Government".[2]

While these events were taking place to the northward and temporarily beyond his ken, Sir G. Clerk returned to Bloemfontein, leaving Green to complete his investigations, without which "we cannot be prepared to go to work so honestly as I believe the Basuto chief is disposed to do, for an exact demarcation of a boundary".[3] He was greeted with Dr. Fraser's intimation that the Committee of Delegates would meet on the 10th November.[4] The deliberations of this body terminated abruptly on the second day however, when its quorum was broken by the departure of the Winburg representatives on account of the unsettled state of their border.[5] Though the drafting of a constitution was its first consideration other matters also engaged the attention of the Committee, as for instance the depredations of the Bushmen in Griqualand and the incursion of the Basuto in the Winburg district. On the motion of Hoffman the Committee resolved respectfully to notify Clerk that, contrary to the provisions of Smith's constitution, no Legislative Council had met for two years and that it was absolutely necessary to call one together immediately to take measures to remedy the dangerous state of the country and the insecurity of property arising from Native disputes.[6] The Committee expressed dissatisfaction with Clerk's recent appointment of the Commission to settle the boundary line without any previous notification in the Gazette and it requested him to give due notice when similar public questions were considered in future. It was also unanimously agreed, on the motion of the members for Griqualand, that Clerk should "adopt some protective regulations on behalf of Her Majesty's subjects inhabiting the territory of Adam Kok on the ground that this chief cannot or will not maintain that order among his subjects which Her Majesty's subjects have a right to expect in accordance with Articles 19 and 24 of the Treaty with that chief, and further on the ground that no redress is obtained for grievances when brought before this chief under the above named articles of the treaty ... and that a copy of the paper concerning the Griqualand question be presented to Her Majesty's Special Commissioner".[7] The subject of future relations with the Transvaal was then discussed and the Committee re-affirmed Dr. Fraser's communication of the previous month to Clerk that, while the inhabitants were anxious to cultivate the most friendly relations with the

-Transvaal-

1. O.R.S. 34/198; Bas. Rec. 2/74, 24/11/1853. 2. Bas. Rec. 2/82-5.
3. B.B. XV.3.49; Bas. Rec. 2/73, 10/11/1853. 4. O.R.S. 36/203, 9/11/1853.
5. O.R.S. 36/207, 17/11/1853. 6. O.R.S. 36/204, 5, 6, 11/11/1853.
7. Motion of Visser and Groenendaal. See Eybers for articles of Maitland Treaty p. 265.

Footnote 1 next page: Theal states Vol.VII, p.346, that the majority were swung over in favour of abandonment by the publication of these charges (date and source not given) but he underestimates the part played by Clerk, Hoffman, Coqui and Cauvin, Stander and other principals.

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Transvaal community, they deprecated any interference on the part of the latter in the government of the Sovereignty. Strong exception was taken to the statements of certain persons that the white inhabitants of the Sovereignty were wicked and cruel in their treatment of the aborigines and Clerk was asked to nominate a commission, half of whom should be Boers, to ascertain what proof there was in these representations. Finally the Committee appointed Henry Halse as Vice Chairman, with authority to act in the absence of Dr. Fraser.[1]

The resolutions of the Committee of Delegates were presented to the Special Commissioner together with "the outlines of a system of Constitutional Government under Her Majesty's Government".[2] Owing to its short session the Committee intended to devote further consideration to this draft on a future occasion, but the opportunity was not fated to arise. Although he had been specially informed of its sitting, Clerk had not communicated with the Committee nor made any further reference to the conditions upon which the Assembly of Delegates had been prepared to take over the government. As the elected representatives of the people and the only body constituted by him, the Committee had deemed it their duty to bring these matters to his notice.[3] Moreover as loyal British subjects the members of the Committee went further and decided that they owed a duty to themselves and to those by whom they were elected not to entertain a proposition opposed to the tenor of his Commission.[4] In a conversation afterwards with Dr. Fraser, Clerk emphasized that he had no intention of assembling a Legislative Council. He ignored the proceedings of the Committee on the ground that it was determined not to form an independent government "until peaceable and orderly government should be established according to its own views of what would be considered to be 'satisfactorily' established" and because it "proposed to assume exclusively the power of regulating the period of continuing the British establishments in this quarter". He maintained that its scheme of a constitutional government under the British Government "was not the purpose of my mission" and contrary to his recommendations of the 5th September and 15th October, but he made no attempt to dissuade the Committee from sending the deputation to England.[5] On the 21st November Dr. Fraser left Bloemfontein, the Rev. A. Murray having gone eleven days earlier to take a longer route through the Cape Colony.

Simultaneously with the departure of the deputation to lay the case for retention before the British Parliament there was developing within the Sovereignty a counter movement in which the Special Commissioner himself played a principal part.[6] The conclusion of the Sand River Convention in Jan. 1852, the recent death of Andries -Pretorius-

1. O.R.S. 36/208. 2. O.R.S. 36/207-8, 17/11/1853. Motions of Hoffman and Vergottini, Dr. Way and Venter. Many of the details were subsequently incorporated in the constitution of the republic. 3. O.R.S. 36/209, 16/12/1853. "The Friend" 28/1/1854. O.R.S. 36/211, 17/1/1854. "The Friend" 28/1/1854 - Letters of Halse to Clerk. 4. O.R.S. 33/164 according to Venter the voting was 9 for and 4 against. O.R.S. 36/210, 30/12/1853 Clerk to Halse; "The Friend" 7/1/1854. 5. O.R.S. 36/212, 26/1/1854; O.R.S. 44; "The Friend" 4/2/1854. 6. J.M. Orpen p. 286: "Clerk using all his influence and pressure upon people to undertake an organized movement in opposition to the protest of the Assembly of Delegates".

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Pretorius and his letters to his various subordinates exhorting them strongly to cultivate the friendship of the British, not to mention their difficulties with the Natives, had all served to confine the attention of the Transvaal Boers to their own domestic concerns.[1] But Commandant Scholtz on his return to the Transvaal must have given full publicity to what had transpired in Bloemfontein including what had passed between Clerk and himself. Suffice it to say that scarcely had the deputation departed than Commandant Adriaan Stander, who had fled after Boomplaats, re-entered the Vaal River district and renewed contact with former partners with the object of re-establishing closer relations between the Transvaalers and the Sovereignty Boers.[2] In temporary association with P.M. Bester, until recently R. M. and C.C. of the district, Marius Cauvin and the speculator Adolph Coqui, he wrote from Harrismith to Clerk that the arrangements of the Committee chosen by the Assembly of Delegates did not satisfy the majority of the residents of those parts: "We assure you the majority of the inhabitants of the Sovereignty are prepared to meet with satisfaction the contemplated plan of withdrawal of Her Majesty's Government from the Orange River Sovereignty".[3] At the same time from Riet River in the south Clerk received a memorial with thirty odd signatures protesting against the deputation and asking for the appointment of a new Committee and an impartial commission to ascertain whether Boers ever murdered or ill-treated Natives. These adherents of Pretorius wished to achieve their dead leader's original project of a single Boer state north of the Orange: "We read in a newspaper that A.J. Fraser on the 12th September advised his Excellency to require the Transvaal Republic not to interfere with the government of the Sovereignty. We declare and protest against it, as in accordance with the request of General Pretorius, it becomes that system to be a united one unsupported by the (British) Government".[4] Another memorial forwarded from Modder River at the end of November followed those from Harrismith and Riet River in protesting against the deputation and in desiring to form another committee "with all possible expedition to assist Your Excellency in bestowing a government upon this lawless country and which shall take such steps as may be necessary in order to take over the Sovereignty in compliance with the orders of Your Excellency and the commands of Her Majesty".[5]

Clerk decided to take the initiative by getting into touch with the parties who favoured an unconditional abandonment of the Sovereignty or were prepared to take over the government on easier terms than those laid down by the Assembly of Delegates. Bethinking himself also of the memorial addressed to Cathcart in August, he removed to Winburg where Stander was waiting for him.[6] In the meantime P. J. Naude, a member

1. "The Friend" 18/8/1853. 2. "The Friend" 11/2/1854. 3. O.R.S. 33/153, for-12/11/1853; O.R.S. 33/199; B.B.XV.3.60, Enc. D. 10/12/1853. Add.B.B.XV.3.60, O.R.S. 43, 10/12/1853, Clerk wrote: "Coqui is a German formerly a tradesman and the only survivor of 33 Boers who went to Delagoa Bay. He failed in trade. Subsequently a defaulter on some account of contract. Having since inherited property in Europe he is established in Harrismith district as proprietor and speculator in lands...Cauvin member of a respectable family in Cape Town. Bester holds lands in Winburg and Harrismith districts ... resigned as he found the duties of account difficult and his salary insufficient". Malan in Die Opkoms p.196-8 says Coqui was a Portuguese Jew. Orpen p.286 "Belgian - Jewish extraction... Cauvin was a handsome little French descended gentleman ... the very man who had moved that this policy (of abandonment) was atrocious and instructing us to resist it ..." 4. O.R.S. 33/168, 9/11/1853; B.B.XV.3.68.Enc. 5. O.R.S.33/200, 201, 17/11/1853. O.R.S.33/169, Enc.XV.3.68. O.R.S.33/155,156,28/11/1853;Enc.B.B.XV.3.60,10/12/1853. 6. B.B.XV.3.47, 3/11/1853. "The Friend" 26/11/1853,10/12/1853.

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for the Wittebergen ward of the Vaal River district, had resigned from the Committee, as had Jacobus Venter, a representative for Bloemfontein district.[1] Indeed Venter and some six Boers rode into the capital a few hours after Clerk left for Winburg, bearing a memorial to the effect that the Government should protect the country or leave it. He caught up with the latter on the road and apparently received every encouragement.

On the eve of his entry into Winburg Sir G. Clerk was informed by Stander, Cauvin and Coqui that they were in possession of documents revealing "the true sentiments" of the inhabitants between the Vet and the Vaal.[2] A few days later these three together with C. du Plooy and F. Schmehage submitted a draft of a memorial signed by "nearly all the influential inhabitants" of the upper districts of the Sovereignty expressing their willingness to meet the wishes of the Government "upon the following reasonable conditions":-

1. Release of the inhabitants from Her Majesty's rule.
2. Settlement of the affairs of Griqualand.
3. Cancellation of all existing treaties with the neighbouring tribes and non-interference of the British Government between the whites and the natives.
4. Compensation for confiscated farms and the refunding of fines imposed for political offences.
5. Permission to purchase munitions of war in England and all British colonies, and assurance of the right to import such by way of the Cape Colony or Natal, as well as the free importation of all goods to this country through the ports of those colonies.[3]

They had already, they added, taken steps to have representatives chosen by the people of each district with full power and instructions to elect a Council of not less than twenty-four members to function within four months' time, to which end they had circulated a declaration for signature.[4] In acknowledging receipt of the above draft memorial and declaration Clerk discreetly observed that as the former was still being circulated for signature he would for the present defer any consideration of it. Nevertheless he approved of their having directed their attention to the question of the future government of the country: "since those members of your community, who were assembled in September at Bloemfontein for this purpose, appear to be entirely occupied with other objects than that on account of which I was sent here and which I then publicly announced. That object was not to ascertain the opinions of the inhabitants as to what government they desired to live under. Her Majesty's Government as well as all disinterested persons have long known that the measure intended, respecting the future independent position of the territory, is conformable to the wishes of its people in general".[5]

The Special Commissioner had already instructed the British Resident and the several Civil Commissioners to "bear in mind the necessity that exists for your

1. O.R.S. 33/154, 17/11/1853; Enc. B.B.XV.3.60, 10/12/1853. "The Friend" 10/12/1853, 11/2/1854. O.R.S. 33/160, 164 Venter's memorials. 2. O.R.S. 33/143, 30/11/1853. 3. O.R.S. 33/144-5, 3/12/1853. Theal VII p.343. "The Friend" 10/12/1853. These petitioners were not concerned about the boundary line between the Basuto territory and the Sovereignty, being more remote from it. Cp. p. 413 above.
4. O.R.S. 33/146; "The Friend" 31/12/1853: " Every present European inhabitant shall be a burgher ... Every burgher above thirty years of age and a proprietor of fixed property not less than £100 in value, shall be eligible to election to the Council.
5. O.R.S. 44, 5/12/1853; Enc. B.B.XV.3.60, 10/12/1853. Also "The Friend" 17/12/1853, "The Friend" 28/1/1854.

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viewing all circumstances and regulating every measure with due advertence to the withdrawal of British dominion from this territory. Discussion of this point on your part is not required. It will, of course, be your duty to listen to a boer of any class apprehending that insecurity to his rights or property may arise from this change. But it must be an object of your utmost solicitude to allay such apprehensions and to consider well and report to me any steps that may occur to you as proper to suggest, having this end in view". He anticipated that only two classes of proprietors might be anxious, namely those who had always zealously aided the administration and the few who possessed confiscated farms. With regard to the former "you will omit no opportunity of using your influence with a view to promote a coalition, or at least a good understanding for the future, between them and the parties who may evince the most activity and energy in devising means for carrying on the government on our withdrawal. It will no doubt have occurred to your minds that a manifest difference in their views on this subject at present could scarcely fail to have a pernicious tendency in the administration of their own affairs hereafter". With reference to the confiscated farms he required his subordinates to "lose no time" in proceeding to adjust "the conflicting claims, present and future, of the present and the original proprietors"./ The officials carried out these instructions though a few of them had become attached to their adopted country and the moderate section of its inhabitants and were not partial to Clerk's policy.[2]

On the strength of Clerk's support Stander promptly advertised a meeting on the 9th December at F. Linde's farm in the Bloemfontein district, which he intended addressing on the subject of abandonment, "with the previous knowledge of the H.M.'s Special Commissioner". His associate, du Plooy, meanwhile travelled further afield to Smithfield to hold a meeting there on the same date.[3] Stander's proposed meeting came to the ears of Geo. Home, the Chairman of the permanent Committee in Bloemfontein, who asked Clerk whether it had his authority.[4] The latter quoted from his reply to Stander and recommended that if any such meeting were held Home should also attend it. As he wrote later that month to Henry Halse, who had taken strong exception to these proceedings, "Party differences now may render your union difficult hereafter; and the certain consequence of delay in undertaking to examine and discuss questions relating to the future position of this territory, in the inevitable circumstances announced to you in September last, would be the withdrawal of the British troops and establishments before any progress had been made in plans of much importance to the inhabitants".[5] According to report neither meeting was largely attended. Only twenty people were present at Linde's farm to hear the memorial and the correspondence with Clerk, whilst notable absentees among the neighbouring farmers were Steyn, Griezelt, Duvenhage, Muller, Harries, Erwee, Colley, Hans Pretorius and the two Prinsloos. Linde himself was elected a member of Stander's raad but Cauvin and Coqui had already been alienated by Stander's language and methods, "The land was once brought into trouble through me, and I now declare openly that I am come to put it right; and no damned Englishman will hinder me".[6] Similarly not more than forty, "none men of influence, property or intelligence", came to hear du Plooy.[7]

1. O.R.S. 44, 3/12/1853. 2. O.R.S. 39/51, 19/2/1855, Clerk to Secretary of State: "When the crisis arrived they displayed assiduity". H. Lowen, J.M.Orpen, J.H. Ford each held the office of landdrost under the Republic. Vowe also stayed on as a burgher. 3. "The Friend" 10/12/1853; Notice dated at Ossprut 6/12/1853. 4. O.R.S. 36/223, 7/12/1853. 5. Reply 8/12/1853 quoted by Halse in O.R.S. 36/209, 16/12/1853; also in "The Friend" 28/1/1854. 6. "The Friend" 10/12/1853. "Farms were without doubt promised by Adrian Stander for which some signed (his memorial), others from fear, others from choice. Venter perhaps did not condescend to such a paltry subterfuge". 7. "The Friend" 31/12/1853, 7/1/1854.

