



Drawing of John Bardwell Ebdon by Charles Bell, 1849
(Group Captain E. Glennie-Carr, Buckinghamshire, England)

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JOHN BARDWELL EBDEN
HIS BUSINESS AND POLITICAL
CAREER AT THE CAPE
1806 - 1849

By

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ABBREVIATIONS

The following abbreviations appear in this thesis:

- A : Accessions
AC : Council of Advice
BPP : British Parliamentary Papers
CAD : Cape Archives Depot, Cape Town
CC : Commercial Exchange and Chamber of Commerce
CCT : Collector of Customs, Cape Town
CHB : Table Bay Harbour Board
CJ : Court of Justice
CO : Colonial Office
CSO : Colonial Secretary's Office
DO : Deeds Office, Cape Town
GH : Government House
HEIC : Honourable East India Company
LCA : Legislative Council
MOOC : Master's Office, Orphan Chamber
NAD : Natal Archives Depot, Pietermaritzburg
NCD : Notarial Deeds, Cape District
OM : Old Mutual, Pinelands, Cape
PRO : Public Record Office, London
SAL : South African Library, Cape Town
TTD : Collector of Tithes and Transfer Dues
UCT : University of Cape Town. Jagger Library
WT : Wine Taster

PREFACE

Although John Bardwell Ebdén was actively involved in almost every branch of colonial life during the period 1806 - 1849, this is the first detailed study of his rôle in and contribution to the development of the Cape Colony during that long period.

In addition to a wide range of secondary sources which gave a general indication of Ebdén's activities, primary sources in the Cape Archives Depot, Cape Town, such as the archives of the Governor, Colonial Office, Legislative Council, Wine Taster, Notarial Deeds and papers of the Cape Town Commercial Exchange and Chamber of Commerce and of the Anti-Convict Association, supplied the necessary details which enabled a full-scale re-construction to be made of his contributions in a variety of fields. All archival sources mentioned in this thesis are housed in the Cape Archives Depot except where otherwise indicated.

Local contemporary newspapers, in particular, the South African Commercial Advertiser, the Cape Town Mail and De Zuid-Afrikaan proved profitable sources of research. The South African Commercial Advertiser, which was the mouthpiece of the mercantile community, was invaluable for throwing light on Ebdén the merchant and entrepreneur. Speeches made in the Legislative Council and at public meetings were studied from the verbatim reports which appeared in the Cape Town Mail and which in the main provided the material for the portrayal of Ebdén as a political and public leader. In his speeches Ebdén often

reflected on his personal philosophy, aims and ambitions, and the speeches of his colleagues in the Legislative Council gave an indication of their attitude towards him. By consulting De Zuid-Afrikaan, which represented the views of the Dutch-speaking colonists and the landowners, together with the English-language newspapers, a balanced opinion could be formed of the many controversial issues which occurred at the Cape in which Ebden featured.

It is unfortunate that no private papers of Ebden have remained to posterity. The manuscript journals of his sister, Sarah Norman Eaton, preserved in the South African Library, were the only papers from which a brief impression of Ebden's private life could be gained, and that only for the year prior to his departure for Britain in 1819. Except for the private papers of Richard Southey in the Cape Archives Depot, no further papers were traced in which contemporary opinions of Ebden were expressed. The Southey Papers were especially useful for investigating the viewpoint of government supporters on Ebden's leadership of the anti-convict agitation in 1849.

The year 1849 was chosen to end the study of Ebden, since it was in this year, amidst the anti-convict agitation, that he lost public support by refusing to adhere to a total boycott of the executive establishments once the governor had agreed that no convicts should be landed from the Neptune. He resigned from the Anti-Convict Association and retired from politics and public life for four years. When he returned in 1854 as a member of the new Legislative Council it was in a new era; in 1853 the Cape had been granted representative institutions.

Parallel with this study of Ebden's participation in important public events emerges the development of the free enterprise system in South Africa. He arrived at the Cape in 1806 after the second British occupation and took advantage of the encouragement given by the authorities for the advancement of commerce. Although British-born, Ebden's first concern was the advancement of the colony which he regarded as his home. The wealth which he amassed through his trading ventures was invested in many new commercial enterprises which he helped to establish at the Cape. With wealth came position, power and influence, and these aspects are thoroughly examined in this work.

I am deeply indebted to the following persons and institutions for assistance in the completion of this thesis. To my supervisor, Prof. B.A. le Cordeur, I wish to express my sincere gratitude for his encouragement, advice, guidance and criticism, which was so generously given. I am grateful to The Very Reverend E.L. King, Dean of Cape Town, Rev. L. Bank, Rector of St. Paul's Church, Rondebosch, and Mr. W.F. van Eyssen, Manager of Public Relations, Old Mutual, Pinelands, for permission to consult the records of St. George's Cathedral, Cape Town, St. Paul's Church, Rondebosch, and The Mutual Life Assurance Society of the Cape of Good Hope (forerunner of the Old Mutual) respectively. My sincere thanks to Group Captain E. Glennie-Carr of Buckinghamshire, England, fourth generation relative of Ebden, for permission to reproduce the two portraits, one of Ebden and the other of his wife, drawn by Charles Bell, which are in his possession.

My thanks are also due to Mr. B. McLeod, Director of the Cape Town Chamber of Commerce, who granted approval for the reproduction of photographs of Ebdon and of a silver plate fixed originally to the foundation stone of the Commercial Hall, both of which are in the possession of the Chamber. The assistance rendered by the staff of the South African Library and of the Jagger Library, University of Cape Town, was much appreciated. Finally, I thank Mrs. Caroline Kingdon for typing the manuscript and my mother for assisting me in innumerable ways.

CHAPTER 1

INITIAL YEARS AT THE CAPE, 1806 - 1819

Despite little formal education or technical training, John Bardwell Ebden, the subject of this study, became one of the leading colonists in public and business affairs, exerting a great influence on the community. Of marked intellectual ability, sagacity and business acumen, he dominated public life in the Cape Colony for more than half a century. He was striking in appearance, always immaculately dressed, self-assured and possessing a genial temperament. He had an enormous capacity for hard work not only with regard to business and political duties but also with regard to cultural, educational and social amenities at the Cape. He was a staunch Anglican as well as being a prominent mason. His independence and integrity often met with opposition but these characteristics also won him confidence, esteem and respect in business, political and social circles.

The eldest son of John Ebden, an army surgeon who had served in the American War of Independence, 1775 - 1783, and his wife Sarah Norman, Ebden was born at Loddon, Norfolk, on 9 April 1787. In 1803 at the age of sixteen, he was inspired by an adventurous disposition to embark on a voyage of discovery which took him through the Torres Straits to Capton and the China seas. No sooner had he arrived back in England in June 1805

than he was once again attracted to the east.¹ On 26 August 1806, the English East India Company's ship, the Walthamstow, arrived at the Cape en route to Bengal with J.B. Ebden listed among the passengers.² Ebden was, however, unable to continue the voyage to the east on account of ill health and requested the acting governor, Sir David Baird, for permission to remain at the Cape to await a return passage to England.³ Permission was granted,⁴ but instead of staying indefinitely, Ebden decided to remain permanently at the Cape, taking up the position of clerk in the Royal Naval Victualling Office.⁵ He soon turned his attention to commerce and in September 1808 was trading in partnership with a Cape Town merchant, R. Watts, as Watts & Ebden of Market Plain (now Greenmarket Square).⁶ The firm traded in general European merchandise and liquor. No documentary evidence could be traced as to where Ebden obtained the capital to commence business operations. The possibility exists that his father may have assisted him. In 1825 John Ebden loaned his son £6000 to conclude a co-partnership agreement with Henry Houghton, a London merchant.⁷

1 W.J. de Kock, (ed.), Dictionary of South African Biography, II (Cape Town, 1972), p. 212.

2 Kaapsche Stads Courant en Africaansche Berigter, Byvoegsel, 30.8.1806: Lyst der aangekomene en vertrokkene schepen.

3 Ebden-Baird, 22. 9. 1806, CO 3860, No. 529.

4 Permissions to Remain in the Colony, CO 6055, p. 2.

5 African Court Calendar, 1808, n.p.

6 Cape Town Gazette and African Advertiser, 10.9.1808: Advertisement.

7 See chapter 4 for details of the agreement.

The firm of Watts & Ebden was liquidated in December 1809 after the departure from the colony of R. Watts.⁸ Ebden continued his trading activities, giving notice to the public in January 1810 that he had "lately received a number of Articles, expressly for this Market" which he intended selling off together with the stock which he had purchased from the late firm of Watts & Ebden.⁹ By this time, Ebden was firmly ensconced as a Cape Town merchant and resident having married Anthonia (Antoinetta) Adriana Kirchmann, daughter of the merchant Georg Fredrik Carel Kirchmann and his wife Maria Magdalena (née Martens) in October 1808 in the Lutheran Church, Cape Town. From this marriage six sons and six daughters were born.¹⁰

Ebden's commercial undertakings took on new dimensions when he, together with Thomas Charles Weston, a clerk in the Cape Town business of Home & Co., joint owners of the brig Fancy, requested the governor, the Earl of Caledon, to grant them a licence to participate in the coasting trade of the colony.¹¹ Permission was granted and on 11 May 1810, the big Fancy sailed from Table Bay bound for Plettenberg Bay. She arrived back in Table Bay on 8 July, having a cargo of timber aboard.¹² Her next trip, which took place on

8 Cape Town Gazette and African Advertiser, 16.12.1809: Advertisement.

9 ibid., 27.1.1810: Advertisement.

10 Extract from Doopregister der Evangelisch Luthersche Gemeente te Kaapstad, (U.C.T.) Macmillan Collection, Pamphlet Folder, J.B. Ebden; De Kock, Dictionary, II, pp. 212-213.