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Plooy, at whose meeting J. Snyman was elected a representative.[1] The following day, Saturday, 10th December, Stander accompanied by his secretary, G. Schmidt, had interviews with Clerk in Bloemfontein and then left for more fertile soil in Griqualand. Venter also spoke with Clerk and produced a constitution of 61 articles, drawn chiefly from the Bible. He too moved south and at a meeting of friends near Bethany was elected President of the Sovereignty on trial for four months.[2]

The revival of party spirit in the Sovereignty had followed upon the announcements of the Special Commissioner, and the prospect of a coalition of parties appeared on the surface to be anything but promising. At one extreme were ranged Stander's adherents with their decided leanings to the Transvaal and Venter's self-sufficient Dopper party, while at the other Halse led the dwindling supporters of the Sovereignty régime. Fortunately for Clerk there stood in between a substantial body of moderate opinion which was becoming convinced by his attitude of the inevitability of abandonment, and which not only resented any interference from across the Vaal but also revolted against the narrow doctrines of the Dopper Boers. The coming weeks saw the emergence of this middle party in ultimate association with the loyal Boers, whose fear of the Transvaal Republic was a real one, and with many British inhabitants who decided to throw in their lot with them.

The first move in the policy of putting the best face on the matter came from the south. When Stander crossed the Riet River and entered the inalienable Griqua reserve, his plans to form an independent government met with a ready response. The Boers had founded the village of Fauresmith in the reserve and they had settled there in increasing numbers; consequently, their motive for desiring the withdrawal of British supremacy was sufficiently obvious. Indeed G. Visser of Lokshoek, Fauresmith, and J. Groenendaal, the cripple schoolteacher, two of the members of the Committee for Griqualand, who had until quite recently played an active part at meetings, had just expressed their conviction to Clerk that the inhabitants now wished to take over the Government. They suggested that the time was favourable for understanding the real opinion of the public and that a new body of delegates should be chosen.[3] Most of the farmers of Griqualand signed Stander's memorial and a large number attended his meeting at Fauresmith on the 17th December when he declared that the object of his coming had been approved by the Special Commissioner.[4] In the circumstances Visser and Groenendaal attended this meeting, announced their resignation from the old-

1. "The Friend" 31/12/1853, 8/1/1854. 2. "The Friend" 17/12/1853, 7/1/1854. Venter's code of laws provided, inter alia, that no man under 25 and no girl under 18 should marry, that heavy fines should be imposed for swearing, that every one should be obliged to attend Divine Service and, in effect, should think alike.
3. O.R.S. 33/16, 7/12/1853; Enc.D. 10/12/1853, B.B.XV.3.60. O.R.S.33/162, 14/12/1853. 4. O.R.S. 36/211, 17/1/1854. "The Friend" 24/12/1853.

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old Committee and were re-elected as the local representatives. Groenendaal sent a report to Clerk and stated: "Daar de verlating der Souvereiniteit besloten is" (since the abandonment has been decided upon) "I hope to work for such principles of self-government as will best ensure the prosperity and permanence of the country. We are pleased to observe that H.M. Govt is prepared to yield to such sacrifices as will be necessary to remove those obstacles which would otherwise overcome our own endeavours to ensure to ourselves a sufficiently peaceful future". /

Although he had set the ball rolling the Special Commissioner still lacked the necessary authority to withdraw. Half a year had passed since his arrival and he now suggested to the Secretary of State that he might by some mischance have failed to receive instructions sent subsequently from England: "The only reference on the part of Her Majesty's Government to the subject of this territory which I have seen since my receipt in England of Your Grace's instructions of last April, is contained in a short debate in the House of Commons in August. If the remarks of Mr. Peel are correctly reported in the newspaper in which I read them, I would beg leave to submit an opinion that further instructions are requisite to enable me to fulfil the intentions of Her Majesty's Government". He repeated former arguments in favour of abandonment, such as the isolation of the Sovereignty from a military standpoint and its insufficient income. Completely ignoring the earnest attempts of the administration to carry out the Sand River Convention and to regulate the trade in ammunition within its own borders by the policy of state control, Clerk endeavoured to discredit it by a fresh allegation: "its recent gunpowder monopoly however has been its main resource of late and may be its salvation for a time", but it "serves to assist in preparing the native tribes for warfare".2 He reverted to the need for compensation and for "funds to assist the withdrawal from such a possession as this ... Whatever party may in time receive charge of the government I feel certain they must require from us some moderate assistance in funds". Enlarging upon this subject of compensation he insisted that after valuations had been carefully determined they should be final and promptly paid:

> "The sum which might have sufficed probably for all purposes here would I consider have been a trifling consideration if compared either with the risk and opprobrium attaching to a continuance of this administration, or to the discredit of denying to sufferers in cases of real hardship resulting from the measures of Her Majesty's Government an immediate adjustment of their proved claims".3

On the 19th December Clerk left for his second meeting with Moshesh on the Caledon River.4 The events of the past two months had eased the situation considerably. Calm now reigned on the northeastern frontier, for Sikonyela was a fugitive, Gert Taaibosch was dead, and Carolus Baatje's Bastards of Platberg had thrown in their lot with the Basuto. Cameron had been withdrawn from Thaba 'Nchu and "a quieter man", J.D. Ludorf, had been put in his place with the result that Moroko's Barolongs had since lived at peace with their neighbours.5 The only problem left was that of determining the future relations between the Basuto and the Boers. There were two

1. O.R.S. 33/163, 21/12/1853. 2. D.3/12/1853, B.B.XV.3.53; add.Bas.Rec.-points-2/76; O.R.S.43. See p.404 above. "The Friend" 3/12/1853; "Present restrictions on sale of gunpowder handicapped traders e.g. Mr. Hume last year took 5,000 lbs. of ivory to Grahamstown, only 700 lbs. this year." Bas.Rec.5, 25/5/1853, Crause to Francis Reader, who was going to convey clothing to the Chief Mahura, declining to comply with his request to take gunpowder "In the present unsettled state of the country the British Resident does not think it safe or expedient for persons to proceed to the interior with large supplies of powder and firearms". 3. D.10/12/1853, B.B. XV.3.60; O.R.S.43. 4. O.R.S. 34/166; Bas.Rec. 2/81, 8/12/1853; "The Friend" 24/12/1853. 5. O.R.S. 34/212; Bas.Rec. 2/72, 5/11/1853 Ludorf re three horses stolen, asking for gunpowder. O.R.S.44; Bas.Rec. 2/97, 28/1/1854 Clerk's advice.

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points at issue, the losses of stock for which Clerk was seeking the necessary funds as compensation, and the settlement of the boundary line. "Regarding Kaffir frontiers generally I suggest", he had written to Newcastle, "that the most effectual measures consist in maintaining for some time on the frontiers such an amount and description of regular troops as the Kaffirs must respect ... the safest and least expensive course is to regard them as the unsubdued enemies of the white man and to counteract the sagacity and consistency of their councils ... by efficient measures of defence ... and by encouraging European immigrants". / The relations between the Basuto and the Batlokua, he felt, served "to show how unsound, weak and humiliating may often be the attempt to exert the authority of the British Government, where its name has been extended to a distance so ineffectual" ... as to "be devoid of even the semblance of military strength". In conformity with his policy of withdrawal from the Sovereignty with as few commitments as possible, the Special Commissioner was determined to avoid becoming entangled in the boundary question. Although he had averred that the Natives were hardly dealt with, "Both Basutos and Griquas have already submitted to deliberate encroachments made sometimes with, at other times without the sanction of the British Government", he had nevertheless made no attempt to remedy this alleged state of affairs in terms of his Commission.[2] Similarly with regard to the assertion of the Boers that "though the Basutos claimed so large an extent of territory, they did not wholly occupy it", he merely quoted the Napier treaty.[1] In advising Newcastle, Clerk chose only to stress the need for the prompt payment of adequate compensation for losses of stock - "I feel it to be especially our duty to endeavour to remove as much as possible every cause of enmity existing between this host of 287 claimants and their Basuto neighbours" - yet he omitted to point out that failure to settle the boundary question would also have "very pernicious consequences". Any grievance which the burghers might feel would be the first subject to engage their attention when left to themselves. "Moshesh on his part will probably feel that if he must be involved in a quarrel with his neighbours in this territory, it will be a favourable time to measure his strength with them at the earliest possible period of their distraction, while still employed in consolidating a new government. He will not omit to seek for such an occasion, and will no doubt obtain the cordial co-operation of some other Kaffir nations, and thus may much excitement, if not actual hostilities, arise along the frontier of the eastern districts of the Cape Colony".[2]

The gathering at Jammerberg Drift included representative farmers along the line, Moshesh, his eldest son Letsie and retinue, the Special Commissioner and the British Resident. Sikonyela did not respond to Clerk's invitation to attend, although the Basuto Chief had previously received his deputation in friendly fashion and had allowed all those of his people who had submitted to reoccupy their gardens.[3] Josias Hoffman acted as interpreter and chief spokesman for the farmers. He put questions to Moshesh and Letsie which were answered, according to "The Friend", rather more shrewdly than was agreeable to him.[4] When Letsie in his turn put questions to Hoffman, the latter had no ready answers. Moshesh said they had come to make a line between black and white. Why did they not keep to the line that God had made - the

-Orange-

1. D. 10/11/1853, B.B.XV.3.49; edd. Bas.Rec. 2/72; O.R.S. 43. 2. D.1/10/1853, B.B.XV.3.37,; D.3/12/1853, B.B.XV.3.53; Bas.Rec. 2/76. O.R.S.42/100 Wessels family of seventeen lost £2,767, got 2/3d in the £ or £305. 3. O.R.S. 34/166; Bas.Rec. 2/81, 8/12/53: O.R.S. 34/167; Bas.Rec.2/85, 11/12/53: O.R.S. 36/251; Bas.Rec. 2/96, 18/1/54 Moffat's reasons. 4. "The Friend" 17 and 31/12/53.

Orange River? He claimed that his ran to within three hours of Bloemfontein (Napier treaty). If they would make a line he had no objection provided they carried it away, when made, in wagons! He did agree to certain lines with Sir H.Smith and other authorities but that was on the supposition that the country remained British territory. Moshesh wrote to President Boshof two years later that Clerk said: "The limit by Major Warden from what I see is not fair to the Basutos, let their Chief point out another more advantageous to us than that of Maitland, that the Boers may be satisfied. I said in answer to him, truly this is a hard concern, but I consent to point out another, that our peace may be consolidated. I pointed out the one from Commissie Drift on the Caledon River down the Orange River, leaving Koesberg on my side". / The effect of this upon the Boers of the Caledon River district can well be imagined.

Clerk must have realized by now the difficulty of laying down a boundary line to the mutual satisfaction of Boer and Basuto, even if he had ever had any fixed intention of doing so. Nevertheless his propaganda on behalf of abandonment had evidently persuaded the border farmers to risk going without "any more exact demarcation" of the Warden Line rather than having one officially imposed upon them according to the ideas of Moshesh. In describing these interviews on the Caledon River to the Secretary of State the Special Commissioner naively remarked that when he drew the attention of the Basuto Chief to the intended withdrawal of the British Government the latter "appeared to entertain no apprehensions that his independence would be in consequence endangered, or that the wild dreary boundary between him and the boers, which has so repeatedly been supposed to have been defined by the British authorities, although never subsequently respected by either party, could be improved by further meddling with it. In short, he seemed to think that, unless it were intended to guarantee to him the restoration of all the territory his tribe in former times had claimed without occupying, no danger to him could now result from allowing his relations with the boers to revert to the understanding which generally prevailed between the boers and himself, before the British Government interfered with them". With regard to the Boers he went on with equal naivité to explain that they were averse to a more definite line "from a sense of the advantages of trusting to availing themselves again of the fair, and even liberal, spirit in which Moshesh was accustomed formerly to grant lands to them on the easiest tenure possible, either on acquisition, or on transfer from one boer to another; and from an apprehension that if British authorities undertook to interfere further with their relations with Moshesh, it might be thought necessary also that British authorities should continue in the country to superintend them". 2 In a discussion of their future relations he informed Moshesh that he considered him no longer a British subject if he had ever been one, and, as the latter showed no desire for the negotiation of a treaty, "I thought it most advisable also that I should not appear to press the point". He did mention the appointment of a British agent on the frontier as a channel of communication and the Chief received this "with evident satisfaction"; yet when Moshesh attempted to fix the residence of such a liaison officer in Basutoland "I abstained from further discussing this subject".

1. Bas.Rec. 2/178, 21/3/56. See Bas.Rec. 1/56, 13/12/1843 Moshesh to C.C.Colesberg and his appeal to Pottinger Bas.Rec. 1/131, 14/4/1847. 2. B.B.XV.3.73, D. 14/1/1854; Bas.Rec. 2/94. Stander and his colleagues, who did not live on the Caledon frontier simply asked for the cancellation of all existing treaties... p. 428 above. The stipulation of the Assembly of Delegates represented the Boers' view ..p.413 above.. See J.J. Grobbelaar Archives Year Book 1939 II, p.19.

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subject". Clerk added that the burghers also desired to retain some such link with the British Government: "for it is not that we consider, or that you intend, that you should spurn us from you and renounce us in scorn, because some persons write and relate to the government in England that we are untamed or ferocious, but it is we trust that H. M. Government feels some confidence that we will not abuse the trust of independence to be confided to us ..." By way of justifying his line of conduct the Special Commissioner expressed himself as follows: "One of the reasons generally assigned for extending British dominion in South Africa has been to prevent the extinction of the rights of the natives. The knowledge that British dominion has thus been enlarged proves acceptable in England. The extension makes manifest our power, - the motive, our benevolence. After awhile the measure becomes costly, inquiry follows, and it then is evident that the conquest has been the mere occupation of wastes almost uninhabitable, attended with constant inconvenience and expense to the State, arising from nothing less then the extinction of the rights of those natives, to protect whom was the motive or the pretext of the extension of authority ... For my own part I am of opinion that the advantages are considerable in leaving affairs between us and Moshesh on a footing which does not preclude a closer connexion hereafter, founded on a basis which time may show to be expedient and sound."/

The Special Commissioner got back to Bloemfontein on Christmas eve, without having taken further action, and urgently sought financial assistance from Cathcart. In obvious distress he completely unburdened his mind and trusted that the Governor might be "empowered to exercise some discretionary latitude" in view of the "omission of H. M. Govt. to supply the means". It would appear from his strongly expressed opinions after all these months that the task of withdrawing from the Sovereignty, the imperative necessity of which, whatever his instructions, he had personally advocated from the first, was proving too much for him. He explained that he had been especially deputed by the British Government to conduct the government of the Sovereignty "without any powers to adopt measures for averting confusion or correcting inadvertencies, or remedying serious evils, by the application of pecuniary or coercive means according to my ideas of justice, good faith or expediency" ... "A Special Commissioner if duly appointed for the control and discipline of the administration here according to that standard of honesty, respectability and efficiency, which would afford security for the prevention of war with the Kaffir tribes during the time that may be required for the Burghers to prepare a form of independent government and the interval that may elapse before H. M. Government has leisure to determine all final measures connected with its introduction would encounter no difficulty in the performance of this task were the period to be protracted many months or even a year. On the other hand, to fulfil the just expectations entertained by some who took it for granted that the presence of an officer specially deputed hither by H. M. Government would ensure an equitable adjudication and satisfaction on the spot of all cases great and small long pending or quite neglected between the Government and its subjects, to correct the shameful state of things inherent in the grasping system prevailing here as patronized by the officers of the Govt. and effectually to deter certain bad characters from engaging in intrigues for involving the British Government in hostilities with the Kaffirs, on which so essentially rest the hopes of all the speculators; these are measures which although susceptible I believe of the most satisfactory and secure transaction in the hands of an agent of H. M. Government possessing full powers to treat such matters, are wholly incompatible with the limited and wholly inadequate extent of the powers entrusted to me".

In support of his plea for funds to compensate the farmers for their losses and to meet all other exigencies of the public service, Clerk went on, "These burghers at first felt apprehensive of the withdrawal of the British Government but consoled themselves that at least a mission sent to announce separation would be empowered to alleviate disasters. These sufferers feel bitterly the neglect.

-This-

1. B.B.XV. 3. 73, D. 14/1/1854; Bas. Rec. 2/94.

> permanent cost to the mother country, with a constant liability to expensive and protracted frontier contests, and with very doubtful advantage for the government of a people so far removed from the seat of British authority. I have therefore to instruct you to proceed on the assumption that this line of policy is that deliberately chosen by Her Majesty's advisers. I do not say that even these strong convictions would not yield to argument to the contrary, if urged with the force of the experience which you will have acquired. If I understood you to be decidedly of opinion that the subject must be re-opened I should not refuse reconsideration; but I wish you to look upon this as a discretion reposed in you only to be exercised on the fullest persuasion of its necessity". / Newcastle was

also prepared to allow his subordinate to return home temporarily for a personal conference, provided he still considered that this might be advantageous and would not increase doubt as to the intention and sincerity of the British Government nor be used to magnify claims for compensation. The Special Commissioner was required to summon a general body of the inhabitants or a committee of elected delegates to arrange the bases of separation, following the precedent of the Sand River Convention, and to induce them to form an independent constitution, or, if they failed to do so, to withdraw the troops and pronounce separation an accomplished fact. He was given a free hand in matters of detail but the Convention had to guarantee that the existing possessors of land would not be disturbed, to safeguard British subjects against any vexatious proceedings for acts lawfully done before abandonment, and to prohibit slavery.[2] Newcastle stipulated that the Native chiefs and tribes were to revert to their former independence, "but the questions which must arise as to the mode of preparing for their new relations I leave to you". He reminded Clerk of his promise to submit details respecting the treaties with the Griqua tribe and expressed his readiness "to consider any special recommendations which you may make for the maintenance of good faith with this comparatively weak portion of the native races". Finally the question of compensation was also left to Clerk's judgment after Newcastle had formulated certain rules for his guidance, for instance those British subjects only could claim who had established themselves in the country after the confirmation of Sir H. Smith's proclamation of Sovereignty; no claim should be recognised for anything done after the first announcement had been made in the Colony that the British Government contemplated abandonment;[3] the mere deterioration of the value of property acquired in the Sovereignty, or losses in trade or commercial speculation, whether actually felt or only apprehended from its intended abandonment would not afford ground for compensation. Subject to these general rules Clerk might entertain special and individual cases but he was

-cautioned-

1. B.B.XV.3.87, 14/11/1853, acknowledging Clerk's of 25/8 and 10/9/1853. The Royal Proclamation was not signed till 30/1/1854. For the extent of this discretion vide the Duke's words to Fraser and Murray on 16/3/1854 p. below. Was this merely a device to enable the British Government to throw the blame on to Clerk if things afterwards went wrong? 2. B.B.XV.3.71, 14/1/1854, Clerk excluded civil servants on the ground that their land was not fairly obtained! They could sell if they pleased. O.R.S.44, 18/1/1854. Clerk to Lowen that he held out no hopes of compensation for British subjects in the service of the Government for land purchased, notwithstanding same may not have been made for speculation. 3. From middle of 1848 to middle of 1852. Grey's decision that abandonment was to be considered a "settled point in our policy" was published in "The Friend" of June 1852.

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cautioned against "contracting embarrassing obligations or recognising unfounded claims".

The reluctance of the pro-Sovereignty section meanwhile to knuckle down to his programme seemed to have flustered or irritated the Special Commissioner, judging by his replies to the Secretary of State. His attempts at Winburg to persuade the staunch and loyal group there to take over the country lest it should fall into the hands of bad men had not made headway.[1] Moreover Schnehage's meeting at Piet Marais' farm on the Vet River accomplished nothing, for van Rensburg, a member of the Committee of Delegates, apparently proved too much for him.[2] In Bloemfontein where the opposition to Clerk remained firm, a goodly number of waggons had gathered in mid January on the occasion of Nachtmaal and the congregation was no doubt influenced by the attitude of the officiating clergymen, the Rev. D. van Velden of Winburg and the Rev. P. Roux of Smithfield, both of whom contemplated abandonment with trepidation and aversion.[3] Writing from Smithfield as a resident of long standing and vouching for a large majority of the Committee of Delegates, Halse, its Vice-Chairman, protested to Clerk that the desire for abandonment was entertained by few of the intelligent and respectable members of the Dutch community and that his endeavours were annihilating all prospect of carrying out his Commission, "It is with the deepest regret I have observed that Your Excellency in the capacity of Her Majesty's Representative has since your arrival in this country lent your countenance and encouragement to men who are notorious for their hatred of everything bearing the name of English and that in your recent communications to Messrs. Stander and du Plooy you should have shown additional favour to this anti-English spirit".[4] Some very strong resolutions criticising Clerk's proceedings were passed at a Smithfield public meeting presided over by Dr. Way, a member of the Committee of Delegates, and embodied in a memorial with over a hundred signatures.[5] These claimed that with the exception of the circular ordering the elections of the delegates in August, no official document (concerning abandonment) bearing Clerk's signature had appeared and that there had been no reference to abandonment except in unauthorised reports. Furthermore they had not received any intimation of boundary settlements and other matters referred to in his Commission, though they assumed he had been occupied with them since he had dismissed the Committee of Delegates four months before. Clerk replied at some length, stating inter alia that he could not perceive "what good the memorialists propose to themselves from the act of forwarding to me any such misrepresentation", and again recommended them to coalesce with the Republicans and provide for their future government.[6]

In acknowledging receipt of Newcastle's instructions the Special Commissioner singled out this Smithfield party and "their confederates in Bloemfontein" for their -invectives-

1. "The Friend" 10/12/1853.
2. "The Friend" 7/1/1854.
3. "The Friend" 14/1/1854.
4. C.R.S. 36/211; "The Friend" 28/1/1854.
5. "The Friend" 4/2/1854.
6. C.R.S. 36/212; C.R.S. 44, 28/1/1854; "The Friend" 4/2/1854. Uys p.34: "By dint of coaxing and tact he secured a majority vote for abandonment".

"invectives" and letters in "The Friend" newspaper "of course reproduced in those of the Colony, replete with the most inflammatory language and the grossest falsehoods, giving vent to the malevolence of the disappointed writers ... " He mentioned that the inhabitants would assemble shortly to consider their future government and hoped that they would be proof against the rumours and devices of his old scapegoats, the English speculators and the landjobbers: "This question is still beset by the only real difficulties I have felt in the performance of this duty. I allude first and principally to the want of funds ... indispensable to the due discharge of certain public obligations; and secondly to the doubts entertained by some of the inhabitants regarding the point of their future allegiance".

Clerk complained repeatedly of this lack of means, observing that it was now "too late to provide on the spot for all the important public objects ... In my humble opinion it would have been very advantageous if six months ago H. M. Government had required the Colonial government at the Cape to have recourse to measures so essential in preparation for the withdrawal as a provision of aids in money and available lands". / Since this had not been done he had been reduced to toying with the idea of an unconditional abandonment, "nothing less perhaps will recall them to a sense of danger in the face of vigilant Kaffir tribes around them". But he had realized that this would cause considerable distraction and simply postpone the fulfilment of the above obligations. Why it should have been "too late" to carry out a proper programme of compensation is not so clear, especially in view of Cathcart's willingness to assist and his own suggestion that the Secretary of State should supply the new government with the amount of one year's revenue, or £10,000 in the way of a loan or an advance "without any very troublesome stipulation as to the period of repayment". 2

On the strength of his newly arrived authority, the knowledge of which he kept to himself, Clerk decided to speed up withdrawal. Having already made certain of such literate moderates as Coqui and Hoffman whom he had induced to take the lead he published a notice to the Field-Commandant and Field-Cornets calling a meeting in Bloemfontein on the 15th February of all persons who were prepared, on behalf of the inhabitants, to discuss with him the terms on which the government would be transferred to them. 3 He had already informed Jacobus Venter that the labours of Halse's Committee of Delegates were at an end as far as the British Government was concerned, although another month passed before it was publicly repudiated, and he ordered his cat's paw Stander to hold no more meetings. 4 Venter and Snyman then sent for the Rev. Dr. Tancred of Clanwilliam to assist and advise them in the organisation of an orderly government. 5 The British Resident was required by Clerk to preside over a Board of Claims comprising Biddulph and Assistant Commissary-General Graham, with Moffat as Secretary, which was to deal with confiscated and forfeited farms, and the claims of landowners and owners of house property who wanted to leave on abandonment. 6

1. C.R.S. 43, 4/2/1854. Cathcart made enquiries re available land in the Colony from surveyor-General Bell. -Furthermore- 2. B.B.XV.3.71, 14/1/1854; add. Bas.Rec.2/94. 3. C.R.S. 31/112, 23/3/1854, Coqui. C.R.S. 31/656, 15/9/1854, Hoffman. Notice 19/1/1854 in "The Friend" 21 and 28/1/1854. 4. C.R.S. 44, 14/1/1854. "The Friend" 14/1/1854 - The respectable portion of their countrymen shunning Clerk's opposition because they "dislike the swearing propensities of Mr. Stander & his father-in-law Mr. Wildeman who supplies in sheer coarseness what is deficient in argument". 5. "The Friend" 28/1/1854. 6. C.R.S. 44, 18/1/1854. "The Friend" 28/1/1854.

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Furthermore Cathcart was requested to remit the promised £20,000 in specie to the military chest at Bloemfontein.[1]

Just at this stage a significant request came to hand from M. W. Pretorius, in a letter thanking Cathcart for the message of condolence on the death of his father,

> "as abandonment also concerns our interests here especially in trade, as well as in other ways," he wrote, "I am anxious to have a say in the constitution as I perceive in particular that the Committee raises difficulties respecting the confiscated places and desires to be guaranteed the protection of the British Government in case of an inroad from the Transvaal. I can assure Your Excellency that it is not in the least my intention to permit violence or oppression to anyone but I must at all times protect lives and property. I am not inclined to extend my rule beyond what I can govern but for this I am afraid - Ik ben niet gevoelen myn gezacht uit te bryden boyen 't geen ik bestuure kon maar daarover ben ik bevreesd - that if the Orange River Sovereignty is given up by the British Government and left to itself then there may arise troubles from this side".[2] The

Special Commissioner knew that the Assembly of Delegates, as well as many of the burghers who were prepared to take over the government, already resented the activities of Stander's Maatschappy party and would brook no official interference by the Transvaal, an attitude that had probably been stiffened by the recent publication in "The Friend" of extracts from Cathcart's despatches, one of which stated "... I think it would not be difficult to bring about an amalgamation of the burgher population on both sides of the Vaal ..."[3] To avoid possible complications he replied firmly yet tactfully that those who were about to receive charge of the country would no doubt consider what was best to be done for its future peace, prosperity and strength. He also assured Pretorius that withdrawal would never prove embarrassing to the Transvaal's trade and its relations with the British Government.[4] Shortly afterwards he added that he would deal justly with the matter of the confiscated farms but asked the Boer leader to explain to any interested persons that they were not under any circumstances to proceed to re-occupy these places without previous reference to himself.[5] Upon the completion of these preliminary arrangements the Special Commissioner removed for a while from Bloemfontein to Douglas Valley and "the mercury of the political thermometer" in the capital fell considerably.[6]

Thus far no steps had been taken to define the position of the Griquas in the event of abandonment. Conditions in Griqualand had remained very much the same since Cathcart had instructed his Assistant Commissioners to avoid coming to any definite arrangement regarding Kok's memorial of February 1852.[7] When in April, 1853 Hendrikse and sixty three other Griquas asked for the right to dispose of their land i.e. land not yet let or let for less than forty years in the Alienable territory the British Resident replied that the subject had to remain in abeyance in the

1. C.R.S. 44, 23/1/1854 claimants had to liquidate their outstandings -existing- to Government before they would receive consideration. C.R.S. 42/107, 17/1/1854.
2. C.R.S. 42/105, 14/1/1854; C.R.S. 36/12: Pretorius asked him to sell a few light field pieces for frontier defence. 3. "The Friend" 14/1/1854: for D.33, 12/10/1852 see p. 368 above. 4. C.R.S. 44, 17/1/1854. 5. C.R.S. 44, 4/2/1854.
6. C.R.S. 44, 23/1/1854 Clerk to Bates to provide a guard. "The Friend" 23/1/1854.
7. See above pp. 331 et seq.

existing uncertainty as to the future of the Sovereignty.[1] At the same time, in view of the complaints received from British subjects resident in Griqualand that Kok did not treat their accusations against his people with due attention, Green desired the approval of the High Commissioner to his attending the sitting of the court at Philippolis during the following month to hear cases in accordance with the 20th clause of the Maitland Treaty.[2] The matter was referred to the Assistant Commissioners who considered that this clause had been modified and tacitly repealed by the 13th regulation annexed to Smith's Proclamation of March 1849, which prescribed native law for the Natives. They also questioned the policy of the Resident's being allowed to interfere at all without previous reference to the High Commissioner:

> "Great consideration is necessary before Mr. Green should interfere personally in Adam Kok's administration of justice".[3]

Soon after his arrival in August the Special Commissioner was visited by Mr. Solomon, the Griqua missionary, who alluded, said Clerk, to the possibility of Adam Kok's removal to another position and named a part of Tambookieland: "It seemed to be a subject which had previously engaged his attention. He stayed many days but I saw no more of him until his departure, when reverting to the subject we had before discussed, it was so evident he had got his lesson from the Bloemfontein speculators, and was to promote out of the Griqua station and its intermingled jurisdiction and land tenures, another cherished impediment in the way of the withdrawal of the British troops and establishments, that I took no further trouble to disturb his or their contrivances".[4]

Nothing apparently came of Clerk's intention to visit Philippolis on his return from the meeting with Moshesh at the Caledon in October; nevertheless Kok shortly afterwards sent him a memorial similar to that of Hendrikse and to previous ones. The Griqua captain explained that his people had been entitled by the Maitland treaty to sell or lease their lands in the Alienable Territory and that they understood this was permitted by Smith's "vriendschappelyke schikkingen"; instead each of their repeated requests to the British Resident, to Sir H. Smith himself, to the Assistant Commissioners and to Cathcart had in turn been refused or ignored. Referring to the provision that Griquas could have back their farms in the Inalienable Territory on the expiry of the leases, provided they paid compensation for improvements, he pointed out that the undertaking to assess improvements on farms hired by Boers had not been fulfilled; moreover in nine cases the leases had expired and because the owners could not pay, the lessors held the farms without paying rent.[5] Becoming concerned about the possible results of abandonment Kok paid a visit to Moshesh early in January, no doubt for the purpose of entering into

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1. O.R.S. 4, 20/4/1853. 2. O.R.S. 35/255, 29/4/1853. 3. O.R.S. 35/254, 19/5/1853 - C. Owen and J. Ebden; B.B.XV. 19/5/1851, pp. 4, 13, 29.
4. O.R.S. 43, 28/3/1854, Clerk to Newcastle.
5. "The Friend" 8/10/1853. O.R.S. 34/121, 7/11/1853.

an alliance, and then wrote to the Special Commissioner requesting an interview. 1 Early in February he arrived in Bloemfontein. Unfortunately for the Griquas Clerk's intentions had already been determined not only by the desire of the British Government to withdraw from the Sovereignty and by his own whole-hearted approval of that policy, but also by his unsympathetic attitude towards "the medley of vagrants dignified with the designation of 'Griqua nation' ..., who seek a maintenance in idleness and deer's flesh in Adam Kok's domain, and the unimproving habits of sloth and intoxication so prevalent not only among these aliens, but among the few and gradually decreasing families of Griquas, with their neglect of the pursuits of agriculture, grazing or any object of industry". 2

There were alternative courses open to the Special Commissioner. He could insist upon Smith's modifications of the Maitland Treaty being properly carried out, but he knew that this would not prove acceptable to the burghers who were determined to retain the farms which they had leased between the Riet and the Orange as well as the village of Fauresmith, the thin end of the wedge. He could declare the Griquas bona fide British subjects, subject to the general law of the Sovereignty, in order to do away with the striking incongruity of an independent Chief and people governing and living in a British colony. If the Griquas agreed to become British subjects, to hold their lands directly from the Crown with liberty to alienate them and if the annual payment of £300 to Kok were increased for a given period as compensation for giving up the lordship of that portion of the country, the Griqua question could be accommodated. But this also was not a question of practical politics if abandonment was to follow, for the burghers would not accept the Griquas on a footing of equality: "there was a mighty difference between a burgher man and a whity brown Griqua or Hottentot fellow". 3 Clerk could not avoid this issue, as he had avoided the Caledon boundary, for certain treaty obligations were involved; nevertheless he followed the line of least resistance. He chose to put the blame for the existing state of affairs upon Kok and the Griquas, seeing that the arrangements of Maitland and Smith stipulated that it should not be competent for Adam Kok or any of his people to grant leases or make sales, or give any right of occupation, to any British subject: "The Captain, or rather Mr. Solomon for him, is in the habit of representing that the lands have not been so allowed to be let or sold. But that is not the question, even supposing, which some documents seem to disprove, that Adam Kok had not himself formally ratified any deeds of sale. His people do let and sell lands, and give occupation therein to persons of the restricted classes"..