11 Ebden & Weston - Governor, 2.4.1810, CO 3877, No. 232.

12 Cape Town Gazette and African Advertiser, 12.5.1810 and 14.7.1810: Arrivals and Departures.



Drawing of Anthonia (Antoinetta) Adriana Ebden
by Charles Bell, 1849
(Group Captain E. Glennie-Carr, Buckinghamshire, England)

28 August 1810, was of a more enterprising nature. She headed for the newly captured Isle of Bourbon with a cargo of provisions and sundries.¹³ In June 1810 Ebden was trading as Ebden & Watts, having concluded a partnership with George Warren Watts, a London merchant.¹⁴ This partnership continued until the arrival at the Cape from England in September 1818 of Ebden's brother-in-law, Richard Webber Eaton. In October 1818 the firm became known as Ebden & Eaton.¹⁵

To understand the successes achieved by Ebden as a merchant it is necessary to study the commercial structure of the Cape after the Second British Occupation of the colony in 1806. From this year, commerce at the Cape expanded gradually. The colony was not included in the general commercial system of the empire as embodied in the navigation laws because it had been an enemy possession conquered in war. A special discretionary power was vested in the crown to regulate the trade of the colony by orders-in-council.¹⁶ The first order-in-council after the conquest dated 11 June 1806 re-affirmed the English East India Company's monopoly of the colony's trade to the east.¹⁷ This exclusive

13 ibid., 1.9.1810: Arrivals and Departures.

14 ibid., 2.6.1810: Advertisement; Minutes of Miscellaneous Notarial Deeds, J.H. Neethling, 19.7.1810, NCD 8/63, No. 14196.

15 Cape Town Gazette and African Advertiser, 3.10.1818: Advertisement.

16 Benians, Butler, Mansergh, Walker (eds.), The Cambridge History of the British Empire, VIII (Cambridge, 1963), pp. 181-182.

17 M. Arkin, 'John Company at the Cape. A history of the Agency under Pringle (1794-1815), based on a study of the "Cape of Good Hope Factory Records"', Archives Year Book for South African History 1960, II, p. 320.

privilege was only partially curtailed in August 1813 by the East India Company Charter Act.¹⁸ On 13 May 1807 an order-in-council was issued whereby British goods in British ships were admitted duty-free. A duty of five per cent on foreign goods landed from British ships and fifteen per cent if carried in foreign vessels was levied.

A tariff of import and export duties was published at the Cape on 17 October 1809, which imposed an import duty of fifteen per cent, but less if goods were transported in British ships.¹⁹ This source of income was entirely new at the Cape but from now onwards custom dues were levied by the government to raise colonial revenue.²⁰ An order-in-council was issued on 1 October 1811 confining commerce to and from the Cape to British and British colonial vessels as from 12 April 1812. This was a direct outcome of Napoleon's Continental System and Britain's retaliatory blockade of the European coastline.²¹ These orders-in-council regulated free trade which had been unknown at the Cape during the rule of the Dutch East India Company.²² Free enterprise being encouraged by the government, Ebdon ranked amongst those British merchants who by 1810 formed an important though numerically insignificant part of Cape Town's urban community. He took advantage of the opportunities and in this way

18 Cambridge History, VIII, p. 233.

19 Arkin, 'John Company', p. 320.

20 B.J.T. Leverton, 'Government Finance and political development in the Cape, 1806-1834', Archives Year Book for South African History 1961, p. 313.

21 Cambridge History, VIII, p. 234.

22 R.F.M. Immelman, Men of Good Hope (the Romantic Story of the Cape Town Chamber of Commerce, 1804-1954) (Cape Town, 1955), p. 11.

became one of the foremost merchants to handle the bulk of the colony's foreign trading activities.²³

Although free trade was encouraged, there were restrictions, for example, the English East India Company's monopoly of the eastern trade. The agent of this company stationed at the Cape from 1794 - 1815 was John Pringle who was to influence, one way or the other, the trading activities of Ebden.²⁴ Pringle made every effort to enforce the principle that no trader should derive any windfall advantage through some special dispensation by the company.²⁵ When Ebden requested to dispose locally of damaged prize piece-goods purchased for export,²⁶ Pringle protected the monopolistic rights of the company by refusing to accede to Ebden's application. He maintained that it was unfair towards the captors of the goods to permit merchandise purchased from them for exportation to be sold at the Cape by merely petitioning after the sale had been concluded. He was further of the opinion that the price paid by Ebden was in proportion to the quality of the goods purchased.²⁷

The Cape was not considered a commercial proposition by the company and very little effort was made to supply the colonial market with Indian articles. It

23 Arkin, 'John Company', p. 218.

24 ibid., p. 191.

25 ibid., p. 293.

26 Ebden - Caledon, 28. 3. 1810, CO 3877, No. 233.

27 Pringle - Alexander, 4.4.1810, CO 27, No. 19.

was company policy not to delay homeward-bound convoys from the east and instead a system of hiring "extra" ships was instituted.²⁸ Ebden, in partnership with T.C. Weston, was the owner of one such "extra" ship, the prize ship Tilsit. The meticulous endeavour of Pringle to safeguard the interests of the company on the hiring of ships is evident from the instructions issued to Ebden before his ship, re-named Good Hope, could be cleared out for India. According to the instructions, the cargo of the vessel was to be composed solely of Cape produce. Ebden was required to enter into a security bond to forfeit to the company £500 for each passenger taken aboard the vessel without Pringle's permission. Pringle was also to be supplied with a list of the captain and crew who "... in no way became chargeable to the Hon'ble Company".²⁹

Ebden's initial trading activities took place when the colony was experiencing a time of relative prosperity. In part, this was a consequence of steady currency inflation matched by an extensive but confident use of credit.³⁰ On 12 August 1808 the Lombard Discount Bank was established for the specific purpose of assisting the public and in particular the mercantile community by discounting bills at short notice. From 1782 successive governors had issued paper money. In 1795 there were Rds. 1,291,276 in circulation and by

28 Arkin, 'John Company', pp. 198-199.

29 Pringle - Ebden, 2.6.1810 (Enclosure with Pringle - Alexander, 6.6.1810), CO 27, No. 25.

30 Arkin, 'John Company', p. 237.

4 March 1814 the total note issue had been increased to Rds. 3,171,204.³¹

Another factor which supported the commercial boom experienced at the Cape and which directly influenced Ebden's commercial undertakings was the development of trading links with nearby island neighbours. Ever since the outbreak of the Anglo-French struggle in the 1790's, the group of islands known as the Mascarenes which included Mauritius (Isle de France), Bourbon (Réunion) and Rodriques had been used by the French as a base from which to raid British shipping. During 1809 and 1810 the British forces successfully laid siege to the islands and by December 1810 all three islands were in the possession of Britain.³² Soon after the capture of Bourbon in July 1810, Ebden & Watts petitioned Caledon for permission to send supplies aboard the brig Fancy for the consumption of the British navy and army blockading Mauritius. Ebden gave the assurance that his firm would not interfere with the privileges of the English East India Company but would confine themselves to the shipment of colonial produce and other articles approved by the company's agent.³³ Ebden was the first Cape merchant to apply for this concession. Pringle, who ultimately had to sanction the operation, was influenced by the

31 H.G. Swart, 'Developments in Currency and Banking at the Cape between 1782 and 1825' (Unpublished Ph.D. thesis, University of Cape Town, 1953), pp. 75, 81, 90 and 93. In 1806 the rixdollar was valued at 4s Od. By 1814 this value had depreciated to 2s 3½d.

32 Arkin, 'John Company', pp. 237-238.

33 Ebden & Watts - Earl of Caledon, 17.7.1810, CO 3878, No. 382.

favourable response of the governor who ordered Vice-Admiral A. Bertie to give every protection to merchants who risked their property to supply the British forces.³⁴

Consent having been obtained, Ebden fitted out the Fancy "in a manner completely adequate to the voyage". Her cargo consisted mainly of foreign wines and spirits imported from England and local Cape provisions.³⁵ There was an express limitation that nothing was to be brought back in return except coffee, cotton, sugar and rice.³⁶ As previously mentioned, the Fancy sailed from Table Bay on 28 August 1810 bound for Bourbon. It was a hazardous affair to establish trade links with the Mascarenes during August - November 1810, since the French were only finally defeated on 3 December. Another trading vessel, Alexander, which had sailed from Table Bay on 6 August 1810, bound to the squadron off Mauritius, was captured by the French.³⁷

The Fancy was more fortunate, arriving back in Table Bay on 24 November 1810.³⁸ She was loaded with 177,450 lbs. coffee, 503 lbs. cotton, 8840 lbs. cloves and 616 lbs. indigo.³⁹ The only apparent mishap on the voyage was that the vessel had sprung a leak "occasioned

34 Pringle - Bird, 19.7.1810, CO 27, No. 32; Alexander - Bertie, 28.7.1810, CO 4828, p. 267.

35 Ebden & Watts - Earl of Caledon, 20.8.1810, CO 3878, No. 418.

36 Arkin, 'Jchn Company', p. 239.

37 ibid., p. 240; Cape Town Gazette and African Advertiser, 11.8.1810: Arrivals and Departures.

38 Cape Town Gazette and African Advertiser, 1.12.1810: Arrivals and Departures.

39 McNicol - Farquhar, 23.10.1810 (Enclosure with Ebden & Watts - Earl of Caledon, 26.11.1810), CO 3880, No. 544.

by stress of weather". On applying for permission to unload the Fancy, Ebden informed the governor that the governor of Mauritius, Robert T. Farquhar, had expressed his satisfaction that the firm of Ebden & Watts had adhered to the principle which had led to trade links being established between the Cape and the former French islands.⁴⁰ The principle involved entailed the supply of the navy and the army with requirements "at a fair and reasonable profit".⁴¹ Permission for unloading the cargo of the Fancy lay with Pringle who acted rather leniently towards Ebden & Watts on the unlicensed import of cloves and indigo. He permitted the coffee to be landed for colonial consumption, the cotton and indigo for consumption or exportation but insisted that the cloves could only be landed on condition of being sold at the company's sales which involved the payment of five per cent for charges.⁴²

Pringle's authority for landing the cargo having been received, Ebden & Watts were in a position to advertise a sale by public auction which was to be held on 5 and 12 December 1810 of products shipped from Bourbon.⁴³ They were the first mercantile house in Cape Town to hold a sale of goods imported from the Mascarenes. After the advertisement of sale had appeared, Ebden again petitioned for permission to

40 Ebden & Watts - Earl of Caledon, 26.11.1810, CO 3880, No. 544.

41 McNicol - Farquhar, 23.10.1810 (Enclosure with Ebden & Watts - Earl of Caledon, 26.11.1810), CO 3880, No. 544.

42 Pringle - Bird, 29.11.1810, CO 27, No. 41.

43 Cape Town Gazette and African Advertiser, 1.12.1810: Advertisement.

despatch the Fancy to Mauritius with supplies for the army and navy.⁴⁴ Permission was granted and on 24 December 1810, the Fancy sailed from Table Bay on her second voyage to the Mascarenes.⁴⁵ The export of twenty-five leaguers of Cape wine and eleven leaguers of Cape brandy listed in the manifest of the Fancy's cargo is of significance; it was the first recorded export of Cape wine shipped by Ebden.⁴⁶

Until 1810 the export possibilities of Cape wine were poor and very sporadic. The capture of the Mascarenes from the French altered this position. As a further encouragement to the export of wine, the new governor, Sir John Cradock, issued a proclamation dated 18 October 1811 which abolished all export duties on local products.⁴⁷ Ebden was one of the first merchants to make full use of the opening to export Cape wine. Throughout his life he championed the interests of the Cape wine trade, a trade which was being pioneered on this second voyage of the Fancy to Mauritius.