Clerk conceded that Kok was a young man of respectability and good disposition living as he did under the eye of his missionary, Mr. Solomon, "who endeavours to develop-

1. "The Friend" 7/1/1854. O.R.S. 34/122, 24/1/1854; "The Friend" 4/2/1854. 2. O.R.S. 43, 28/3/1854, Clerk to Newcastle. O.R.S. 43, 26/1/1855, Clerk to Sir G. Grey, Sec. of State. Cory 1939 I p.100, "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".
3. Burnet's Correspondence Vol. I, p. 13; Groenendal's opinion.

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develop in him those qualities in which the Griquas in general are so lamentably deficient". He contended however that Kok did not and could not govern his people and concluded that "the sooner that authority is annulled the better for everybody".[1]

In a nutshell, without recognising any right on the part of the Griquas to indemnification for the lands north of the Riet River, beyond the annual stipend agreed upon by Sir H. Smith and Kok in January, 1848, Clerk was prepared in view of

> "some degree of ambiguity in the wording of that arrangement and the arrangement itself pressing rather heavily upon the private interests of some of the Griquas"

to give liberal compensation to Griqua claimants there, provided Kok's subjects were no longer debarred from selling their holdings in the Inalienable reserve whenever they chose[2] ... "and the Imperial Government is I consider bound on every ground of justice and policy to disburse the sum which would suffice for the accomplishment of this really beneficial and just revision of the impracticable theory of its servants. As for the British Government interfering actively to maintain the Griqua system prescribed in the treaty of 1846, such a measure would I consider be as mistaken and pernicious as were the British Government to take up arms against the Eastern colonists opposing a scheme, were it ever proposed, for restoring there a settlement of Kat River Hottentots on its former footing. Even Maitland did not consider a Griqua station entitled to support of such a character."[1]

The Special Commissioner reported the meeting with Kok as follows: "Accordingly when Adam Kok visited me in February last I recommended to him the ordinary system of permission to his people to sell their property openly, instead of clandestinely, as a means of amicably adjusting the only real difference with his neighbours with much benefit to all parties. The Captain offered no objections. But having come unattended by all the members of his "Raad" or Council, he pleaded that it would be necessary for him on returning home to ascertain if they also thought the plan advissable. In a note referring to this conference which was afterwards drawn up by the British Resident, the proposition is thus recorded 'Captain Adam Kok having expressly stated to the Special Commissioner in the presence of the British Resident, his missionary and his Councillors, that no objection existed on his part to the sale of their farms by his people, he, the Special Commissioner, removed on behalf of Her Majesty the restrictions on the same imposed by the Maitland Treaty"! By this something was implied from nothing, for clearly no formal or binding agreement had been entered into during these discussions; indeed both Kok and his missionary wrote from Philippolis soon after their return that they were awaiting Clerk's proposed visit and would be pleased to see him.[3] Though the Conference with the delegates was not scheduled to begin until the middle of the month Clerk stated subsequently that the pressure of other business at Bloemfontein and the constant interruption of his time had been too great to admit of his visiting Philippolis.[1] He did send the British Resident down at the end of the month with certain articles of agreement and a large sum of money, which Kok and his Raad declined to accept, but this was after the terms of the abandonment had been settled by the Bloemfontein Convention.[4]

1. C.R.S. 43, 28/3/1854, Clerk to Newcastle. Clerk considered that the design of founding a government for the Griquas out of the mission station "was not proper" - political transaction of missionary Dr. Philip. According to Maitland's son the Governor would not march British troops in case the Boers resisted expulsion: see p. 27 above. 2. C.R.S. 44, 1/4/1854, Clerk to Kok.
3. C.R.S. 34/123-4, 22/2/1854.
4. C.R.S. 36/60-1; Enc. D. 240, 12/6/1854, C.O. 1350; G.S. 1378.
C.R.S. 36/63, 7/3/1854. See p. 448 below. W. Bower p. 9 has £11,000.

The final scene of the Sovereignty drama was staged in Bloemfontein where the inhabitants who were prepared to take over the government had gathered in terms of Clerk's notice. When the negotiations were scheduled to begin on Wednesday, the 15th February, the capital had a novel and exciting experience. Although the the Special Commissioner had reassured Hoffman and his associates only the day before that the September Committee of delegates was dissolved, a quorum of the delegates met at nine o'clock in the morning and unanimously passed the following three resolutions:-

1. That we as the Committee of the Delegates chosen from all the various districts of the Orange River Sovereignty who have been freely, legally and publicly elected by the people at the command of Her Majesty's Special Commissioner are the only true and legal representatives of the people and as such we now declare our sittings permanent and our seats inalienable until we have honestly accomplished all the purposes for which by the Assembly of Delegates we were elected or until dissolved by that body.
2. That all the dealings of the Special Commissioner with any other persons whom he may either by public or private, open or secret means acknowledge as representatives of the people of the Orange River Sovereignty are 'ipso facto' null and void and shall never be recognized by their only legitimate representatives.
3. That the Committee of Delegates is now prepared to discuss with him on the part of the inhabitants the terms of the formation of an independent government for this country. /

This third resolution was their answer to Clerk's notice of the 19th January and it would seem to be explained by their realization of the fact that the great bulk of the people had been successfully alienated in favour of abandonment, and by their desire to make the best of a bad bargain. When he presented these resolutions Van Rensburg had high words with Clerk because the latter had encouraged the interference of unauthorized parties, but the Special Commissioner again advised the remaining members of the September Committee to join those who had already seceded and had been authorized by him to carry out the intentions of the British Government.[2] In the next issue of the Sovereignty Gazette he duly notified the public of the dissolution of the Committee on the ground that it had "misconstrued and prevented the object for which it had been called".[3] Whether his delay in publishing this notice was a strategic move or not, it had effectively prevented the "obstructionists" from interfering with his plans and "The Friend" charged him with dissimulation in recognising the existence of two bodies of equally empowered representatives at one and the same time.[4]

The Special Commissioner had made up his mind not to be turned aside from his -path-

1. O.R.S. 44, 14/2/1854; O.R.S. 35/206; "The Friend" 18/2/1854. Resolutions O.R.S. 36/213, 15/2/1854. First moved and seconded by Orpen and van Rensburg: second by Joubert & Finlay: third by Cdt. Wessels & Dr. Way. 2. "The Friend" 18/2/1854; O.R.S.44; 36/216, 16/2/1854. 3. "The Friend" 18/2/1854; O.R.S. 36/221, Clerk to Green. 4. "The Friend" 25/2/1854. "The Friend" 4/2/1854 referred to this extraordinary circumstance. Until officially dissolved the September committee could not take part without being charged with wanting to abandon the country.

path and gave another demonstration of this resolve when Halse and representatives from the Caledon River district reported that gold had just been discovered near Smithfield. "We cannot refrain from expressing to Your Excellency our convictions fortified by reports from the other side of Vaal River that these deposits will prove far more extensive than might be at first anticipated and of the weighty results of these discoveries should our anticipation be realized". Disclaiming any personal or political motive beyond their duty to their constituents, they informed Clerk that they could not contemplate the withdrawal of the British Government at such a critical period without feelings of the greatest apprehension. Adverting to the disorganization and crime to which similar discoveries had given rise in other countries and to "the strength of party feeling, the want of education and the unfitness of the inhabitants of the Sovereignty for self-government", they feared that "should the executive authority be vested in persons without the requisite power for enforcing law and order" they would experience "the same results as in California". / Clerk merely replied that the discoveries could have no effect on the determination of the British Government to withdraw from the territory, in which decision he was supported by Cathcart: "The stories about gold are, if not entirely false, monstrously exaggerated. There is gold in Scotland and Ireland; so there may be a little in minute particles to be found in certain places in South Africa"; and he went on to aver before any investigation had yet been undertaken, "but it is proved that some Australian bits of gold have been passed off as South African nuggets, and the object was on the part of the land-jobbers to enhance the value of the land they had to sell ..." [2]

Faced with the official notice of dissolution and the recommendation to join the "Other" Committee, the September delegates held a large public meeting of protest on the 17th, at which Clerk's actions were declared to be in direct violation of the terms of his Commission and consequently illegal and unconstitutional. They resolved not to amalgamate with the new representatives and, if he should persist in his course, to organize a suitable and efficient government for the country. Cathcart too came in for criticism, for it was contended that his "unmilitary arrangements and the fatal battle at Berea had done more harm to British prestige than anything before in South Africa". It was pointed out moreover that the public were expressly excluded by Clerk's authority from attending the meetings of the "Other" Committee, in spite of his notice of the 19th January requiring all persons to assemble in Bloemfontein who were prepared to discuss the terms upon which the independent government of the country would be transferred to them.[3] Clerk retorted that, as the names of none of the objectors had appeared on any of the memorials expressing readiness to co-operate with him, they had no right to claim -admittance-

1. O.R.S. 36/217, 14/2/1854; "The Friend" 25/2/1854. Incidentally only a few weeks before "The Friend" had remarked that the Australian gold discoveries had started the craze for prospecting in South Africa and that there were constant reports about the finding of gold, instancing that a Jan Marais, who appeared to have been to Australia had found a spot at Witte Waters Rand and was to receive £500 and a yearly stipend for working the mine, "The Friend" 7/1/1854. The Provisional Government took precautionary steps to deal with the shortlived gold rush in that area, enjoining vigilance on its officials and requiring all strangers to possess certificates of identity and good character from their respective magistrates and not to carry fire arms. O.R.S. 31/48; Proclamation 8/3/1854, "The Friend" 11/3/1854.
2. O.R.S. 44, 16/2/1854 Clerk. C.C. p.358, 13/3/1854. 3. O.R.S. 36/219-20, 17/2/1854; "The Friend" 18/2/1854: G. Home in the chair. O.R.S. 36/180, 16/2/1854.

admittance to those meetings. These protests and an account of Clerk's proceedings formed the subject of a letter despatched that day by Halse to the Secretary of State.[1]

Meanwhile at 10 a.m. on the 15th February the representatives of the several districts, or members of the "Other" Committee, had assembled in the Government schoolroom. J.P. Hoffman was their unanimous choice as Chairman and after he had announced that the September Committee, of which some of them were members, had been dissolved by the Special Commissioner they proceeded to pass certain resolutions for the latter's attention. Having affirmed their willingness to co-operate with him and to undertake the government of the country conformably to the plan and conditions proposed by Bester, Stander, Schnehage, Coqui, Cauvin, du Plooy, Venter and others, they desired him to attend their meetings whenever it was convenient as well as to give them whatever advice and hints he could. Clerk was requested also, in terms of the first resolution passed by the delegates on the 5th September, to state whether he was already in possession of the legal instruments whereby they could be declared an independent government and people. The assembly decided finally that no persons other than members should be admitted. To enable their Chairman to confer with Clerk they then adjourned after arranging to meet in the church at 3 p.m.[2] When the members reassembled in the afternoon, however, the elders of the church refused admittance and the Committee returned to the schoolroom, which was "good enough for such a case". Here business was resumed and "the authoritative looks of the Deputy Sheriff frightened away all quiet folks from the place".[3]

The next day Clerk laid a draft of his basic proposals before the "Other" Committee for its consideration. The first and second of these articles proposed to guarantee the independence of the country and its inhabitants, and the abolition of all alliances and treaties except the Griqua treaty. The third referred to Griqualand and read: "Adam Kok having himself infringed said treaty by allowing sales; the restrictive clause as to tenures to be set aside, to which Kok had already agreed: a near prospect of amicable and final settlement".[4] The other articles dealt with such subjects as the trade in ammunition, the prohibition of slavery, the reciprocal extradition of criminals, the protection of the rights and property of the English residents and the appointment of a consul.

The presence of this Committee, deliberating behind closed doors, was not -agreeable-

1. O.R.S. 36/179, 17/2/1854; "The Friend" 25/2/1854. 2. O.R.S. 31/41; V.R.16; "The Friend" 18/2/1854; O.R.S. 36/252. The members were:- J.Venter, F.Linde, G.du Toit and A.Duvenhage for Bloemfontein; J.P. Hoffman, J.Snyman, P.Human, P.v.d.Walt and J. Hoffman for Smithfield; J. Groenedaal, G. Visser, J. Rabie, M. Snyman, G. and M. du Toit for Sannah's Poort or Fauresmith; M.Wessels, F. Senekal, J. Fick, P. Moolman, G. du Plooy and F. Schnehage for Winburg; P. Bester, W. van Aardt, A. Stander, W. Pretorius, J. Bornman and H. Venter for Harrismith. Oppen p. 308 states that the dopper Andries van der Walt, who was "religious mad and afterwards became a criminal lunatic", took Jacob Venter up Naval Hill in the night time and anointed him King of the Free State. 3. "The Friend" 18/2/1854.
4. "The Friend" 18/2/1854: Collins p.61, Free Statia.