Ebden achieved a marked success in his endeavours to supply provisions to the navy and army at Mauritius. At home, however, he lost the contract in July 1810 of supplying the navy stationed at the Cape with specific articles to none other than William Wilberforce Bird,

44 Ebden & Watts - Earl of Caledon, 6.12.1810, CO 3880, No. 556.

45 Cape Town Gazette and African Advertiser, 29.12.1810: Arrivals and Departures.

46 Manifest of the Fancy's Cargo, 15.12.1810, CO 26, No. 71. A leaguer was equivalent to 152 wine gallons.

47 D.J. van Zyl, Kaapse Wyn en Brandewyn, 1795-1860 (die geskiedenis van wynbou en wynhandel in die Kaapkolonie) (Cape Town, 1974), p. 120.

the comptroller of customs who, like Ebden, was trading with the Mascarenes. Ebden was dissatisfied that he had lost the contract to a government official who, in terms of regulations issued to the Customs Department dated 20 February 1808, was not permitted to enter into any mercantile transactions. Furthermore, Ebden contended that the terms offered by him "were equally advantageous to the Crown, as the Tenders of Mr. William Wilberforce Bird which have been accepted". Being convinced that he should have obtained the contract, Ebden informed the governor that he was prepared to take the matter to the law courts.⁴⁸ The issue was silenced with the curt reply from the government that Bird's nomination as comptroller of customs had not yet been confirmed.⁴⁹ The incident in itself may appear insignificant but it is a preview of the determination of Ebden to stand firm and to fight for his cause no matter who his opponent might be. During later years as a public leader in the Legislative Council, 1834 - 1849, this quality, inherent in Ebden's character, became more clearly evident.

The second consignment of goods from the Mascarenes imported by Ebden & Watts aboard the brig Thomas which arrived in Table Bay on 17 April 1811, consisted of the following:

48 Ebden - Earl of Caledon, 9.11.1810, CO 3880, No. 536.
49 Register of Memorials Received, 17.11.1810, CO 4314, No. 434.

115 planks, 1470 feet in length
60,000 lbs. gum benjamin
1821 lbs. gum copal
21,232 lbs. sugar
36 elephants' teeth weighing 1875 lbs.
10,721 lbs. cloves
2,500 lbs. coffee.⁵⁰

This cargo consisted almost entirely of goods not included in the licence issued to the firm by the Cape government. Pringle was in a dilemma in granting permission for the unloading of the cargo of the Thomas. After discussions with the governor, he decided that he could not permit articles which were not the products of Mauritius to be exported without the permission of the directors of the East India Company. He gave his sanction for the landing of the plank, sugar and coffee for local consumption and the cloves as a product of Mauritius were permitted to be landed for exportation subject to a five per cent surcharge at the company's sales. The remaining cargo was to be landed and stored subject to the control of the customs house.⁵¹

The exceeding of the terms of their licence was not an irresponsible or unduly speculative act on the part of Ebden & Watts. It was common practice for merchants trading with Mauritius to obtain licences from the governor at that place for the export of commodities to

50 Ebden & Watts - Earl of Caledon, 17.4.1811, CO 3882, No. 132; Cape Town Gazette and African Advertiser, 20.4.1811: Arrivals and Departures.
51 Pringle - Bird, 20.4.1811, CO 31, No. 17; Ebden & Watts - Bird, 22. 4. 1811, CO 3882, No. 137.

the Cape for eventual re-exportation to Britain.⁵² As a result of an acute shortage of specie and the fact that the Cape rixdollar was not an exportable product, much difficulty was experienced by the merchants in arranging for payment of goods brought from Britain. It was difficult to obtain government bills as a form of remittance to Britain on account of the practice whereby individuals purchased and monopolised bills in order to exact higher premiums.⁵³ To alleviate his remittance problem, Ebden imported commodities from the Mascarenes for re-exportation from the Cape to Britain as a form of payment. Matters were further complicated when Pringle received a communication during June 1811 from the directors of the East India Company which prohibited the export of eastern produce from the Cape to Britain with the exception of raw cotton and prize goods.⁵⁴ Pringle was not completely indifferent to the hardships which bore upon the Cape merchants as a result of this ruling. He granted occasional concessions and in one instance permitted Ebden & Watts to export to China thirty-six elephants' teeth imported from Mauritius in April 1811. Until re-exportation in July 1811, the elephants' teeth were impounded at the customs house.⁵⁵ In consequence of the directors' decision to permit raw

52 Arkin, 'John Company', p. 243; Ebden & Watts - Earl of Caledon, 17.4.1811, CO 3882, No. 132; Ebden & Watts - Cradock, 1.6.1812, CO 3889, No. 445.

53 Leverton, 'Government Finance', p. 339; Ross, Amyot, Ebden & Watts - Grey, 21.8.1811, GH 28/4, No. 7.

54 Arkin, 'John Company', p. 241.

55 Ebden & Watts - Grey, 22.7.1811, CO 3886, No. 30; Pringle - Alexander, 23.11.1811, CO 32, No. 18.

cotton to be exported, Ebden & Watts were granted permission to ship two bales of Seychelles cotton to Britain in August 1811.⁵⁶ A considerable amount of property belonging to the firm still remained impounded at the customs house.

Cradock was sympathetic towards Ebden & Watts and the other Cape merchants and although convinced that they had only themselves to blame for importing excessively from Britain, he felt that the policy adopted by the directors and implemented by Pringle was "injurious to the interests and prosperity of the Settlement".⁵⁷ He nevertheless co-operated with Pringle by publishing a government advertisement on 8 November 1811, warning that merchants would be liable for the payment of the full penalty for any deviations from their licences which were granted as a temporary privilege and not as a right. Furthermore, the Mauritius authorities were asked to prohibit all exports not specifically mentioned on a trader's licence. In the meanwhile, the property impounded at the customs house could not be released for re-exportation until definite instructions had been received from the directors of the East India Company.⁵⁸

To speed up the process and have his property released before instructions were received from the directors, Ebden applied to Cradock. The governor

56 Ebden & Watts - Grey, 31.7.1811, CO 3886, No. 48.

57 Cradock - Liverpool, 20.10.1811, GH 23/4, No. 7, pp. 16-18; Cradock - Pringle, 7.11.1811, CO 4831, pp. 113-114; Arkin, 'John Company', p. 244.

58 Arkin, 'John Company', pp. 244-245; Cape Town Gazette and African Advertiser, 9. 11. 1811: Government Advertisement.

discussed the matter with Pringle and in February 1812 informed Ebden and the other merchants interested in the impounded goods that such goods could be re-exported to Britain. Conditions were attached to this concession. A security was to be given to hold the governor indemnified and the ship conveying the goods was to report at London to the Lords Commissioners of H.M. Treasury and the Court of Directors of the East India Company. The decision given by these two bodies was to be abided by.⁵⁹ On the arrival of the goods in London, Ebden & Watts obtained a regular licence from the directors for the importation of the relevant goods which were required to be sold at the company's sales as a form of privileged trade.

The firm had lost substantially on the deal. A duty of ten per cent ad valorem had been levied on the goods before being exported to Britain. While awaiting a decision on the destiny of the goods, the merchants were liable for customs house storage fees. In addition, duties had been paid on the goods at the ports from where they were originally shipped and in London, customs house duties and a five per cent charge at the company's sales were also payable by the merchants. Ebden petitioned the governor in June 1812 to relieve the firm from paying the ten per cent ad valorem duty, maintaining that the colony had benefited from the import speculations of the merchants by way of customs house charges

59 Bird - Ebden & Watts, Bird and Roper, 26.2.1812, CO 4831, p. 316.

and the additional labour which had been employed.⁶⁰ The governor, although wishing "to add to the facilities of the Commerce of the merchants of this place", could not accede to the request, the colony being in dire need of the customs dues as a source of revenue.⁶¹ Shortly after the governor had given permission for goods to be re-exported to Britain, detailed instructions on the trade of the Mascarenes were received from the directors of the East India Company. In terms of the instructions, Cape commodities could be shipped to the islands in exchange for island produce for local consumption. Provision was also made for the re-exportation to Britain of produce found unsaleable at the Cape by application to the Privy Council. Such goods, if permitted to be re-exported, would be sold at the company's sales. It was further stipulated that no goods of Indian origin could be imported to the Cape from the Mascarenes.⁶²

During the second half of 1812 a widespread drought threatened the local grain supplies and, to relieve the situation, Cradock requested Pringle to relax the instructions of the directors in the interests of the colony by permitting merchants to import rice. On 14 August 1812 an authorisation for the importation of rice duty-free was published.⁶³ Alert to all trading possibilities and in consequence of the authorisation,

60 Ebdon & Watts - Cradock, 1.6.1812, CO 3889, No. 445.

61 Register of Memorials Received, 22.6.1812, CO 4316, No. 407; Leverton, 'Government Finance', p. 313.

62 Cape Town Gazette and African Advertiser, 30.5.1812: Government Advertisement; Arkin, 'John Company', p. 245.

63 Cape Town Gazette and African Advertiser, 15.8.1812: Government Advertisement; Arkin, 'John Company', p. 274.

Ebden & Watts despatched the ship Prudent, of which they were part owners, to Mauritius with colonial products. The return cargo consisted of Indian rice.⁶⁴ The Prudent had originally been purchased in May 1812 to continue a coastal trade which Ebden had commenced in May 1810.⁶⁵

From 1812 until the first quarter of 1816, Ebden & Watts imported such commodities as arrack, Bourbon cotton, cloves, cocoa, coffee, ebony, gum copal, honey, rice, sugar and tobacco into the colony from the Mascarenes. Many of these commodities were later re-exported to Britain.⁶⁶ Marcus Arkin correctly contends that local exports to the islands never attained any significance. For the same period 1812 - 1816, the firm exported eighty-six leaguers of Cape wine, small quantities of butter, dried fruit and general European merchandise to the islands.⁶⁷ Trade with the Mascarenes had

64 Ebden & Watts - Alexander, 31.8.1812, CO 38, No. 49; Pringle - Alexander, 2.9.1812, CO 43, No. 45.

65 Ebden & Watts - Cradock, 4.5.1812, CO 3889, No. 392.

66 Manifest of the cargo of the Brig Thomas (Enclosure with Ebden & Watts - Caledon, 17.4.1811), CO 3882, No. 132; Annual return of the imports and exports in British ships at the Cape of Good Hope during the year 1812 (Enclosure with Bird - Alexander, 19.2.1813), CO 51, No. 14; Return of the import and export duties of British vessels from the 1st of Jan. to the 31st Dec. 1813 (Enclosure with Blair - Alexander, 2.2.1814), CO 62, No. 4; Ships Accounts commencing from 1st January and ending the 31st December 1814, CO 62, No. 88; Annual return of import and export duties and fees, 1815, CO 72; Import and Export Papers, 1810 - 1816, CCT 374.