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agreeable to certain vociferous members of the public who wanted to take part in the proceedings. After being subjected to two days of interruption and provocation, the patience of the Committee became exhausted and it appealed to Clerk, who thereupon directed Green and Lowen, the Magistrate of Bloemfontein, to take suitable measures and later the Committee removed its sittings to the Government office near his cottage.[1]

The members of the "Other" Committee, among whom Dr. Tancred had now taken his seat, devoted a full week to deliberating and consulting with the Special Commissioner upon the terms of separation before these took final shape as the Bloemfontein Convention.[2] With regard to the first article, guaranteeing their independence, the consensus of opinion was that this meant a "kompleet ontslag van Haar Majesteit's onderdaanschap". Nevertheless a doubt persisted whether they were assured of complete independence and whether "De vrye verklaring ons nu door Sir George Clerk voorgesteld (dit) bekragtigen kan, in weerwil van Willem IV Cap 57, en of zyne Excellentie overtuigd is dat wy bovengenoemd bekragtiging zullen gewis verkrygen". Visser was therefore deputed to see Clerk on the point and returned with the latter's answer "hard op en met nadruk 'Ja'".[3] In commenting upon Newcastle's statement that they would be released "from that allegiance which results from their being domiciled in a portion of Her Majesty's dominions" but could not be released from their 'native allegiance' except by Act of Parliament, Clerk wrote, "I could not have expunged the words "finally freeing them from their allegiance" (which he added) in reference to those who desire to be so set free, if really intending to carry out amicably the measure of abandonment. I have always supposed that in the instance of the Convention entered into with the Transvaal Boers some modification of the Act 6 & 7 William IV would eventually be considered to be just and necessary and not less so in the present case, unless it was intended that the Act should cease to bind British subjects renouncing their allegiance in such a position as these republics declared independent beyond the frontier of British possessions ... At all events nothing less than the stipulation contained in my first Article of Convention could satisfy the desire, which was naturally felt by the inhabitants, to be assured that the independence which was promised was honestly intended".[4]

Similarly in discussing the second article, by which the British Government was to abolish all alliances and treaties except the Griqua treaty, the members felt that this did not go far enough and desired the addition of the words "and shall hereafter make no treaties" - "en zal, in het vervolg, geen bondgenootschap maken" - whereupon Clerk compromised with "and has no intention of making to the injury or prejudice of the Orange River Government any treaties" - "en heeft geen meening traktaaten intetreden nadelig".. When they wished to know what had become of the treaty made by Governor Sir G.Napier with Moshesh, "which (it is said) Moshesh still holds in its integrity", Clerk replied: "War between two powers breaks all pre-existing treaties. The British Government has no treaty with Moshesh".[5] After the week-end, however, they raised the question of the Basuto boundary under Article

-IV-

1. C.R.S. 44, 16/2/1854. C.R.S. 43, 28/3/1854, Clerk to Newcastle: "forcible suppression would have been distorted as stifling the voice of loyal indignation".
2. C.R.S. 36/253 and 4, 17/2/1854; Notes V.R. 16. "The Friend" 25/2/1854: Dr. Tancred arrived on 16th, was given a seat and vote. He received £200 after the Convention was signed, "The Friend" 11/3/1854. Orpen p. 308 quotes a piece of doggerel about die Nieuwe (slimme) Raad - "Tot hulp van zulke ezels nu de Priester is gekomen" etc. 3. V.R. 16, Proceedings 18/2/1854. 4. C.O. 1350, D. 12/6/1854; B.B. XV.3.91. D. 14/1/1854; C.R.S. 43, 28/3/1854.
5. Bas. Rec. 2/99, 17/2/1854, Minutes of Meeting.

IV, which referred to the right of British subjects not only to withdraw within three years and freely to dispose of their property but also to be safeguarded against any vexatious proceedings on account of acts lawfully done. "How can the Orange River Government", they inquired, "be required to give a guarantee as required by Article IV when the line is still undefined and the rights of those most likely to claim under the guarantee denied by Moshesh? The attempted appropriation of such lands would be the commencement of hostilities with Moshesh". [1] Clerk got over the difficulty of Moshesh's line by means of an Appendix to the Convention, whereby he provided that in case of dispute or doubt (twyfelagtige zaak) two persons were to arbitrate, one for the Orange River Government and one for Moshesh, with the promise of indemnification by the British Government, if any appropriation to which a claimant was found not to be really entitled had been ratified by it. [2]

Much attention was also given by the Committee to the third article dealing with the removal of the restrictions upon tenures in Griqualand. They desired the incorporation of the following propositions:-

(a) that when any land was sold by Griquas to Europeans it should fall at once under the Orange River Government;
(b) that when Adam Kok departed from the territory, the Treaty between him and the British Government should lapse;
(c) that so long as the Treaty did exist, the Orange River Government should hold authority over the so-called Alienable territory and that this should be guaranteed by the British Government;
(d) that all lands in the so-called Inalienable territory which had been lawfully sold before the Maitland Treaty and which were converted into leases of forty years by that treaty should now be acknowledged as lawful sales; and
(e) that the appraisements in Griqualand should be proceeded with. [3]

Although he had not yet obtained the consent of Kok or his Raad, the Special Commissioner agreed that some modification of the Griqua Treaty was indispensable. In his opinion the Griquas could not possibly pay the value of the improvements and therefore the forty year leases virtually became sales and the valuations unnecessary. He declined, however, to bind the British Government to guarantee the Orange River Government in the retention of the authority it possessed over the Alienable territory and questioned whether the second request would be advantageous to it: "Will the knowledge of this on the part of Adam Kok not induce him to hold and cling more firmly to Griqualand than he perhaps otherwise would do?"

The remaining articles presented comparatively little difficulty and on Thursday afternoon the 23rd February, 1854, the Special Commissioner and the members of

1. O.R.S. 36/256-7, 20/2/1854. 2. Bas. Rec. 2/101; O.R.S. 44, 4/3/1854, -the- also O.R.S. 34/168-9. Bas. Rec. 2/99, 23/2/1854; "The Friend" 11/3/1854; O.R.S. 35/258; O.R.S. 31/173 for draft. Clerk recommended this to Moshesh 24/2/1854. G.S. 1378, No. 6 Convention; O.R.S. 36/28, not in Eybers pp. 282-5. Bas. Rec. 2/105; "The Friend" 18/3/1854 gives an account of dinner given to Moshesh in Bloemfontein on 10/3/1854. G.H. 16/5 Burnet to Wodehouse 27/1/1868, "Sir G. Clerk could only at the last moment be got so far by the delegates as to give a sort of bail that Moshesh would be generous in all boundary disputes and the delegates were obliged to take this as a boundary line, as he was threatening to trek over the Orange leaving the Exchequer empty and no constitution either in esse or in posse and so at last they gave in". Cory 1939 I.p.99, "This was far and away the most important matter to be settled, 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 a state as ever it was. In fact it cannot be said that he settled anything". 3. V.R.16, 17/2/1854; O.R.S. 36/253-4.

the "Other" Committee duly signed the Bloemfontein Convention. As he explained to the Secretary of State, "In drawing up the Convention I endeavoured to bind Her Majesty's Government by as few obligations as possible. Fulfilment will require only pecuniary compensation ... The Convention comprises obligations on the part of the Dutch Government. These relate to the prevention of slavery and to the security of the persons and property of those remaining in the country who have well served the British Government and to the free permission to sell to be enjoyed for three years by those desirous of withdrawing. These conditions have been very cheerfully accepted. It will be the fault of the British Government if such conditions are violated. The appointment of a political officer on the Frontier will enable Her Majesty's Government to be immediately informed of any tendency to infringe them". / Sir G. Clerk thanked the delegates and hoped that their future relations would be friendly, sentiments which the Chairman, J.P. Hoffman, reciprocated and "Nardat Zyne Excellentie de zaal verlaat, wordt daar een maal voor de Koningin toegejuicht, de tweede maal voor Sir George Clerk, en de derde maal voor de Vry Staat van Oranje Rivier". 2 A provisional government, comprising J. Groenendaal, C.J. du Plooy, A.H. Stander, J.A. Venter, G.F. Linde, G.J. du Toit with J. P. Hoffman as president, was constituted to act for four months pending the formation of a permanent one and it immediately issued the following circular and proclamation: "Fellow countrymen and citizens! This day was an uncommon, if not a solitary one, in the history of the world and to us it was the birthday of our independence. What we on that day became, we acquired unasked through the generous munificence of Her Britannic Majesty, who was yesterday our revered Queen, and while other nations have devoted years of struggling and streams of blood for this priceless treasure, we obtained it simply by taking what was offered us". 3

Another Proclamation followed offering "the right hand of brotherhood to those who had vigorously contended to the last in the advocacy of opinions at variance with our own" and appealing to them to co-operate for the general welfare at the elections for the Legislative Assembly, which was due to meet on 27th March.4 The following day the Articles of the Convention were published in "The Friend and Sovereignty Gazette" together with Clerk's Proclamation announcing that British authority had come to an end.

Clerk did not prolong his stay more than two and a half weeks after the signing of the Convention and devoted that period to supervising the work of valuation, the assessment of claims, and the various duties involved in winding up affairs generally, which were to continue to occupy certain of his subordinates for several months to come. No sooner had the Convention been signed than he despatched the British Resident to Philippolis with an agreement and a large sum of money for the acceptance of Kok and his Raad.6 At the same time he assigned to Burnet the duty of appraising improvements made up to the 25th January, 1848, on farms hired by British subjects from Griquas in the Inalienable Territory, impressing upon him that he should "promote as much as possible the fair sale of farms by the impoverished proprietors to their tenants or to other men of capital" whenever it appeared practicable to

1. C.R.S. 43, 11/3/1854. C.R.S. 43, 28/3/1854, Clerk to Newcastle re the effect-latter's despatch on the subject of religious tolerance which, Clerk said, had reached him too late to include any such stipulation in the Convention, besides President Hoffman was apprehensive of the growing dissemination of Roman Catholicism.
2. V.R. 16, 23/2/1854. 3. C.R.S. 31/45, 23/2/1854; "The Friend" 4/3/1854.
4. Proclamation dated 24/2/1854 in "The Friend" 4/3/1854. 5. "The Friend" 25/2/1854. 6. W. Dower p. 9 has £11,000.

effect a change "so beneficial to the interests of both parties".[1] In the preamble to the proposed agreement Clerk expressed the view that the altered frontier of the British Government, and the fact that it no longer had any subjects in the former Sovereignty, had virtually rendered inoperative and annulled the Maitland Treaty of 1846. Accordingly, having fully considered the circumstances, he had drawn up this agreement, which, he thought, would be deemed by the Captain "to comprise a friendly and acceptable determination of every point involved in the consideration of his past and future position and that of his people". Kok was asked to subscribe to the following seven articles, to wit:-

1. The Griqua people, subjects of Capt. Adam Kok to have henceforth the right (hitherto denied them) of selling their farms when they feel so disposed.
2. With a view to the preservation of the amicable feeling which has now long existed between the white Inhabitants of the Sovereignty and the Griquas, the sales of landed property between them shall be conducted subject to the following regulations, viz:-
   (a) An agent of the British Government to be appointed temporarily to supervise the sales, before whom the buyer and seller shall appear, and make formal declaration of their agreement.
   (b) All payment to be made to the Griqua proprietor through the agent.
   (c) The tenants of the leased farms to have the right of pre-emption up to a certain date to be fixed by the Government agent.
3. Every person of European extraction purchasing a farm in the Inalienable territory shall become subject to the laws of the independent government now established in the Sovereignty.
4. Adam Kok to retain his present authority over his own subjects saving and excepting that, for the purpose of preserving order in the village of Samnah's Poort and watching over the interests of such persons as join the new Government under the preceding article a Landdrost shall be appointed by the new Government to reside there, whose jurisdiction as a magistrate shall however be confined to the farm on which the village is built.
5. The pension of £300 p.a. at present paid to the Griqua Chief and people in lieu of the quitrents of certain lands in the alienable territory surrendered by them to Sir H. Smith by virtue of the arrangement of the 27th January 1848 to be continued to Adam Kok personally during his life time by the Imperial Government.
6. All the Griquas who lost farms in the Alienable territory by the arrangement referred to in the preceding article to be paid for them at once by the Imperial Government at rates varying from 500 to 1,500 Rds. each according to the relative value of the farm at the time the arrangement was made.
7. Should circumstances at any future time render it more conducive to the welfare and comfort of Capt. Adam Kok to remove to the south of the Orange River every facility shall be afforded him, not only by the British Consul on the Frontier but by the British Government to enable him to dispose of his property on the north of that River and to establish his station at some chosen spot within the Colony.[2]

Upon their refusal to comply with the first article Green replied verbally:- "I much regret to hear the result of your deliberations, as should you persevere in your present opinions I see the prospect of ruin to yourselves and country at no very distant day. I have on the part of the British Government made you most liberal offers, merely for the sake of the preservation of the future peace of this territory. Your case simply stands thus, the farmers on the other side of the Riet River are in occupation of certain lands on which the Griquas have a claim while on this side of Riet River many Griquas occupy farms which they have sold to Europeans or colonists but which they will not surrender to the purchasers because they say the sale of land is opposed to Griqua law. On behalf of the British Government I have come between you and offered to satisfy your claim on the farmers beyond the Riet River providing you will give permission to the purchasers of the ground you have sold them on this side and abrogate a law which leads to so much dishonest and underhand dealing. You decline the liberal offer. You-

1. C.R.S. 44, 27/2/1854. 2. Enc. D.240, 12/6/1854, C.O. 1350; C.R.S. 36/50; G.S. 1378; "The Friend" 15/6/1854. Theal VII p. 356.

You are willing to take all the money the British Government will give. You will will keep the money you have received for your lands and you will keep the land as well! Can such dishonesty prosper? I think not and I perceive a day of reckoning approaching if this resolution be not amended. 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 these circumstances by declaring the sales legal but by the Griqua council refusing to work with His Excellency for the public good the offer of payment 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 in which the land tenures must be left in consequence of your resolution". /

Kok and his Raad informed the Special Commissioner at once that they could not consent to the first proposal to remove the restrictions upon sales of farms in the Inalienable territory. It was a reversal of the Maitland Treaty. They insisted that the British Government had pledged itself to remove all Europeans on the expiry of the leases, in return for which they had conceded a large part of their territory. Their country was being filled "with aliens destroying our nationality and ultimately compelling us either to leave the country or to subject ourselves to the new government, a government of which we have no knowledge and in which consequently we have no confidence". By this time they had become acquainted with the terms of the Bloemfontein Convention and strongly objected to the third article, flatly denying the statements of the Special Commissioner that Kok had infringed the treaty by allowing sales in the Inalienable Territory and that he had approved of Clerk's arrangements regarding sales: "I said that if my people and Raad resolved to sell their farms and leave the country I should not oppose though my own views were strongly against any such measure. But Your Excellency is aware that at the same time I told you that I would come to no decision until I had seen my Raad and people and you promised to send the British Resident to attend the meeting of my people and get my decision. In the meantime you announced my decision to the new Government. How what passed between Your Excellency and myself can be construed into such a decision I cannot imagine. Nor do I perceive how our consent to your arrangements can be at all necessary as you seem determined to carry them out whether we give or withhold our consent. Your Excellency has already announced to the New Government the intention of Her Majesty's Government to remove all the obstructions to free sales and the British Resident informed us that you have given instructions to an agent of Government who has been lately appointed to legalize all sales which have in defiance of law taken place in the Inalienable Territory ... The British Resident when here refused to sign permits of powder and gave us to understand that if we did not fall in with his terms we could not expect the Government would allow us to get powder". They concluded with the hope that more acceptable proposals would be put forward on his arrival the following week, but this hope was doomed to disappointment.[2] Clerk merely repeated his terms and on their rejection recorded the matter for the Secretary of State in these words: "From observations made by Mr. Solomon it appeared to be likely that the Captain desired to open a direct negotiation with the new Government at Bloemfontein. This probably would lead, if prudently conducted, to a more satisfactory understanding than could be attained through any other means. But, should this fail, I am of opinion that it ought to be left open to the Captain to avail himself, within a reasonable period, of the mode of adjustment which was offered -by-

1. O.R.S. 36/62; O.R.S. 44, 1/4/1854, quoted by Clerk. 2. O.R.S. 36/63, 7/3/1854, forwarded by Hoffman to Clerk O.R.S. 31/50-1, 11/3/1854. O.R.S. 31/51, 8/3/1854 Kok to Hoffman that there was no verbal or written agreement between Clerk and himself re "het vrye verkoopen van plaatsen in het onverhuurbare grondgebied". He made overtures of friendship. See also 34/105, 30/5/1854 - 34/109, 12/7/1854. See also O.R.S. 36/65, 17/3/1854; O.R.S. 36/66, 25/3/1854.

by me on the part of Her Majesty's Government..." [1] Thus instead of fulfilling his "intention, personally, without any unnecessary loss of time, to establish the affairs in Griqualand on a footing suitable to the just expectations of all parties",[2] he abandoned the Griquas to the tender mercies of the burghers. True, he did request Burnet, the British agent, to promote a good understanding between Kok and his Dutch neighbours and not to omit to entertain and forward the wishes and intentions of the Griqua Captain, in case he should desire to re-open any negotiations on the basis of the terms already offered.[3] Yet in spite of Kok's willingness through force of circumstances, to accept Clerk's terms later that year, the Griquas received the cold shoulder.[4] A decade later they moved to Griqualand East.