67 Arkin, 'John Company', p. 246; ibid., CO 51, No. 14; ibid., CO 62, No. 4; ibid., CO 62, No. 88; ibid., CO 72; Register of Return of Cape wines exported, 1812 - 1816, WT 3.

developed out of a wartime need, a need which had ceased to exist towards the end of 1811. Furthermore, Governor Farquhar was intent on making the islands self-sufficient in foodstuffs and in this way local Cape exports to the Mascarenes were limited.⁶⁸

The numerous orders-in-council regulating the commerce of the Cape caused a great deal of inconvenience to the early Cape merchants. The inconveniences were at times so great that in 1815 Governor Lord Charles Somerset had occasion to complain to the colonial agent in London that some of the regulations were so intricate and often contradictory as to dissuade mercantile activities with the Cape.⁶⁹ Confusion on the interpretation of these orders-in-council was rife amongst the customs house officials.⁷⁰ Ebdon figured prominently in one such misinterpretation by these officials. The controversy arose directly from Ebdon's trade with the Mascarenes. The firm, having obtained the contract for the year 1815/16 to supply the navy stationed at the Cape with sundry articles of provision, imported a large quantity of tobacco from Mauritius. On the arrival of the tobacco at the Cape in February 1816, the customs house officials refused to grant a permit for the landing of the tobacco, maintaining that the import was not a product of Mauritius.

Ebdon appealed to the governor against this decision on numerous occasions during February and March 1816,

68 Arkin, 'John Company', p. 246.

69 Somerset - Courtenay, 3.11.1815, GH 23/5, pp. 74-80.

70 Leverton, 'Government Finance', p. 309.

attempting to prove by reference to the various orders-in-council and in particular the Circuitous Trade Act of 1813 that the importation of tobacco was not illegal.⁷¹

"These are the grounds on which we have acted, which may be erroneous but which we submit to His Excellency" was the conclusion of the report of the collector of customs submitted to the governor on the so-called illegal import and which clearly showed the uncertainty of the official.⁷² The governor accepted the decision of the collector of customs that the import was illegal.⁷³

At the beginning of March 1816, Ebden eventually induced the customs house officials to permit him to land the tobacco subject to his entering into a bond and giving security to prove within a given time the legality of the transaction or to await the decision of the British authorities. Once landed the tobacco could not be sold, having to be stored at the customs house.⁷⁴ Backed by such reputable Cape Town merchants and firms as George Thomas, R. Home, Ranken & Scott, Stephen Twycross, Hamilton Ross, H.H. Harington, Marsh & Cadogan, Amyot & Co. and W. Robertson, Ebden continued to badger Somerset, stating that he as governor had it within his power, according to an order-in-

71 Ebden - Alexander, 10.2.1816, CO 75, No. 4; Ebden - Alexander, 12.2.1816, CO 75, No. 5; Ebden - Somerset, 24.2.1816, CO 3906, No. 318; Ebden - Somerset, 2.3.1816, CO 75, No. 7.

72 Collector of Customs - Colonial Secretary, 12.2.1816, CO 78, No. 15.

73 Pencil note on reverse of Ebden - Alexander, 10.2.1816, CO 75, No. 4.

74 Ebden - Alexander, 18.3.1816, CO 75, No. 9; Ebden & Watts - Somerset, 14.11.1816, CO 3906, No. 361.

council dated 24 September 1814, to permit the tobacco import.⁷⁵ Ebden received no official reply to this communication. In January 1817 the governor forwarded to the secretary of state an application from Ebden & Watts requesting permission to sell the tobacco.⁷⁶ The outcome of the application was that the Lords of the Committee of Privy Council for Trade "having had great doubts how far the Custom House Officials were justified in deeming the importation illegal", gave permission for the sale of the tobacco, the proceeds of which were to be lodged with the customs house officials until the decision of the attorney and solicitor general, to whom the case had been referred, was received. It was also explicitly stated that the customs house officials should forward to the committee their reasons for considering the import of tobacco illegal.⁷⁷

The customs house officials altered their course and on 30 April 1817 informed the governor that Ebden & Watts would be allowed "to take from under our Locks, and to avail themselves of property, so long withheld, after paying the import duties of 10 p cent in addition to Storerent and other expences".⁷⁸ The firm had been inconvenienced to a great extent and in the process had

75 Declaration, 5.3.1816 (Enclosure with Ebden - Alexander, 18.3.1816), CO 75, No. 9; Ebden - Somerset, 2.3.1816, CO 75, No. 7.

76 Somerset - Bathurst, 25.1.1817, GH 23/5, No. 76, p. 174; G.M. Theal, Records of the Cape Colony, XI (Ebden & Watts - Somerset, 3.1.1817) (London, 1902), pp. 247-248.

77 Lack - Harrison, 8.1.1817 (Enclosure with Harrison - Governor, 3.2.1817), GH 1/20, No. 154, pp. 67-69.

78 Blair - Alexander, 30.4.1817, CO 86, No. 47.

suffered heavy losses occasioned by delay, sequestration for fifteen months of goods of a perishable nature and in addition the payment of storereht which would not have been payable, had the import been initially permitted.

Ebden was beginning to emerge as a leading Cape Town merchant, being recognised as such not only by his merchant colleagues but also by the administrators of the colony. He was a natural leader, an energetic advocate in the interests of free trade and in particular in the interests of Cape trade. On 8 January 1813 Cradock issued a proclamation imposing an import duty of three per cent on the value of British goods to be levied from 8 July 1813 for revenue purposes.⁷⁹ The merchants foresaw that the proposed method of levying the duty without an established tariff was bound to lead to further inconveniences. Ebden organised a meeting of merchants which was held in Cape Town in June 1813 and at which it was proposed that some criterion of value be established. A memorial which was drawn up at this meeting was submitted to the government.⁸⁰ As a direct outcome of the meeting of merchants and the memorial, the governor appointed a committee to prepare a special tariff of duties on the importation of all English goods.⁸¹ Ebden at this early period of his career already displayed a high sense of public-spiritedness and the ability to

79 Cape Town Gazette and African Advertiser, 9.1.1813: Proclamation.

80 Ebden & Watts, Ross & Twycross, Marsh & Cadogan, etc. - Blair, 22.6.1813 (Enclosure with Bird - Alexander, 22.6.1813), CO 51, No. 38.

81 Cradock - Blair, 30.6.1813, CO 4834, pp. 158-159.

muster support. His influence as a merchant extended into official circles. In January 1814 he and another merchant, Alexander McDonald, were approached by the colonial secretary, Henry Alexander, for their views on the appointment of a wharfinger.⁸²

On the night of 29 May 1813 Ebden's stores in Berg Street (now St. George's Street) were entered, the main articles stolen being imitation pullicat handkerchiefs. At the time, the robbery was described as "most daring and atrocious".⁸³ The stolen articles were soon recovered and advertised for sale on 11 September 1813.⁸⁴ In the same month, thirteen slaves were found guilty of the offence of stealing and received sentences on 24 September, which ranged from life imprisonment to branding.⁸⁵ Imitation Indian piece-goods were imported into the Cape from Britain for clothing the slaves. The Indian trade, until August 1813, was exclusively in the hands of the English East India Company whose erratic supply of piece-goods from India gave real cause for concern at the Cape until the local merchants began to flood the market with imitation piece-goods.⁸⁶ From as early as December 1809, Watts & Ebden advertised imitation piece-goods for sale.⁸⁷ After the East India Company Act of 14 August 1813, which threw the Indian trade open to British subjects, Ebden & Watts regularly

82 McDonald and Ebden - Alexander, 14.1.1814, CO 58, No. 3.

83 Cape Town Gazette and African Advertiser, 5.6.1813: Advertisement.

84 ibid., 11.9.1813: Advertisement.

85 Criminal Sentence, 24.9.1813, CJ 805, No. 38, pp. 861-865.

86 Arkin, 'John Company', pp. 314-315.

87 Cape Town Gazette and African Advertiser, 2.12.1809: Advertisement.

imported Indian piece-goods into the colony.⁸⁸

Another trade outlet was to be opened to Ebden in October 1815, the month in which the banishment of Napoleon commenced on the island of St. Helena. Before the arrival of Napoleon, the island was directly administered by the English East India Company but did not fall within its charter of exclusive trading areas. In 1813 a formal decision was taken by the court of directors of the company that a considerable part of the supplies for St. Helena be obtained from the Cape. John Pringle, as the company's agent at the Cape, was to be responsible for the acquisition of such supplies. The island had a population of no more than 3,700. To promote trade with St. Helena, Pringle had to overcome the problem of insufficient shipping facilities. This he did by hiring cargo space on board private vessels. In 1814 he hired cargo space on the brig Brisset, owned by Ebden & Watts, at three guineas per ton. A sporadic trade, controlled by the company's agent, existed between the Cape and St. Helena until the arrival of Napoleon.⁸⁹

A few months before the arrival of Napoleon, to relieve the agency of an ever increasing burden of providing supplies, the governor of St. Helena, Colonel Mark Wilks, decided to permit local Cape merchants to compete in the field. Advertisements were placed in

88 Ships Accounts commencing from 1st January and ending the 31st December 1814, CO 62, No. 88; Annual return of import and export duties and fees, 1815, CO 72; Import and Export Papers, 1817-1818, CCT 375.

89 Arkin, 'John Company', pp. 247-248, 258, 260.

which the merchants were notified of vacant space in the company's schooner, the St Helena, should they wish to send consignments to St. Helena. Only one application was received. The application came from Ebden & Watts who took twenty tons at the prescribed rate of £4 per ton.⁹⁰ On 8 September 1815 the firm shipped fourteen bags of almonds, ten bags of raisins, two bags of dried fruits, one hundred mutton hams and twenty casks of butter to the island.⁹¹

During the exile period, St. Helena was administered by the crown although still remaining a company possession. Joseph Luson, who succeeded John Pringle in February 1816 as company agent at the Cape, was responsible for arranging the purchase and shipment of supplies to the augmented garrison. The population had by now almost doubled. Under Luson's strict surveillance, the civilian population was mainly supplied by private consignments.⁹² Besides the supply of odd consignments of butter, sugar, cottons and table linen to the island, Ebden & Watts supplied wine to the civilian population during the years 1816 - 1818 and during the first quarter of 1819, after which the supply to this section of the population was taken over by the company's agent.⁹³

90 Arkin, 'Supplies for Napoleon's Gaolers (John Company and the Cape - St. Helena trade during the captivity, 1815-1821)' Archives Year Book for South African History 1964, I, p. 211.

91 Annual return of import and export duties and fees, 1815, CO 72.

92 Arkin, 'Supplies for Napoleon's Gaolers', pp. 174-175.

93 ibid., p. 204; Register of Return of Cape Wines Exported, 1816-1819, WT 3; Register of Shipments of Cape Wine Exported, 1818-1819, WT 6.

In terms of a directive from Jamestown dated 18 December 1815, all trade between the island and the colony was confined to company vessels.⁹⁴ This caused a serious problem for the company's agent, since there were not sufficient company ships to cope with the expanding trade to the island. Before a critical shortage of supplies developed on the island, a change in policy took place in June 1816, when Rear-Admiral Sir Pulteney Malcolm became the successor to the St. Helena Station as squadron commander. Shortly after Malcolm's appointment, Luson was informed that he could engage private freight. During 1817 he hired four private vessels to ship supplies to the island. One of the vessels hired, the Adolphus, was owned by Ebden & Watts. Before Luson was informed that he could employ private freight, he called for tenders for the April 1817 - March 1818 supply of wine needed for the garrison of the island. For this year 95,000 gallons were required. No tenders were received, the main reason being that the wine had to be delivered to Simonstown for shipment in naval vessels. The local merchants considered the cartage of the wine to Simonstown to be inconvenient and expensive. Luson eventually persuaded Ebden to deliver 30,400 gallons to Simonstown at Rds. 152 per leaquer, although wine shipped from Table Bay fetched at an average Rds. 80 per leaquer.⁹⁵ The price of wine at this time was very irregular, fluctuating in accordance with the quantity of wine brought to Cape Town by the

94 Arkin, 'John Company', p. 321.

95 Arkin, 'Supplies for Napoleon's Gaolers', pp. 180-181, 202-203.

wine growers. This volatile state of the wine trade gave Lusson cause to inform the directors in 1817 "that the Contractors for supplying the Navy, Messrs. Ebden & Watts, merchants of great respectability, have thrown up their Contracts, and paid the penal sum of twenty thousand Rixdollars for non performance".⁹⁶

Ebden & Watts were among the main exporters of Cape wine. The acquisition of the French islands by Britain in 1810 stimulated the wine trade, and the firm was the foremost exporter to the islands during the years 1810 - 1816. In January 1811 the firm ventured further afield and shipped fifty leaguers of Cape wine to the Plate River in South America.⁹⁷ After the British government passed Act No. 84 in June 1813 which repealed the existing customs tariff on Cape wine, Britain became the most important foreign market for this product.⁹⁸ Ebden, having had experience before 1813 of exporting wine, was one of the first merchants to export Cape wine under these new tariffs.⁹⁹

Below is a return of how much wine was exported by the firm to Britain during the years 1813 - 1819, as compared with the total export of wine to Britain which was calculated by D.J. van Zyl. A return is also given of the amount of wine exported to St. Helena by Ebden & Watts during the years 1816 - 1819 in their private

96 Arkin, Storm in a Teacup (the later years of John Company at the Cape, 1815-36) (Cape Town, 1973), p. 161.

97 Return of the Imports and Exports, 1811 (Enclosure with Blair - Alexander, 18.12.1811), CO 35, No. 22.

98 Van Zyl, Kaapse Wyn, p. 122.

99 Register of Return of Cape Wines Exported, 1811-1817, WT 3.

capacity, as compared with the total amount of wine exported to the island and the amount exported exclusively by the company's agent. The latter two amounts are based on the calculations of M. Arkin. Van Zyl contends that the total export given by Arkin is perhaps too high and that the figures given as representing the wine exported by the agent would be more accurate a figure of the total export of wine to the island.¹⁰⁰

EXPORT OF WINE TO BRITAIN, 1813 - 1819

Year	Total Export ¹⁰¹ (leaguers)	Export to ¹⁰² Britain (leaguers)	Export of Ebden & Watts (from October 1818 Ebden & Eaton) ¹⁰³ (leaguers)
1813	2824	200	4
1814	2341	584	161
1815	3647	2520	238
1816	4418	2720	83
1817	9105	6703	299
1818	6399	5439	219
1819	4805	3184	249

100 Van Zyl, Kaapse Wyn, p. 161.

101 ibid., p. 123.

102 ibid.

103 Calculated from Register of Cape Wines Exported, 1813-1819, WT 3.

EXPORT OF WINE TO ST. HELENA, 1816-1819

Year	Total Wine Export to St. Helena ¹⁰⁴ (leaguers)	Export by Agent to St. Helena ¹⁰⁵ (leaguers)	Export by Ebden & Watts (from October 1818 Ebden & Eaton) ¹⁰⁶ to St. Helena (leaguers)
1816	1727	987	2
1817	1093	625	199
1818	1612	921	$\frac{3}{4}$
1819	1763	1263	1

The firm of John Collison & Co. is regarded as having been the foremost wine exporters to Britain,¹⁰⁷ and for this reason it is interesting to compare the total wine exports of this firm with the total wine exports of Ebden & Watts for the period 1816 - 1819.

WINE EXPORTED TO BRITAIN BY JOHN COLLISON & CO.
AND EBDEN & WATTS (FROM OCTOBER 1818 EBDEN &
EATON)

Year	Amount Exported by John Collison & Co. ¹⁰⁸ (leaguers)	Amount Exported by Ebden & Watts ¹⁰⁹ (leaguers)
1816	63	83
1817	357	299
1818	168	219
1819	nil	249

104 Arkin, 'Supplies for Napoleon's Gaolers', p. 206.

105 ibid.

106 Calculated from Register of Returns of Cape Wines Exported, 1816-1819, WT 3.

107 Van Zyl, Kaapse Wyn, p. 127.

108 Calculated from Register of Returns of Cape Wines Exported, 1816-1819, WT 3.

109 ibid.

While the firm of John Collison & Co. exported exclusively to Britain during these years, Ebden & Watts had additional export markets at Mauritius, St. Helena, Colombo and New South Wales.¹¹⁰ Ebden & Watts further assisted the promotion of the wine trade by importing from England iron hoops, rivets and staves for the manufacture of wine vats.¹¹¹

The preferential tariffs instituted by the British government in 1813 encouraged the merchants of Cape Town to invest heavily in the wine trade. In October 1814 Ebden & Watts announced that they had established stores for the reception of wine and assured the wine growers of the colony that they would give the highest market price for any quantity of good wine.¹¹² The institution of preferential tariffs was considered a temporary measure by the British government, only to be effective until Cape wine had found a market in Britain. Furthermore, the tariffs were financially detrimental to Britain. Numerous irregularities occurred on account of the preferential tariffs. Wine from elsewhere could be exported to Britain under the pretext that it was Cape wine. In this way the high tariffs imposed on such wine could be avoided, the exporters gaining greater profits and the British treasury being the loser. In June 1814 Act No. 84 was revised by the British parliament in terms of which and as from 5 November 1814, a declaration from the

110 ibid.

111 Cape Town Gazette and African Advertiser, 5.9.1812: Advertisement.

112 ibid., 12.10.1814: Advertisement.

manufacturer or exporter was to be handed to the collector of customs, vouching for the fact that the wine was Cape wine. This ruling was not very successful and great quantities of foreign wine continued to enter Britain as Cape wine. The manufacturers of sweet wines in Britain were the greatest opponents of the preferential tariffs on Cape wines. In consequence of the pressure exerted by this group, a decision was taken by the House of Commons which made provision for the levying of an additional tariff of £29 18s 6d per ton on French wine and £19 9s 0d on all other foreign wines, including Cape wines.¹¹³

Ebden was the most outspoken Cape merchant on the subject of maintaining the preferential tariffs. His leadership was recognised by the wine growers and other merchants and in January 1817 he was deputed to communicate a petition to Somerset for forwarding to T.P. Courtenay, agent for the colony in London. The petition was a protest against the repeal of duties on the importation of wine from the Cape.¹¹⁴ Courtenay was the advocate of the Cape wine trade. He continually used his influence in influential circles in Britain to prevent any alteration in the preferential tariffs.¹¹⁵ In August 1817 he informed Somerset that nothing had been enacted by the House of Commons concerning the

113 Van Zyl, Kaapse Wyn, pp. 128-130.

114 Ebden & Watts, Amyot & Sanderson - Somerset, 4.1.1817, CO 81, No. 2.

115 Van Zyl, Kaapse Wyn, pp. 130-131.

duties upon Cape wine. He further stated that the manufacturers of sweet wines in Britain had been appeased by the passing of an act which suspended until October 1819 a part of the duties on sweet wines.¹¹⁶

Ebden figured prominently in the affairs of the Commercial Exchange. He was among the leading merchants who attended a meeting at George's Coffee House in Berg Street on 27 March 1817, when it was resolved to hire a room for the purpose "of affording the commercial interests an opportunity of meeting daily for the more ready carrying on of business".¹¹⁷ On 31 March a general meeting was held in the commercial room which had been hired in Berg Street. At this meeting, regulations were adopted which specified that only merchants engaged in trade were eligible to become members. A subscription of Rds. 25 (approximately £2 4s 3½d at that time) was payable per annum. A committee of five members was to be elected annually.¹¹⁸ The establishment of a commercial room and a commercial committee effectively organised the Cape merchants, giving them a strong position from which to advance the colony's mercantile interests.