With regard to the investigation and payment of claims for compensation, which had meanwhile been Clerk's main pre-occupation, no comprehensive detailed statement is available of all the amounts paid out and for what purpose, but certain particulars were recorded. The sum of £12,000 disbursed in respect of claims for losses of stock, plus the amount realised from the cattle taken from Moshesh at Berea "as a just penalty for the vexatious warfare long carried on by the Basutos and other tribes acting under his influence",[5] satisfied all such claims to the extent of 10/- in the £1.[5x] Another large amount of £15,000 was ear-marked for owners of houses and premises who intended withdrawing on abandonment, but it was anticipated that half would be recovered by the subsequent sale of such property.[6] The Board of Claims paid out over £5,000 to owners of farms confiscated after Boomplaats, 1848,[7] and in addition £500 was allocated for the widows of Dreyer and Waldman, who had been shot respectively after that engagement and in the skirmish at Vet River, 1846, and for Stander and five others who had spent three months in Colesberg gaol in consequence of their part in this last affair.[8] Although he was not in favour of resurrecting old troubles and fomenting discussion and suspicion, Clerk paid approximately £2,400 in respect of fines, boete gelden, levied after Viervoet upon burghers who had been engaged in treasonable correspondence with Moshesh.[9] In an appendix to the Convention the Special Commissioner assigned a further sum of £3,000 as a boon in respect of-

1. O.R.S. 43, 28/3/1854; O.R.S. 44 Memo, 17/3/1854. 2. Clause 3 of Convention - for detailed terms see Eybers p. 283. 3. O.R.S. 44, 23/3/1854. 4. O.R.S. 34/109, 12/7/1854. Clerk knew what was in store for the Griquas for in addition to the clauses already requested by the delegates, Groenendaal approached him (O.R.S. 31/172, 23/2/1854) for provision for the exercise of judicial power in matters between British and Griqua subjects and for the stipulation that Kaffirs and other inhabitants must leave Kok's domains or alternatively for a guarantee that they would give no trouble. 5. C.C. p. 320 Proclamation 18/2/1854; O.R.S. 44, 20/2/1854. 5x O.R.S. 43, 11/3/1854 Clerk to Newcastle; add. Bas.Rec. 2/103. O.R.S. 44, 24/3/1854 Clerk to Green. "The Friend" 11/2/1854. Actually £11,958 11s 10d, O.R.S. 43, 3/4/1855 Clerk to Grey. Theal VII, p. 353 6. O.R.S. 43, D. 1/12/1854, 5/4/1854. Actually £14,801 14s 3d. 7. G.S. 1378, 93-311: Govt. Notice 11/3/1854 that C.U. Stuart would conduct cases before the commission. Board of Claims closed 31/12/1854, G.S. 1378, 311: and it was dissolved in April 1855 on the departure of Clerk overseas, Burnet II p. 214. 8. V.R. 16, 20/2/1854; "The Friend" 11/3/1854. 9. V.R. 16, 20/2/1854; O.R.S. 36/255. O.R.S. 43, 18/5/1854 Clerk to Newcastle and 3/4/1855 Clerk to Grey; O.R.S. 33/30, 31, 37 and 38/41 Biddulph paid £2,300 to 91 persons between 28/2 and 27/3/1854 duly deducting arrears of quitrent which practically half the claimants had owed for one or two years.

of special cases of past hardship, om "zooveel mogelyk alle bittere herinneringen aan het lyden van vorige dagen te verzachten, daar waar zulks nog bestaat ...", but M. W. Pretorius successfully collected half of this amount as the Transvaal's share of compensation for Boomplaats in response to Vice-President Groenendaal's notice calling upon all having special losses to lodge their claims.[1] It is worthy of note that President Hoffman himself applied for farms or erven nearer Bloemfontein in terms of Clerk's promise to compensate him for his assistance in facilitating the withdrawal of British rule and accepting the office of President, since he feared to return to his farm Jammerberg Drift after his five years of office lest the Basuto might beat out his brains.[2]

In the course of their negotiations with Clerk before the signing of the Convention the members of the "Other" Committee had decided to ask for a grant of £20,000 to enable them to establish their new Government, "om voor het eerste jaar eene ondersteuning van omtrent £20,000 te vragen, om het gouvernement in den gang te maken".[3] They also asked for privileges of a liberal character in connection with import duties, for protection until the government was in operation, and for the handing over gratis of Government buildings, land, ammunition and cannons.[4] Upwards of £10,000, or the amount of a year's revenue, was advanced to the new government.[5] Clerk explained that this figure could be set off against the fines levied in 1848 which statement, replied Newcastle, "was perhaps as free from objection as (any that) could be devised".[6] The £10,000 was paid out as follows: nearly £3,000 in cash to meet current expenditure, liabilities for salaries etc.; sundry amounts totalling over £5,000 and nearly £2,000 in respect of quitrents still due for 1853 and outstanding from previous years.[7] The Queen's fort and barracks and gunpowder to the value of over £1,000 were handed over by Clerk, whilst he offered to pay for a burgher force of forty men for three months at 4/- a day each.[8]

The small sums advanced to assist the new state, "met het oogmerk om het nieuwe Oranje Rivier Gouvernement in staat te stellen" om aan te gaan "totdat het Gouvernement in werking is", did not go very far however. President Hoffman soon experienced the same difficulty in collecting quitrents as had the Sovereignty régime and even thought it would be no great harm to lop off the Wittebergen and the Middelveld to Sand River and let them join the Transvaal.[9] He appealed to Burnet "I think the British Government can give us yet £10,000 gratis as we have ... saved

1. "The Friend" 11/3/1854 - not in Rybers. Groenendaal's notice 5/4/1854 in "The Friend" 8/4/1854. Burnet p. 150, Pretorius got £1,387. 2. O.R.S. 31/65-66, 15/9/1854. Burnet II p. 178, 15/2/1855, Enclosure Hoffman to Clerk: "I hope Your Excellency will make known to Grey all which has happened to me. It was what we all along expected. I do not trust myself to write anything at present, for however innocently I may express it, the Boers may consider it High Treason. This is the reward of my labours that I should never again be able to go back to my farms to occupy them. I hope Your Excellency will recompense me". 3. V.R. 16, 20/2/1854. 4. O.R.S. 36/253-4, Notes of 17/2/1854; V.R.16:- office furniture, equipment, safe and British Resident's office, school buildings etc. 5. O.R.S.44, 5/4/1854, Clerk to Cathcart. 6. C.O. 1350, D.14, 16/7/1854, Newcastle to Clerk. 7. C.O. 1350, D.14, 16/7/1854 Newcastle to Clerk. O.R.S. 43, 8/5/1854 Clerk to Newcastle: O.R.S. 43, 1/12/1854, 3/4/1855 Clerk to Grey. In "The Friend" 11/3/1854 quitrents were estimated at £4,450. 8. O.R.S. 44, 10/3/1854 Clerk to Kyle, barracks at £191; O.R.S. 36/255, 20/2/1854. 9. Burnet p. 134.

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it at least £200,000 in compensation".[1] Later he proposed writing to Clerk for the grant of an annual subsidy of £500 or £1,000 for a very few years just to keep the government chest going, for the significant reason, as Burnet noted, that "should they go to the bad it will be a woeful day for the Colony, this the North-eastern barrier being unprotected. This state is in fact, he says, an outpost for the safety of the Colony in this quarter".[2]

Nothing materialised from the recommendation that the Orange River Government should be treated with "the utmost indulgence and liberality" in the matter of import duties.[3] Within a few days of the signing of the Convention Hoffman wrote to the Colonial Governor for co-operation and support, assuring him of the new government's anxiety to contribute its share to the promotion of a good understanding "so that the seeds of future trouble may cease to exist".[4] In acknowledging this letter on the eve of his departure, Cathcart felt certain that his successor would take every measure

"to facilitate commerce with the Colony and through its ports in an equitable manner".[5] Indeed Clerk, whom he had appointed acting High Commissioner, put the case to Lt.-Gov. C. Darling, the Acting Governor, as follows:- "There can be no doubt that when the territory was under British administration, the annual grant which it was proposed by Smith that Her Majesty's Government should assign in aid of the income of that territory from the Colonial revenues to the extent of £5,000 was one of undeniable right; and that had the territory so continued, the measure would have been sanctioned. The position of the Orange River Territory Government is now different in relation with the Colonial Government. Nevertheless I presume to think that it would be just and politic were this application to meet with favourable consideration from the Colonial Government".[6] The only outcome of this approach was that Clerk passed on the hope to Hoffman that the Colonial Government would be as favourably disposed as Darling to the claims of his State upon the Colonial customs.[7] On the arrival of the new Governor of the Cape, Hoffman asked Clerk to use his influence with him to persuade the Cape Parliament to give £5,000 to the Orange Free State as its share of the customs, without which he could not strengthen the government and make good progress.[8] But such a vote was never passed.

Altogether upwards of £48,000 were expended by the British Government to be rid of the Sovereignty.[9] According to the Secretary of State, the Lords Commissioners of the Treasury expressed their "apprehension" as the expenditure threatened to mount beyond £25,000 and Clerk was actually instructed not to make further payments from the Commissariat Chest without first submitting his requirements to the "unfettered consideration of Her Majesty's Government".[10] In presenting the Estimates to Parliament Newcastle obtained a vote of £45,000 to facilitate Clerk's mission and £7,000 to

1. Burnet II. p. 111, 21/9/1854. 2. Burnet I, p. 301. 3. O.R.S. 36/253-4, clause 8 of Convention. -cover- 4. O.R.S. 38/142, 28/2/1854: C.C. p.286. 5. O.R.S. 38/145, 16/5/1854. 6. O.R.S. 44, 12/8/1854. C.C. p. 289, 18/5/1854, Cathcart wrote that he had "every reason to hope and expect that the Royal Commission appointing you my successor in the Civil Government of the Cape will arrive in two months' time". 7. O.R.S. 44, 30/11/1854. 8. O.R.S. 31/72; Burnet II, p. 157, 13/1/1855. 9. O.R.S. 43, Clerk to Grey 3/4/1855. Cory 1939 I p. 108 gives incorrectly £88,435 quoting Theal, but see Theal VII p. 353.
10. C.O. 1250, D. 204, 11/4/1854.

cover his salary and travelling expenses, remarking that the total sum spent in connection with the abandonment might amount to £60,000 but even then "it would be a very economical disbursement", for the continued maintenance of troops there would have been costly.[1] On hearing of the conclusion of the Convention Cathcart exclaimed

> "The foolish Sovereignty farce is at length over, and we have done with it"; and he wrote to Clerk: "it (the convention) would have been cheaply purchased at £200,000.[2]

On the eve of the departure of the Special Commissioner Moshesh paid a special visit to Bloemfontein. After he had been informed by Robert Moffat Jr. of the terms of the Convention, he sought permission to have a conference with Clerk, and when the latter replied that he had not time for such a meeting Moshesh came in at once accompanied by Moroko.[3] According to Clerk, their anxiety and doubts were considerable, but these appeared to be quite allayed after a few prolonged conferences. When Moshesh inquired about the boundary Clerk avoided the issue.[4] From this the Basuto Chief must naturally have concluded that the position had reverted to the status quo ante 1848.[5] Actually the Special Commissioner left the Basuto and the burghers to work out their own salvation. Coqui put the matter very aptly "I now beg to congratulate Your Excellency upon the accomplishment of your object on so much easier terms than could have been expected, or were in fact contemplated while I must deplore that your hasty departure from amongst us will doubtless increase the disorder which we may expect on the 27th and which it is at present my object to prevent by joining if possible the opposite parties in the formation of an efficient government.[6]

On the 11th March Sir George Clerk and the troops, the majority of whom had been continuously stationed there since Boomplaats, marched out of Bloemfontein and were attended for a few miles on their way to Colesberg by the members of the Provisional Government and the Chiefs Moshesh, Moroko and Sikonyela.[7]

On the 16th March while the troops were withdrawing across the Orange into the Cape Colony, Dr. A. Fraser and Rev. A. Murray were granted an interview by the Secretary of State in London. Newcastle explained to them that the British Government had not resolved to abandon the Sovereignty without some hesitation and had done so only after gaining every possible information, adding that every statement furnished by Clerk from personal observation had confirmed the Government in its decision. The Duke told them that it was too late to discuss the matter in view of

1. C.O. 1350, D. 14, 6/7/1854: Hansard CXXXV, p. 793, 26/7/1854. 2. C.C. p. 358, his- 13/5/1854 and De Kiewiet p. 78. 3. O.R.S. 34/168; Bas.Rec. 2/101, 28/2/1854. O.R.S. 34/169, 4/3/1854; Bas.Rec. 2/101. O.R.S. 44; Bas.Rec. 2/102, 11/3/1854 Clerk's memo - money compensation to Moroko. 4. Bas.Rec. 2/103, 11/3/1854; O.R.S. 43. 5. According to the report of J.J. Venter - 28/11/1863, G.H. 17/1; Theal VII p.35, J.J. Grobbelaar 1939 II p.19 - when Moshesh inquired later whether his proposed line had been approved Clerk replied "It is a dead horse, Moshesh, and already buried, if it is raised it will smell". G.H. 16/3 J.Austen to Burnet 24/5/1856, "With the withdrawal of British authority from that country all previous agreements are cancelled and the Boers have reverted to their first footing in that country". 6. O.R.S. 31/112, 25/3/1854. 7. O.R.S. 43, 28/3/1854 Clerk gives 1½ Coys. 45th Regt. 1 troop C.M.R. and 3 sixpounders. "The Friend" 4 and 11/3/1854 address to and reply of Col. Kyle. Bas.Rec. 2/103; O.R.S. 43, 11/3/1854.

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his instructions of the previous November directing the Special Commissioner to complete the necessary final arrangements without delay. He expected abandonment had been completed: indeed Sir G. Clerk published the Royal Proclamation from Colesberg early in April renouncing all the dominion and sovereignty of the Crown of Great Britain and Ireland over the Orange River territory.[1] Newcastle went on to observe that British territory in South Africa had been extended too far and that it was impossible for Britain to provide troops to protect those who were continually advancing into the interior. The truth was - however unpleasant it might be to an Englishman to think that his country was commencing anything like a retrograde movement - that Cape Town and its port represented really all that Britain required in South Africa. In reply to the question raised as to whether the measure was legal he informed the deputation that this had been referred both by the present and previous administrations to their respective law officers who were agreed that the measure was perfectly legal. When Fraser and Murray met the Under Secretaries of State, Merivale and Peel, by appointment on Saturday, the 18th March, they were told that the law officers of the late Government, Sir F. Kelly and Sir F. Thesiger, had not hesitated from any doubt as to its absolute legality. The Under Secretaries stated that it was not the intention of the British Government to absolve the inhabitants from their allegiance, as it was thought that they should not be deprived of those advantages which their rights as British subjects secured to them: for instance, under the law of inheritance, if they were released from their allegiance, they would lose their right to inherit property bequeathed within the Cape Colony, Natal or other dominions of the Crown.[2]

In due course Addérley's motion for the appointment of a Committee to inquire into the legality of abandoning the Sovereignty without the consent of Parliament came before the House of Commons.[3] His object, he said, was to vindicate the right of the people of England to have a voice in the disposal of the dominions of the Crown. He mentioned that the member for Plymouth, Mr. R. Palmer, and counsel had advised the delegates from the Sovereignty that the territory had been fully recognized as a Colony, in their opinion a colony by cession; that the Crown could not by virtue of its prerogative constitute any branch of its subjects an independent state; and that the Crown could not without the aid of Parliament cede its sovereignty to any independent power, much less to any of its own subjects. In his own opinion the Crown could not alienate the Colony by its prerogative, still less -absolve-

1. C.R.S. 38/143, 8/4/1854; D.183, 13/2/1854, C.O.1350; B.B.XV.3.78-80; "The Friend" 15/4/1854. 2. "The Friend" 1/7/1854: Collins p. 69: Theal VII p.358. The law advisers Kelly and Thesiger had the idea, they said, that an Act of Indemnity was required from Parliament.

3. See p.404 above.

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absolve its subjects from their allegiance. He would not dispute that by law, precedent, habit and necessity the Crown might have a right to dispose of armed places, forts and trophies of war, but he spoke now of a territory annexed to the Crown and settled by British subjects. Supposing the Crown had the right to cede, this did not prove that the Crown had the right to abandon. The Duke of Newcastle had instructed Sir G. Clerk to effect this by means of a Convention to call together a Body of Her Majesty's subjects and treat them as an independent foreign power. In addition to the arguments used by him on a previous occasion, Adderley contended that the abandonment was decided upon at a wrong time, that it was not suggested during time of war, that it was not a cession to another allegiance but an absolute abandonment of the country as derelict and of the inhabitants to search for another allegiance wherever they might find a Power with more spirit to protect them. He would ask the Queen's ministers whether all her proclamations, treaties, contracts and engagements in the Sovereignty during the past six years were a sham and a delusion. When Earl Grey had two years before changed his policy from annexation to renunciation he gave as his excuse that he had been mistaken as to the wishes of the inhabitants, but the discontent of the people was caused simply by the radical defects of his own policy - a reason for improving the administration and not for renouncing the territory. General Cathcart had said that the unfortunate men who had been called into action by Major Warden had already suffered much and were no doubt liable to still further retaliation. Would England stand by and see this done? Again the Duke of Newcastle had recommended the hasty abandonment because he was afraid of the great cost and liability likely to be incurred in frontier contests, yet the cost of compensation upon withdrawal would exceed the cost of maintenance. Adderley concluded that it was humiliating to consent to a policy which would endanger the integrity of the Empire, leave the property of British subjects exposed to greater risks and impede the cause of religion and civilization without even a decent pretext. The Orange River Sovereignty would in his opinion again become British.[1]

Replying on behalf of the Government, Under Secretary Peel observed that Adderley had discreetly laid his chief stress upon the alleged illegality of the course pursued by the Government, because, as respected its policy and expediency, he knew that they had only carried out the intention of their predecessors who had resolved to abandon the territory.[2] It was held that the Crown was perfectly competent to take this course, for the Sovereignty had not been acquired by conquest; moreover

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1. 9th May, 1854, Hansard House of Commons CXXXIII/54, pp. 53 et seq.
2. Hansard CXXXIII, p. 64 et seq.

1. See p. 459 below, footnote 6.

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it was a country to which the Crown had never granted any regular constitution. This had been the opinion of the Judicial Committee of the Privy Council. If, therefore, the territory was acquired by conquest and if it might admittedly be ceded to an enemy for the purpose of making peace then, he said, it was perfectly clear it might be ceded to those from whom it had been conquered, namely the inhabitants, who had not been absolved from their allegiance, but simply relieved from subjection. The Boers had voluntarily expatriated themselves and the treaties signed offered no impediment to abandonment except the treaty of Maitland with the Griquas in 1846. Sir John Pakington, Secretary of State for the Colonies in the late Government, also spoke and gave Adderley credit for excellent motives in bringing forward the subject, but could not concur in his views as to the impolicy of the abandonment. He regretted the policy of Lord John Russell in acceding to the wish of Sir H. Smith that the Orange River territory should be added to the dominion of the Crown and assigned various reasons for his own intention before he left office to reverse that policy. With respect to the proper mode of proceeding he explained that the law officers of the late Government considered that the safer course was by an Act of Parliament.[1] The Attorney-General then followed, laying it down that the Sovereignty was acquired by conquest and could be ceded by the Crown without the intervention or co-operation of Parliament.[2] With these views Sir F. Thesiger, law adviser to the late Government and the last speaker on the motion, was not in entire agreement. In his opinion there had never been any conquest and, whilst he agreed that the Sovereignty might be abrogated without the sanction of the Legislature, he thought it would have been more satisfactory if the Government had applied to Parliament beforehand. Failing to gain any support, Adderley then withdrew his motion.

By this time all those inhabitants who had objected to the abandonment and remained beyond the Orange, had decided cheerfully to make the best of a bad job and "beyond all question preferred independence since it had been thrust upon them".[3] The immediate reaction of the Smithfield loyalists to the conclusion of the Bloemfontein Convention had been to hold a public meeting at which they protested their non-approval and non-submission, electing a Committee of Safety for the Caledon River district and acknowledging allegiance only to the Queen until such time as it was repudiated.[4] The election of members from the various districts to the -Legislative-

1. Hansard CXXXIII p. 79 et seq. 2. Hansard CXXXIII p. 82.
3. "The Friend" 15/4/1854. Not without some misgiving vide Orpen p. 334, "J.H. Ford wrote to me saying 'the two slave republics will probably eventually annex the whole of South Africa'!" ; and p. 333, "Frank observed that 'England has now given the spirit of Republicanism in South Africa such strength that she will eventually have to fight it if she wants to retain even the naval base'".
4. "The Friend" 11/3/1854, Committee of H.J. Halse, A.White, W.J. Coleman, R.Finlay, S. Cotterel.

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Legislative Council passed off freely and unhampered however, and several of the former "obstructionists" and English loyalists, including those from Smithfield, took their seats on the 27th March.[1] In a spirit of goodwill and accommodation the last mentioned members headed by Halse were permitted to take an amended oath in view of their opinion that the Convention would probably not be ratified.[2] Some of these former loyalists were appointed Landdrosts and given other important posts under the new administration.[3] Van Velden, the minister at Winburg, who had decided to return to the Colony, took strong exception to the proclamation of the provisional government granting toleration and protection to all Protestant modes of worship, since it stated that this privilege would be the more effectually realized in proportion as the ministers of the gospel should prove by their conduct that they were really ministers of Christ and not political agents, "door hunne daden en handelingen toonen zullen, gezanten van Jesus en geen politieke agenten te zyn".[4] He considered that the "filthy" proclamation was aimed at the Rev. A. Murray, "whose equal it will certainly be useless to seek", and before leaving for Ladismith he issued a circular letter to the inhabitants of the Free State revealing no faith in the new heads of government who had "dared openly to declare war against such ministers of the gospel, ... not enough that low love of money, filthy deeds for gain, conjoined with beastly stupidity and cunning hypocrisy are the chief characteristics of those now in authority, who would be abominated in every civilised and truly respectable society in Holland ... The sweepings of the human race ... The ungodly and hypocrites who are rebels and disturbers in the Church of Christ, the children of the devil who despise God and His Anointed and who speak of the Rev. A. Murray as a traiter (Hebrews c. 10, v. 29) shall be answered".[5] The letter provoked some correspondence.[6] Hoffman considered it was a reflection on his administration and had met burghers at Winburg who approved of it. But he appealed in vain to Clerk who advised him to take no further notice of the matter.[7]

A few extremists, who declined to act on the advice of "The Friend" and amalgamate with the other parties for the common good, received no encouragement.[8] At the meeting of the Legislative Council on Thursday, 6th April, Venter opposed the appointment of William Dawson, late lieutenant of the 45th Regiment, as Commandant of the fort, as he did not think any Englishman should hold an official appointment under the Orange River Free State, but on Halse's calling for a vote of confidence in the English members the whole Dutch portion of the Council, Venter unhappily excepted, stood up and cordially expressed their concurrence in the resolution-

1. "The Friend" 11/3/1854, Govt. Notice to Landdrosts and Field-Cornets to that effect. "The Friend" 18/3/1854, Fichardt and Harries for town of Bloemfontein. "The Friend" 25/3/1854 Finlay and Cotterel for town of Smithfield. 2. "The Friend" 1/4/1854. 3. "The Friend" 22/4/1854 and footnote 2, p. 429 above.
4. Proclamation 10/3/1854, "The Friend" 11/3/1854. 5. O.R.S. 32/192, 13/4/1854.
6. O.R.S. 32/189-196. 7. O.R.S. 32/196, 24/7/1854. 8. "The Friend" 18/2/1854.
To show what was done at times: the election of Schnehage for Winburg was declared invalid as it was proved that not a single name of any inhabitant of Winburg appeared upon the list of persons who had voted for him - "The Friend" 8/4/1854.

resolution.[1] The influence of Venter's followers and those of Stander had been considerably circumscribed by the qualification for membership of the Volksraad laid down by the Constitution, which had been formulated by Groenendaal, Halse and Orpen.[2] In a letter that was read to the house, Stander expressed his strong disapproval saying that he was sorry to see that the Council had determined that none but rich men could hold office under the government ... that poor men had always done more for their country than the rich. He quoted Boomplaats as proof of this, "for none of the men who lie there were owners of farms and yet they gave their lives for freedom".[3] Within a short time the Presidential election was held and the returns showed that a desire for moderation and stability was uppermost in the minds of the electors, the two leading candidates being J. P. Hoffman and Capt. Struben, Resident Magistrate of Ladismith, Natal, with 624 and 418 votes respectively. From the first the Volksraad realized that the Free State could not follow an isolationist policy, since wars with the Natives were unavoidable, and before the year was out overtures were made to the Cape for a pact of mutual assistance, providing for the mutual calling up of volunteers.[3] This appeal, like the one for a share of the customs duties or other commensurate financial assistance, met with no success, for the Acting Governor ruled that it was an Imperial matter.[4]

Theal certainly did not exaggerate when he wrote that "seldom has a civilised community been thrown entirely upon its own resources under circumstances so unfavourable as those in which the Orange Free State commenced its existence",[5] indeed to anyone who reflects upon the improved prospects of the Sovereignty during its last year or two, the act of abandonment must appear to have been rather ill-judged and unwarranted. The signing of the Sand River Convention and the subsequent passing of Andries Pretorius had removed the possibility of immediate interference by the Transvaal Boers, and Burgher spokesmen in the Sovereignty soon showed that they would not readily tolerate any meddling in their affairs from that quarter.[6] Moreover the new British Resident, Henry Green's policy of non-interference in

1. C.O. 1350, Enc. B. 240, 12/6/1854. This was Cobus Venter and not old Native-Andries of Sand River. 2. "The Friend" 22/4/1854, these with van Rensburg assisted by Lowen and Allison were constituted a Finance Committee to draw up Estimates of Probable Revenue and Expenditure. See also footnote 4, p.428 above. For the framing of the Constitution see G.D. Scholtz pp. 1-7 et seq. and Orpen's Reminiscences pp. 339-345. 3. O.R.S. 36/7, 18/11/1854, Groenendaal, Government Secretary. Burnet II p. 157, 13/1/1855 Hoffman to Clerk. 4.O.R.S. 36/6, 30/11/1854 Darling to Clerk. 5. Theal's Basuto History, Introduction p. ix. Cory 1939 I p. 106, "The Orange Free State thus launches on the sea of independence ... 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 the country in a greater muddle than I found it; nevertheless, the great object of abandonment has been attained". 6. See pp. 317-319 above: 425-426; note, too, the Rhenoster River Raid, 1857.
7. (From p. 456 above). Adderley pp. 172-3: "There was also a question whether the Crown in assuming the Orange River Sovereignty had not exercised powers given expressly by an Act (that of 1836 "to exercise magisterial jurisdiction beyond the limits of the Cape Colony") which thereupon could only be abdicated by authority of an Act and whether the Letters Patent of 1850 ... did not at least offer to concede a Constitution so far as to oust the Crown from any further sole authority".

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Native quarrels and his proposal for settling frontier differences had received the willing support of Moshesh, with whom Moroko also had sensibly made his peace.[1] With the elimination shortly afterwards of those disturbers of the border lands, Sikonyela and Taaibosch, the Caledon River boundary remained the only immediate bone of contention, and a not insoluble dispute between the Administration, the Boers and the Basuto.[2] Furthermore, the marked economic development of the territory as revealed in the financial statement for the year 1852 would no doubt have continued with the promise of ultimate stability but for the rumours of abandonment.[3] The withdrawal of British rule on the other hand meant the summary removal of the king-post of progress and security in the near future. Unfortunately, whatever his original instructions and intentions, Sir George Clerk must have been influenced, if not prejudiced, from the time of his arrival by Sir George Cathcart, still smarting from his rebuff at Berea.[4] It was within his discretion to co-operate with the Committee of Delegates elected in September, 1853, and to attend in particular to their requests in relation to Basutoland and Griqualand.[5] But he chose instead to cultivate support for withdrawal leaving the moderates no alternative but to accept willy nilly, whilst Moshesh, when he perceived that the Special Commissioner was determined upon this step, naturally adopted an uncompromising attitude, having little confidence in Boer rule.[6] Consequently after the abandonment two wars had to be fought and British intervention again became necessary at great cost before peace and order were established along the Caledon lands and later in Basutoland. The poor orphan Orange Free State meanwhile did not become solvent until after the discovery of diamonds.[7] It would appear therefore that from every point of view the amount of £48,000 expended to effect the abandonment could have been more profitably placed in the Sovereignty's coffers.[8] In conclusion, as the Duke of Newcastle confided, every statement furnished by Clerk from personal observation confirmed the British Government in its decision.[9] In the above circumstances J.M. Orpen would have been nearer the mark had he described Sir George Clerk as an instigator and not merely as "the instrument of the greatest injustice ever perpetrated on a people"![10]

1. See pp. 422-423, 431 above. 2. See p. 424 above. 3. See p. 226a above.
4. See p. 405 above. 5. See pp. 412-15; 425-26; 436-37; 441 above.
6. See pp. 432-434 above. 7. The Griqualand West Diamond Fields provided a market for the produce of the O.F.S. which also received £90,000 compensation money. 8. See p. 453 above. 9. See p. 454 above. 10. To celebrate this acquisition of Freedom, a subscription dinner was held in Bloemfontein during the Volksraad session early in September. In his after-dinner speech President Hoffman proposed the health of Clerk whereupon J. Orpen rose and exclaimed "I drink to Sir G. Clerk, the instrument of the greatest injustice ever perpetrated on a people. May we never see him here again": Orpen p. 349.

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A. Official Manuscript sources.

I. The Orange Free State Archives, Bloemfontein.

(a) Free State Records.

Abbreviated title.	Explanation.
V.R. 1, 2, 16, 24.	Draft minutes of the Volksraad 1854-1866.
G.S. 1320, 1322, 1324.	Correspondence with Moshesh 1854-1868.
G.S. 1376 - 1378.	Conventions, Agreements, Treaties 1859 - 1872.

(b) Orange River Sovereignty Records.