In April 1818 the committee of the commercial room sent a memorial to Somerset in which they informed him of their intention of erecting a Commercial Exchange building. They also applied for a piece of land.¹¹⁹

116 Courtenay - Somerset, 20.8.1817, GH 1/21, No. 179, pp. 49-50.

117 Minutes of Commercial Room and Public Exchange, 27.3.1817, CC 1.

118 *ibid.*, 31.3.1817.

119 Christian, Chiappini, Twycross, Woutersen - Somerset, 11.4.1818, CO 3914, No. 536.

The project was approved by the governor and the wheels were set in motion for the achievement of this aim.¹²⁰ A general meeting of subscribers to the new exchange was held on 19 November 1818, in the commercial room with Ebden in the chair. At this meeting a plan of the proposed building was submitted and adopted. It was further resolved that a committee of direction and management consisting of seven members be formed to effect the erection. Shares in the building were fixed at Rds. 500 per share and no shareholder could possess more than ten shares. The shareholders were entitled to one vote for each share but not exceeding five votes. The building was to be controlled by the committee which was elected annually. On 24 November another general meeting of subscribers was held at which Ebden was elected one of the seven members of the committee of direction and management. A joint-stock company had been formed for the purpose of erecting an exchange building. The formation of this "company", consisting of 158 paid-up shares of which the government took forty and Ebden five, can be regarded as the forerunner of all joint-stock companies in South Africa.¹²¹

On 22 March 1819 Somerset ceded to the committee for the erection and management (as it now became known) a piece of land on the grand parade "for the purpose of building thereon an Exchange with suitable offices for

120 Bird - Christian, Chiappini, Twycross, Woutersen, 14.4.1818, CO 4840, pp. 193-194.

121 Proceedings of Meeting, 19.11.1818 (Enclosure with Chiappini, Dixon, Ebden, etc. - Somerset, 3.12.1818), CO 90, No. 16; Immelman, Men of Good Hope, p. 34.

the accommodation and resort of all persons engaged in the Trade & Commerce of this settlement".¹²² Funds being available and the ground secured, the committee entered into a contract with the builder of the intended building, Edward Durham, in which it was stipulated that the building should be completed within two years.¹²³ On 25 August 1819, amid much pomp and ceremony, Somerset laid the corner stone of the Commercial Exchange building. On the corner stone a silver plate was affixed commemorating the ceremony and the names of the committee of erection and management.¹²⁴ Ebden's name appeared on the plate but he was not present at the ceremony, having departed for Britain on 4 August.¹²⁵ He had, however, made a marked contribution towards the founding of a body which was to exercise profound influence on subsequent events in the colony.

On 26 September 1818 Ebden's sister, Sarah Norman Eaton, and her husband, Richard Webber Eaton, arrived in Cape Town from Britain.¹²⁶ Eaton came to the Cape to take charge of Ebden's business during his return to and temporary residence in Britain. On 1 October the public was informed that the business formerly carried on by Ebden & Watts would now be conducted by the firm of Ebden & Eaton.¹²⁷ Ebden's sister was a highly

122 Copy of Deed of Transfer, 22.3.1819, CC 26, p. 332.

123 Minutes of Miscellaneous Notarial Deeds, J.S. Merrington, 8.6.1819, NCD 39/10, No. 1518.

124 Cape Town Gazette and African Advertiser, 4.9.1819: Commercial Exchange.

125 ibid., 7.8.1819: Arrivals and Departures.

126 (S.A.L.) S.N. Eaton, Journal, 26.9.1818.

127 Cape Town Gazette and African Advertiser, 3.10.1818: Advertisement.

COMMERCIAL EXCHANGE

Cape Town

CAPE of GOOD HOPE

*The first Stone of this Building was laid by
His Excellency the Right Hon^{ble} General*

Lord CHARLES HENRY SOMERSET.

*One of His Majesty's Most Honorable Privy Council
Colonel of His Majesty's first West India Regiment
Governor and Commander in Chief of the Isles*

Britannic Majesty's
SETTLEMENTS

Present

CHRISTOPHER BIRD Esq: *Colonial Secretary & Lt Col in His Majesty's Service*
JOHANNES ANDREAS TRUTER Esq: *Chief Justice*
HENRY MONCKTON Esq: *Lt Col 17th Reg^t & Commandant of Cape Town*
HENRY ELLIS Esq: *Deputy Colonial Secretary*
DANIEL DENYSSEN Esq: *His Majesty's Fiscal*
ABRAHAM FAURE Esq: *President of the Pringee Senate*
JOACHIM WILHELM STOLL Esq: *Landdrost of the Cape District*

COMMITTEE for the DIRECTION and MANAGEMENT

ABRAHAM FAURE Esq:)
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*On the 25th Day of August A^D 1819,
being in the 59th Year of the Reign of His Majesty*

KING GEORGE THE III.

Builders.

WILLIAM WARREN.

Silver plate on the foundation stone, laid in 1819, of the Commercial Exchange Building, corner of Adderley and Castle Streets
(The plate is in the possession of the Cape Town Chamber of Commerce)

intelligent woman who later published a Comparative grammar of the English, French and Italian languages and completed a translation from the Hebrew of the Gospel of St. Luke.¹²⁸ At the time of her arrival at the Cape she was a young woman of thirty-four, vital and observant. She kept a daily journal which commenced on 22 June 1818, when the family consisting of herself, her husband and two children boarded the Garland near the London docks. She continued the journal after the family had arrived at the Cape and it is from the observations which she made that a glimpse is caught of Ebdon as a family man and a socialite.

Ebdon was not on the wharf to meet the Garland which had conveyed his sister and her family to the Cape. Instead he sent his clerk, George Wilson Prince, to escort the Eatons ashore, having taken his family to the races which was "the last day of that amusement for the Spring Season".¹²⁹ The race course was at Green Point and as a contemporary traveller to the Cape observed, "betting and jockeying are pursued with a spirit that would not discredit even Newmarket". It was a social event which was concluded by a dinner and a ball attended by members of the Turf Club.¹³⁰ Besides being a keen race-goer, Ebdon also indulged in hunting,

128 D.H. Varley, 'A Housewife at the Cape in 1818; being extracts from the journals of Sarah Norman Eaton', Quarterly Bulletin of the South African Library, December 1953, p. 45.

129 Eaton, Journal, 26.9.1818.

130 J. Prior, Voyage along the Eastern Coast of Africa (London, 1819), p. 3.

regularly taking out licences to shoot and kill game.¹³¹

Sarah Eaton was impressed by the spaciousness of her brother's home located in "the Mall of Cape Town, called the Hiere Gragt". Although Ebden was married to a woman of German descent, his home was run in the English style. Every Sunday after dinner the family would drink to the health of their relatives in England. Ebden and his wife played host and hostess at their home to prominent Cape Town merchants and their families such as Stephen Twycross, Ewan Christian, T.C. Cadogan, Hamilton Ross and H.H. Harington. Military and naval officers were also included in the circle of Ebden's friends. Sarah Eaton took particular interest in the people who were entertained by her brother, remarking on one occasion that "Dr. Hussey head of the Medical Staff here ... Capt. Atkinson of the Navy, Capt. Rose from India of the 69 regiment and Mr. Maud a merchant here - dined with my Brother".

Friends of the family extended to high ranking government officials. A month after the arrival of the Eatons on 29 October 1818, Sarah Eaton was accompanied by her sister-in-law "to make some calls in the Country - at Col. Bird's Under-Colonial Secretary now acting as prime secretary till another shall be appointed in the place of Mr. Alexander lately dead". A day later, Colonel and Mrs. Bird returned the visit.¹³² Ebden's

131 Cape Town Gazette and African Advertiser, 17.2.1816, 7.12.1816, 29.11.1817: Lists of such Persons as have taken out Licences to shoot and kill game.

132 Eaton, Journal, 26-27.9.1818, 7.10.1818, 26.10.1818, 29-30.10.1818.

friendship with Lt.-Col. C. Bird extended beyond the nicety of social visits. His varied background of shipping and trade enabled Ebden to supply the deputy colonial secretary in April 1819 with valuable information on the total amount of supplies and incidental expenses of 222 ships which had called at the Cape in 1817 and the amount of bills or capital expended in the colony during the same year.¹³³ A common interest was shared by the two men. Bird was involved with the official attempts made to solve the colony's financial problems. In January 1815 he, on the instructions of Somerset had brought out a report on the proposals of the finance committee appointed in January 1814 by Cradock.¹³⁴ Ebden on the other hand contributed in both official and unofficial capacities to stabilise the colony's economy which will be discussed in subsequent chapters.

Planning to return to England in August 1819, Ebden entered into an agreement with his brother-in-law, Richard Webber Eaton. The agreement which was to be valid for seven years established a co-partnership business concern between Ebden in Britain and Eaton at the Cape. The firm was to be known as Messrs. Ebden and Eaton of Cape Town. In terms of the agreement, Ebden advanced £10,000 as the capital of the co-partnership. During his intended stay in England, he would purchase and ship merchandise from there to the Cape. Eaton's

133 Ebden - Bird, 2.4.1819, CO 105, No. 18.

134 Swart, 'Developments in Currency', p. 106.

participation in the co-partnership included the selling of the wares received and the exporting of wine or other Cape commodities to Britain. The agreement placed limitations on Eaton in that he was not permitted to trade on his own account. Ebden had full liberty to trade in Europe or any other part of the world, save the Cape Colony, without the participation of Eaton.¹³⁵

Ebden's reason for leaving the colony with his wife and children was to see to the latter's education in Britain. His sister, in her journal, made mention of the fact that the two eldest sons, John Watts and Charles Hobson, attended a school run by "Mr. Hough the clergyman who takes 8 pupils at 80 guineas a year". The two eldest daughters, Catherine Sarah and Maria "go to Day School, of a morning only with Mrs. Rose a respectable woman but not calculated to educate girls in so advantageous a way as many of our governantes in Engd".¹³⁶

Before leaving the Cape, Ebden sold his "household furniture, plate, books, horses, carriages".¹³⁷ His property situated at 28 Heerengracht (now Adderley Street) was sold to the Cape Town merchant, James Hutton.¹³⁸ He also sold a piece of land in the Keizersgracht (now Darling Street) to Edward Durham, builder of the Commercial Exchange building.¹³⁹ After exactly thirteen

135 Minutes of Miscellaneous Notarial Deeds, J.S. Merrington, 30.6.1819, NCD 39/10, No. 1530.

136 Eaton, Journal, 27.9.1818.

137 Cape Town Gazette and African Advertiser, 13.2.1819: Advertisement.

138 Ebden - Cole, 18.10.1830, CO 3947, No. 61.

139 Ebden - Bourke, 24.4.1826, CO 3931, No. 201.

years' residence at the Cape, Ebdon and his family sailed from Simon's Bay on 4 August 1819, aboard his own ship, the Partridge.¹⁴⁰ During these thirteen years, he had become a wealthy man. His determination, business acumen, preparedness to take risks and to seize every available opportunity, had been amply remunerated. So far as the colony itself was concerned, he had made a substantial contribution to the promotion of its trade.

140 M. Kuttel, 'Some old Duckett letters', Africana Notes and News, March 1963, p. 204.

CHAPTER 2

PIONEER OF PRIVATE BANKING, 1815 - 1837

Banking was a government monopoly at the Cape from 1792 to 1837. In July 1792 Commissioners-General Sebastiaan Cornelis Nederburgh and Simon Hendrik Frykenius arrived at the Cape with powers to establish the administration in the simplest and most inexpensive manner and to devise means for increasing the revenue. To remedy the pressing inconvenience from the want of a circulating medium, the commissioners established the Lombard or Loan Bank in March 1793, financing it with paper money. The bank was authorised to lend money at five per cent on mortgage of houses and lands, gold, silver, jewels and merchandise. By bringing more paper money into circulation, it was hoped that trading activities would resume among the colonists.¹

By 1807 the dangers of government banking were evident. The administration of the Lombard Bank proved to be defective, the renewal of loans being the rule rather than the exception and the repayment of loans not being insisted upon when due. In December 1807 Caledon appointed a committee to investigate the affairs of the bank and on its recommendations, the Lombard Discount Bank, generally referred to as the Government Discount Bank, was established on 12 August 1808, as a branch of the Lombard Bank. The main function of the new branch

1 E.H.D. Arndt, Banking and Currency Development in South Africa, 1652-1927 (Cape Town, 1928), pp. 197, 164-165.

was the discounting of bills at short periods and the receipt of deposits from the public.²

In April 1814 Somerset arrived at the Cape, and after scarcely two months he altered the system of the Lombard Bank by stopping the payment of interest on deposits which he maintained would reduce the expenditure of the bank. Resulting from this change, discounts diminished, being procured with greater difficulty owing to the gradual withdrawal of fixed deposits.³

The governor's restrictive measures coupled with the expansion of trade and commerce were factors which gave rise to an attempt made in 1815 to establish a commercial bank at the Cape by a group of leading merchants. In February Ebdon and twenty-two other Cape Town merchants forwarded a memorial to Somerset in which they informed him of their difficulties in the conducting of commercial transactions "for the want of the adequate means of converting their securities into cash". They requested the governor to grant them a charter of incorporation for the establishment of a commercial bank to be named the South African Commercial Bank. The capital of the bank was to be Rds. 500,000, raised by subscription of 500 shares at Rds. 1,000 each, payable by instalment. It was envisaged that the proposed bank would issue notes not exceeding the extent of three-fifths

2 ibid., p. 172; Swart, 'Developments in Currency', pp. 83-90.

3 Arndt, Banking, pp. 185-186; A Civil Servant of the Colony (W.W. Bird), State of the Cape of Good Hope in 1822 (London, 1823), p. 35.

of the capital paid up, being payable on demand in the paper currency of the colonial government. Provision would also be made for the public and proprietors of the bank to tender bills for discount and to keep cash accounts. The establishment of a bank of this nature at Mauritius with the sanction of the British government encouraged the merchants to make the request.⁴ Somerset consulted the chief justice of the colony, Sir J.A. Truter, who advised him that it was not in the power of the colonial government to issue the required charter, the sanctioning of such an enterprise being vested in the King.⁵ Somerset informed Ebdon and the other petitioners that he would not recommend the British government "to sanction the formation of an Establishment upon the regulations and conditions" contained in the bank's prospectus.⁶

No material alterations were made in the system of management of the Lombard Bank after 1814. The Commissioners of Inquiry sent to the Cape in 1825 by the British government observed several defects in the administration of the bank. The same laxity which had existed in 1807 prevailed. Periods of loans were exceeded, further loans were obtained while parties were in arrears of former advances and loans larger than the amount authorised were granted.⁷

4 Amyot, Ebdon, etc. - Somerset, 6.2.1815, CO 3903, No. 48.

5 Bird - Truter, 11.2.1815, CO 4837, p. 233; Truter - Bird, 23.2.1815, CO 71, No. 15.

6 Register of Memorials Received, 6.3.1815, CO 4317, No. 48.

7 Arndt, Banking, pp. 191-192.

In 1825 when conditions at the Cape were at their worst, Ebden proposed the establishment of a joint-stock bank "as a measure well calculated to advance its commercial and agricultural prosperity" and "as the best means of restoring public credit, and of placing its finances on a sure and solid foundation".⁸ Ebden was in England at the time and although intent on obtaining permission from the authorities for the establishment of the proposed bank, he also brought to the attention of the treasury officials his views and convictions on the Cape currency at a period when the British government was deliberating on certain currency reforms to be effected in the several British colonies.

In January 1825 Ebden addressed a memorial to the secretary of state, Earl Bathurst, stating that together with several capitalists and others connected with the Cape, he had conceived a plan for establishing a joint-stock banking company. It was proposed that a capital of £600,000 be subscribed in shares of £50 each, which Ebden argued would be sufficient security for the government and the public. As an additional security, it was proposed to invest a portion of the capital in public funds in the names of trustees to be appointed and approved of for that purpose. He also pointed out that if it was assumed that the government stood pledged to redeem the paper money at 4s 0d sterling per rix-dollar, such a redemption would afford the only means

8 J.B. Ebden, Copies of correspondence, &c. relating to the currency of the Cape of Good Hope, and the establishment of a bank in that Colony (Cape Town, 1825), p. 111 (S.A.L., AC 332-4 EBD).

of re-establishing the currency on a solid and permanent basis. The value of the paper currency was about one-third of that at which it was originally issued (in 1806 a rixdollar was valued at 4s 0d and in 1824 at 1s 5½d) and "this alarming state of the currency is an evil of the utmost magnitude, and threatens, unless some effectual and immediate check be opposed to its growing influence, destruction to the best interests of the Colony".

Ebden explained how his proposed banking company could assist the government to redeem the paper currency on a favourable basis for the colonists. He reasoned that if the amount of paper money in circulation at the Cape totalled Rds. 3,000,000, the sterling sum for which the government was responsible to the public was £600,000. Although advocating the 'redemption of the rixdollar at its original value, Ebden admitted that in the light of the progressive depreciation of the rix-dollar, he considered it inexpedient in the interests of the government and the public to redeem the paper currency at its full issued value of 4s 0d per rixdollar. He stated that the sterling value affixed to the rix-dollar should be left to experts, but fixing it at a value of 2s 0d for purposes of his calculations, he proposed that the Cape government should issue debentures at the rate of 2s 0d for the whole amount in circulation which totalled £300,000, bearing interest at five per cent per annum, being mindful to draw Bathurst's attention to the fact that the legal interest of the colony

was six per cent. The debentures, payable out of the colonial revenue either in England or at the Cape by contract with the proposed banking company, would be exchanged for the notes of the bank payable in gold at the rate of 2s 0d per rixdollar. Through the medium of the proposed bank, the government, according to the views held by Ebden, would "be enabled to fulfil its engagements with the public at an easy rate; and the currency of the Colony by having attached to it a fixed and determinate value, be thereby placed on a safe and solid foundation". Ebden requested the royal assent to the formation of the joint-stock banking company and at the same time asked Bathurst to give his support to an application made to parliament for the bank's incorporation.⁹

In a statement enclosed in a letter to J.C. Herries of the treasury, Ebden explained how his scheme submitted to Bathurst would operate. If debentures amounting to £300,000 at four per cent,¹⁰ and redeemable at the expiration of twenty-one years, were issued, the annual charge upon the colony's revenue would be £12,000. To meet this charge, Ebden proposed that the interest on the mortgage bonds in possession of the Loan Bank could be appropriated to that purpose. From the official returns, the annual interest derived from these bonds on an average of three years was Rds. 125,000 which, calculated at 2s 0d per rixdollar, amounted to £12,500,

⁹ Ebden - Bathurst, 18.1.1825, *ibid.*, pp. 7-9.

¹⁰ Ebden's motive for adopting four per cent instead of five per cent, as originally proposed to Bathurst, was to make the scheme more attractive for the Colonial government.

leaving a surplus of £500. In addition to this surplus there would be a saving to the colonial government of the expense of the Loan and Discount Banks, which exceeded Rds. 21,000 per annum "as those establishments, which have hitherto proved only a burthen on the public, would be superseded by the Bank".¹¹

Shortly after having petitioned Bathurst, Ebden became aware of steps about to be taken by the treasury to fix the rixdollar at its lowest value of 1s 6d. Considering that this fixing was unfair to the colonists, Ebden addressed three letters to Herries in which he expressed his concern for the different interests of the colony if the rixdollar should be fixed at its lowest point of depreciation.¹² Being a practical man, Ebden was not only content to express his disapproval of the treasury's decision but he also defined the causes of the depreciation and formulated a means by which a gradual improvement in the currency could be effected. He attributed the devaluation of the paper currency to three distinct causes. Firstly, the continuous issuing of new paper money; secondly, the payment of the governor and civil servants out of the colonial treasury in sterling which amounted to approximately £25,000 per annum, being about one-eighth of the whole paper money in circulation; and thirdly, the payment of the troops in currency in lieu of specie. Ebden recommended that no further issues of paper money be made, that the salaries