W.R.1 Minutes of the Legislative Council 1849-1852.
B.R.1,3,5 (See Note) Letter Books of British Resident Major Warden 1847-1851, 1850-1851, 1851-1854.
B.R.2 Letters to and from Warden as British Resident 1849-1851.
B.R.4 Letters received by the British Resident 1848-1851.
B.R.6 Report of Commission to enquire into alleged part taken by inhabitants of O.R.S. in the attack on Tulu 6.6.1853.
H.C.S/1 Letters to High Commissioner.
O.R.S.1 Letters to Warden as British Resident 1848-1852.
O.R.S.2 Letters to Green as British Resident 1852.
O.R.S.3 Letters from Warden as British Resident (including Memorials) 1847-1852.
O.R.S.4 Letters from Green as British Resident 1852-1853.
O.R.S.5 Memorials 1849-1853.
O.R.S.6 Letters from Elenkinsopp (Commandant of Queen's Fort) and of Asst. Commissioner Ebden re O.R.S. matters, 1850-1853.
O.R.S.7 Letters to Lt. Col. Garvock (Secretary to High Commissioner) re O.R.S. affairs, 1850-1851.
O.R.S.8,9 Cases before Circuit Court of Combined Magistrates, 1849-1850, 1850-1851.
O.R.S.10 Miscellaneous Judicial Documents 1848-1853.
O.R.S.11 Sovereignty Accounts 1849 (Audited May 1854).
O.R.S.12 Treasurer General's Vouchers July 1852-May 1854.
O.R.S.13 Sovereignty Accounts (of different departments and Civil Commissioners) 1852-1854.
O.R.S.14 O.R.S. Vouchers, Fines repaid etc. 1854.
O.R.S.15,16 Board of Claims and Compensation Papers Volumes 1, 2 re Abandonment of O.R.S.
O.R.S.17 Papers re Native Chiefs 1848-1852.
O.R.S.18 Land Commission and Boundaries.
O.R.S.19 Agreement between Warden and John Ford (re Surveying of O.R.S.) and Proclamations of Sir H. Smith.
O.R.S.20 Proceedings of War Tribute Commission 1848.
O.R.S.21 Miscellaneous Papers 1845-1850.
O.R.S.22 Letters from Bloemfontein 1850-1852.
O.R.S.23,24 Bloemfontein Vouchers 1852, 1853-1854.
O.R.S.25 Regulations - Bloemfontein Municipality.
O.R.S.26 Letters to and from Caledon River District,1848-1852.
O.R.S.27,28,30 Vouchers 1852-1854, Caledon River, Vaal River, Winburg.
O.R.S.29 Letters Despatched 1850.
O.R.S.31-38 Sovereignty Papers - Sir G. Clerk (8 Volumes).
O.R.S.39 Letters to and from Sir G. Clerk
O.R.S.40,41 Letter Books of Assistant Commissioners Hogge and Owen 1851-1853, 1851-1852.
O.R.S.42 Southey Collection.
O.R.S.43,44 Letter Books, 1853-1854, and 1853.
Note: old numbers for O.R.S. 31-42 were 93-104.
O,R.S.18 (old number) Cash Book 1852.
O.R.S.27 " " Notes Resident Magistrate's Court Bloemfontein, 1849-1850.
O.R.S.28-42 " " Minutes of Criminal Cases 1849-1854.
O.R.S.43 " " Record of Prisoners in District Gaol, 1850-1856.
O.R.S.44-60 Minutes of Civil Cases 1849-1854.
O.R.S.61 Civil Commissioner Bloemfontein Report 1850 and Proceedings of Land Commission Bloemfontein, 1850.

O.R.S. 62-3	Land Registers Bloemfontein.
O.R.S. 64	Register of Farms and Quitrents payable in alienable Territory 1848-1869.
O.R.S. 67	Cash Book 1853-1860.
O.R.S. 68	John Holman Gunpowder Book 1852-1857 (on Account of Govt.)
O.R.S. 71	Letter Book of R.M. and C.C. of Smithfield, 1852-1858.
O.R.S. 73-78	Vaal River District, Letters received 1848-1854.
O.R.S. 79	" " " Letter Book, 1851-1858.
O.R.S. 80	" " " Magistrates Note Book, 1852-1858.
O.R.S. 81	" " " Civil Record Book, 1852-1871.
O.R.S. 82	" " " Proceedings of Land Commission, 1848.
O.R.S. 83	" " " Return of Farms and Erven sold at Harrismith.
O.R.S. 84	" " " Quitrent Roll Harrismith 1853-1860.
O.R.S. 85	" " " Old Rent Rolls and Land Rent Papers.
O.R.S. 87	" " " Marriage Register 1848-1853. (These Documents transferred to Registrar Births, Marriages and Deaths, Pretoria).
O.R.S. 89,90	Land Register Winburg from 1848 (English) and (Dutch).
O.R.S. 91	Erven Register Winburg from 1849.
O.R.S. 105	Ledger 1852-1860 (private).
O.R.S. 106	Ledger 1853-1867 (private - Treasurer General).
O.R.S. 107	Journal 1852-1854.
O.R.S. 108	Transfer Deeds.

Note: To avoid confusion B.R. 1-6 appear as Br.Rdt. 1-6 in the footnotes.

II. The Cape Archives, Cape Town.

(a) The Colonial Office records.

C.O.357		Letters received Graaff Reinet.
C.O.617-9		Agents and Missionaries.
C.O.1011	G.H.19/4	Border Tribes, Treaties and Miscellaneous papers 1834-1835.
C.O.1037	G.H.10/1	British Resident, Bloemfontein 1845-1847.
C.O.1047	G.H.18/5	Miscellaneous Private letters.
C.O.1048		Natal.
C.O.1060	G.H.19/7	Papers relative to the N.E. Frontier 1843-1847.
C.O.1063,1085		Military and Naval affairs.
C.O.1071		Memorials.
C.O.1076,1094-5	G.H.22/2,3,4	High Commissioner and Miscellaneous papers.
C.O. 1077		Sundry Committees.
C.O.1078	G.H.9/1	Miscellaneous papers Natal, 1842-1848.
C.O.1101		Return of troops.
C.O.1119	G.H.10/2	British Resident to Secretary High Commissioner, 1847-1849.
C.O.1120	G.H.10/3	Commissioners and Magistrates to Secretary, High Commissioner, 1848-1849.
C.O.1122	G.H.22/5	Miscellaneous to Sec. High Commissioner.
C.O.1237	G.H.8/23	Natal, O.R.S. British Kaffraria, 1846-1852.
C.O.1137		Ecclesiastical and Educational.
C.O.1322-1350a	G.H.1/21-48	Despatches from Secretary of State, 1834-1854.
C.O.1359-1366	G.H.8/8-15	Despatches received Lt. Governor, Eastern Districts.
C.O.1367-1422	G.H.28/13-68	Enclosures to despatches to Sec. of State 1838-1853.
C.O.1367-1379		from Sir G. Napier, 1838-1844.
C.O.1380-1389		" " P. Maitland, 1844-1847.
C.O.1390-1394		" " H. Pottinger, 1847.
C.O.1395-1417		" " H. Smith, 1847-1852.
C.O.1418-1422		" " G. Cathcart, 1852-1853.
C.O.1447-1456	G.H.23/11-20	Despatches to Secretary of State, 1833-1852.
C.O.1505		Letters despatched from Colonial office.
C.O.1603-4	G.H.30/8-9	Letter books Natal, Cape, O.R.S. 1852-1854.
C.O.2128		Special Commissioner Sir G. Clerk.
C.O.5872		Collection missionary complaints.
C.O.6182-5		Semi-official correspondence Col.Sec.1835-1855.
C.O.6232		" " " " " 1858-1863.

Note: The transfer has been effected recently of relevant papers to Government House records and the corresponding numbers have been given above.

(b) Government House.

Upon the introduction of Representative Government in the Cape Colony in 1854 the despatches to and from the Secretary of State, the Presidents of the Free State and the Transvaal etc. were filed in the Governor's office.

Old No.	New No.	
G.H.12/2	G.H.20/2,3	Aliwal North Conference, 1858.
G.H.12/3		Miscellaneous documents collected by Theal, 1853-1866.
G.H.16/3,5	G.H.14/6	C.C. and R.M. Aliwal North and Superintendent of the Wittebergen Reserve, 1859-1870.
G.H.17/1	G.H.10/4	O.F.S. Government, 1859-1874.
G.H.18/1	G.H.10/6,20/2-3,21/1	O.F.S. miscellaneous, Basuto and O.R.S. affairs 1853-4, 1855-1879.
G.H.31/1-6	G.H.23/21-26	Despatches to the Sec. of State 1852-1856.

(c) Executive Council.

E.C. 1-3	Minutes 1834-1855.

(d) Lieut. Governor's office.

L.G.5-8	Despatches received from Governor 1838-1843.
L.G.17	" " " Col. Secretary, 1844.
L.G.67-71	" " " C.C. Colesberg, 1837-1845.
L.G.275	Correspondence with Governor, 1837-1843.
L.G.279	Letter book Commissioner General, 1828-1830.

(e) Colesberg Archives.

Vols.52,53	Magisterial Records: Correspondence Clerk of the Peace, 1848-1850.

(f) Griqualand West Archives.

G.W.1-9 (G.L.W.)	Minutes of Proceedings GLW Land Court, 1875-1876.
G.W.18-24	Exhibits 1-60;61-200;201-300;301-380;381-450;451-580;581-714.
G.W.25	Exhibits in claims 1578-1650.
G.W.26	Exhibits in claims 1652-1767.
G.W.27; 28-32.	" 163-1698 oddments: 1838-72 Lots C2,4,6-12 etc.
G.W.166	Stockenstrom's Judgment 16/3/1876 and Evidence printed.

Note: Some of the above documents have been printed in official and/or other publications listed below, and thus the several sources of an authority quoted in the footnotes have been separated by semi-colons.

B. Private and/or semi-official manuscript Accessions, Cape Archives.

1. Accessions XLVII, Correspondence Sir H. Smith to Hon. R. Godlonton.
2. R. Southey's papers (S.P.), mainly letters received while Sec. to High Commissioner. (A few are quoted in Hon. A. Wilmot's Life of Sir R. Southey).
3. J. Burnet's Letter books I, Private correspondence with Sir G. Clerk: and II, British Agency Letter Book.
4. J.H. Ford's Letter book, mainly correspondence while Surveyor-in-charge O.R.S.
5. G.M. Theal, Basutoland Records, unpublished, 3 vols.

2-5 are uncatalogued and include some documents of an official nature.

C. Official publications.

I. Periodical.

(a) Parliamentary Papers.

(i) Imperial Bluebooks filed in Cape Archives.

B.B.II Native Tribes 1835 ordered by the House of Commons to be printed, 18/3/1835.

B.B.III Evidence before Select Committee on Aborigines ordered by the House of Commons to be printed 5/8/1836.

B.B.IV Above continued with Report and Minutes of Evidence ordered by the House of Commons to be printed 26/6/1837.
B.B.IX Kaffir War 1836-1837 ordered by the House of Commons to be printed 30/5/1836, 12/7/1837.
B.B.X 1.2.3.4 Kaffir Tribes 1847-1849 presented to both Houses Feb. 1847, Feb. 1848, July 1848, May 1849.
B.B.XI 1.2.3. Kaffir Tribes 1850-1851 presented to both Houses 14/8/1850, 2/5/1851, 23/6/1851.
B.B.XIII 1.2. Kaffir Tribes 1852-1853 presented to both Houses 3/2/1852, 31/5/1853.
B.B.XIV Kaffir Tribes Report of Select Committee ordered by House of Commons to be printed 2/8/1851. B.B. XII Minutes of Evidence.
B.B.XV Correspondence relative to the Orange River Sovereignty 1851-1854.
1.2.3. Presented to both Houses of Parliament 19/5/1851, 31/5/1853, 10/4/1854.
B.B.XVI 1.2.3. Natal presented to both Houses of Parliament July 1848, 3/5/1849, 14/8/1850.

(ii) Parliament of the Cape of Good Hope, Votes and Proceedings in Cape Archives.
S.C. 3 Report of Select Committee on Frontier Defence 1854.
S.C. 6 " " " " " " " 1855.
S.C. 6 Correspondence of Governor Sir G. Grey and the Secretary of State re Adam Kok 1855-1856.
Appendix 2, 1857 Treaties entered into by Governors of the Cape of Good Hope and other British authorities with Native Chieftains and others beyond the Borders of the Colony between 1803 and 1854. Another copy is in the Archives Library.
Appendix I Vol. I 1876, Colonial Secretary - Report of Surveyor-General.

(iii) Notule van die Vrystaatse Volksraad 1854.

(b) Hansard's Reports of British Parliamentary Debates - Third series in the South African Public Library, Cape Town.
Volumes XCVI - CI, 1847-1848; CII-CVII, 1849; CVIII-CXIII, 1850; CXIV-CXVIII, 1851; CXIX-CXXIII, 1852; CXXIV-CXXIX, 1853; CXXX-CXXXVI, 1854.

(c) The Sovereignty Gazette (The Friend of the Sovereignty).
The Cape of Good Hope Government Gazette.

II. Other official publications.

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R1/29 - 189b/49 Voortrekker - Argiefstukke 1829-1849 prepared by M. Pretorius and D. Kruger and published in 1937 by order of the Union Government.

D. Additional Primary Sources.

1. Periodical publications.
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" 20, 21 Andrew Smith's Diary, 2 vols. Cape Town, 1939-1940.
" 22 Buck Adams' Narrative, Cape Town, 1941.

(b) Newspapers:
The Friend of the Sovereignty; The Grahamstown Journal; Natal Witness; S.A. Commercial Advertiser; Cape Observer; Eastern Province News; Port Elizabeth Telegraph; Zuid-Afrikaan; Het Kaapsche Grensblad.

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Appendix.

Secretaries of State for War and the Colonies.
1835-Feb. 1839 Lord Glenelg.
1839 - Sept. 1839 Marquis of Normanby.
1839 - Sept. 1841 Lord John Russell.
1841 - Dec. 1845 Lord Stanley (Earl of Derby).
1845 - July 1846 W.E. Gladstone.
1846 - Feb. 1852 Earl Grey.
1852 - Dec. 1852 Sir John Pakington.
1852 - June 1854 Duke of Newcastle.

Secretary of State for the Colonies.
1854 - Jan. 1855 Sir George Grey.

Parliamentary Under Secretaries for the Colonies.
1846 Benjamin Hawes.
1851 Sir F. Peel.
1852 Lord Desart.

Permanent Under Secretaries for the Colonies.
1836-1846 James Stephen.
1847 Herman Merivale.

Governors of the Cape Colony.
1834 - Jan. 1838 Major-General Sir Benjamin D'Urban.
1838 - March 1844 " " " George Napier.
1844 - Jan. 1847 Lieut.-General Sir Peregrine Maitland.

High Commissioners and Governors.
1847 - Dec. 1847 Sir Henry Pottinger.
1847 - March 1852 Major-General Sir H. G. Smith.
1852 - May 1854 Lieut.-General Sir G. Cathcart.
1854 - Dec. 1854 C.H. Darling, Acting.
1854 - Aug. 1861 Sir George Grey.

Natal.
Commandants-General: A.W.J. Pretorius 1838-1842; G. Rudolph, 1842-1843.
Special Commissioner: Henry Cloete 1843-1844.
Lieut.-Governor: M. West 1845-1849; B.C. Pine 1850-1855.

British Kaffraria.
Chief Commissioner: Lt.-Col. G.H. MacKinnon 1847-1852; John Mc Lean 1852.

Orange River Sovereignty.
Resident: Major H.D. Warden 1848-1852; Henry Green July 1852-1854.

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