11 Statement (Enclosure with Ebden - Herries, 24.2.1825), Ebden, Copies of Correspondence, pp. 34-35.

12 Ebden - Herries, 18.2.1825, ibid., pp. 5-6; 21.2.1825, ibid., pp. 29-31; 24.2.1825, ibid., pp. 31-34.

of the governor and civil servants be paid in specie sent from England for that purpose but being chargeable upon the colonial revenue, an equivalent value of six-dollars be placed at the disposal of the commissary-general for redemption at the exchange rate of the day. Finally, he suggested that the troops be paid in specie sent from England, the commissary-general being authorised to grant bills for the same on terms which would prevent the specie from being exported. He pointed out, however, that "the best and least exceptional mode" of redeeming the paper currency would be through the medium of his proposed joint-stock banking company.¹³

Ebden also presented a second memorial to Bathurst on the establishment of a joint-stock bank under a royal charter. He drew attention to the views held by a former colonial secretary at the Cape, Henry Alexander, who had expressed the opinion that a bank such as was under consideration was "the best means of promoting the public interests".¹⁴ Ebden was advised that the Lords of the Treasury had decided not to recommend for royal assent the granting of any exclusive privileges to the proposed bank and still less the granting of any exemption from individual responsibility.¹⁵ Ebden responded to this decision by informing Herries that those interested in the undertaking had hoped for similar encouragement and support to that given to the Bank of Montreal, which had been established by royal charter. He admitted that monopolies might generally be deprecated but, owing to

13 Ebden - Herries, 24.2.1825, *ibid.*, pp. 31-34.

14 Ebden - Bathurst, 16.2.1825, *ibid.*, pp. 26-27.

15 Harrison - Ebden, 14.3.1825, *ibid.*, pp. 37-38.

the peculiar circumstances of the Cape, the privileges and exemptions requested were necessary. To proceed with his scheme, Ebden enquired of the treasury how far the government would favour the undertaking by its sanction and support. He requested information on the future legal currency of the colony; whether the British government would issue an order to the Cape colonial government directing the notes of the proposed bank to be received in payment of the colonial revenue, such notes being convertible, if required, either into the currency of the colony or into sterling by bills of exchange on the banking company in London. Finally, he wished to know whether the colonial government had been restricted from further issues of paper money.¹⁶

In reply to his queries, Ebden was informed that a quantity of silver and copper had been shipped to the Cape and that an order-in-council had been issued fixing the value of the rixdollar at 1s 6d. The Lords of the Treasury felt it was premature to make any definite decision on the second query until the proposed bank had been established. Concerning the third query, Ebden was informed that no distinct pledge could be given, but no immediate intention of authorising a renewed issue of paper money was under consideration.¹⁷

On 31 March, a month previous to the treasury's reply to Ebden's queries, a meeting attended by Ebden and twelve others was held in London to consider the advisability of establishing a bank at the Cape. It was

16 Ebden - Herries, 21.3.1825, ibid., pp. 38-39.

17 Herries - Ebden, 30.4.1825, ibid., pp. 42-43.

resolved first to ascertain unequivocally the intentions of the British government on the currency of the colony and their views on the proposed bank. A deputation consisting of five members which included Ebden was appointed to confer with the prime minister, Lord Liverpool, and other relevant ministers.¹⁸ The deputation achieved nothing constructive, since the ministers declined to give any specific pledge on the subject until the report of the Commissioners of Inquiry at the Cape had been received.

Ebden considered the reply from the treasury, received after the meeting with the ministers, as being sufficient encouragement to continue arrangements for the establishment of the proposed bank.¹⁹ He compiled a paper which was submitted to the following meeting of those interested in the banking company. Maintaining that the currency of the colony would be rapidly superseded by the issue of the bank, Ebden estimated that a capital of £500,000 might be acquired including cash deposits to be used for loans at interest on real and other property and on the discount of bills. He foresaw possible opposition, warning that the colonial government might refuse to receive the notes of the bank, but he was optimistic that this state of affairs would not continue over a long period of time.²⁰ In March Ebden presented a petition to the House of Commons, giving notice that he and several other persons had agreed to

18 Minutes of meeting, 31.3.1825, *ibid.*, pp. 40-41.

19 Report of deputation, *ibid.*, p. 41.

20 'Remarks', *ibid.*, pp. 44-47.

form themselves into a banking company to be established at the Cape under the name of Cape of Good Hope Bank. The respective parties had agreed to advance considerable sums of money as the capital of the company. As a precautionary measure calculated in the interests of the proposed company, Ebden requested permission to bring in a bill to enable the company to sue and be sued in the name of their secretary. The leave was granted and the bill brought in accordingly.²¹

In the midst of agitating for the establishment of a bank and protesting against the currency question, Ebden was one of the founder members of the Cape of Good Hope Trade Society established in London on 2 March 1825. The society comprised merchants, shipowners, manufacturers and others interested in the trade to the Cape, and was formed to promote the general interests of trade between Great Britain and the Cape.²² At a meeting of the society on 6 April which was not attended by Ebden, Abraham Borradaile, the chairman, broached the subject of the bill for the establishment of a banking company at the Cape. It appeared to the members that Ebden was "unwilling or at least delaying to communicate some satisfactory information" on his banking scheme. Wishing to know what the objectives of the company were that they would be able to oppose the bill if their interests at the Cape were interfered with, Borradaile informed the members that he would interview Ebden. He had already communicated with R.W. Horton, under secretary of state,

21 Ebden - Commons, March 1825, ibid., p. 51.

22 Minutes, 2.3.1825, CC 119, p. 1.

and T.P. Courtenay, agent for the colony, on the matter.²³

The members of the society were apprehensive of the enterprise and the power which might be wielded by the parties concerned, few of whom, it was asserted, were interested in the welfare of the colony.²⁴

On 8 April Ebdén attended a meeting of the society, after having had a private interview with Borradaile the previous day. He was indignant that the society should wish to enquire into his private affairs and to write to the under secretary of state without his knowledge, especially in the light of the rôle he had played in the formation of the society and its exertions on the wine duty question. Borradaile explained that it had been feared that the proposed bank, having an extensive capital and, for all the society knew, important privileges, might have influenced the paper currency of the colony and the exchange rate with Britain. The society had regarded the establishment of the bank not as a private matter "but a public question of great moment to every one connected with the Cape". Ebdén produced a printed copy of the bill and explained its provisions. The bank was to be conducted on sound financial principles, being supported by a metallic currency. Contrary to the views expressed by Borradaile in his letters to Horton and Courtenay, the parties from among whom the directors of the bank would be appointed were of the highest respectability, including several bankers and directors of

23 Minutes, 6.4.1825, CC 119, pp. 75-76.

24 Borradaile - Horton, 4.4.1825; Borradaile - Courtenay, 4.4.1825, CC 119, pp. 77-79.

the East India Company. Ebden assured the members of the society that no anxiety need be entertained about the supposed interference of the proposed bank with the paper currency of the colony, since its notes would be backed by sterling. Ebden read extracts of letters from Henry Alexander and from Sir Jahleel Brenton, former naval commissioner at Simonstown, who both approved of a joint-stock bank at the Cape. After much deliberation, a resolution was unanimously passed, approving of the establishment of a bank at the Cape without any exclusive privileges and based on a metallic currency as a means of advancing commercial and agricultural interests in the colony. It was agreed that the society would give the bill passing through parliament its support.²⁵ The bill was read a first time on 30 March 1825 and was ordered for a second reading, but it was not read again.²⁶

Previous to his return to the Cape in October 1825 Ebden, undeterred by initial set-backs, had made the necessary arrangements for the establishment of a bank in the colony. He was confident that public and government support would be obtained for the bank on grounds of "the soundness of the principles on which it will be founded and upon the mode in which its transactions will be conducted".²⁷ A month after his arrival back in the colony, a leading article in the South African Commercial Advertiser advocated the founding of a joint-stock banking company at the Cape. The article re-echoed

25 Minutes, 8.4.1825, CC 119, pp. 81-86.

26 Arndt, Banking, p. 203.

27 Ebden, Copies, p. iv.

Ebden's continual appeals to the Colonial Office while in London - "The necessities of the Colony require it, - public opinion is clearly in favour of it".²⁸ The banking company proposed by Ebden in London fitted the description of the required institution but, as George Thompson, a Cape Town merchant, remarked: "it is to be lamented that such an accession of capital as would have flowed into the Colony" by the raising of shares in England and at the Cape "has been withheld from it by the want of success in England".²⁹

To give a background study to his further banking schemes Ebden, on his arrival in the Cape, published all the correspondence he had conducted in England on the establishment of a joint-stock bank. He forwarded the pamphlet, Copies of Correspondence, to Somerset and indicated his intention to found a bank in the colony to be known as the Cape of Good Hope Bank. A quantity of gold and silver had already been imported for the use of the bank. Ebden assured the governor that the transactions of the bank would be confined to the regular and legitimate objects of bankers in general and would be conducted separately from any other business in which he was engaged. He enclosed specimens of promissory cash notes intended for circulation which had been made at great expense to counter forgery. Contending that the convertibility of notes at the will of the holder was

28 South African Commercial Advertiser, 30.11.1825:
Leading article.

29 G. Thompson, Travels and Adventures in Southern Africa,
(Van Riebeeck Society, No. 49, Cape Town, 1968), p. 161.

the best and most effectual security that could be offered to the public, Ebden was, however, prepared to offer further security if so required by the government. Once the necessary securities had been submitted, Ebden requested the governor to issue an order to the executive authorities throughout the colony, directing the notes of the proposed bank to be received in payment of the public contributions, such notes being at all times convertible, if required, into the currency of the colony.³⁰

Ebden next had a personal interview with Somerset, and wrote to the colonial secretary, Sir Richard Plasket, stating his preparedness to pay immediately into the colonial treasury or the Discount Bank the sum of Rds. 50,000 or any other sum of money required by the government on which he would receive interest, being held as a security for the transactions of the bank. Departing from his original suggestion to Somerset that the notes of the bank be received in payment of general revenue, he now proposed that the exchange of notes be confined to the Departments of Customs, Inland Customs, the Vendue Office and the Discount Bank, affording an effective check on the issues of the proposed bank. Planning to open the bank on 1 January 1826, he requested that the required instructions be issued to the relevant departments.³¹ Unlike his former banking scheme which was based on a joint-stock basis, this new scheme was dependent on Ebden's own security, falling into the

30 Ebden - Somerset, 6.12.1825, CO 3929, No. 639½.

31 Ebden - Plasket, 19.12.1825, CO 235, No. 292.

category of a private bank.

On 24 December Ebden's request was laid before the Council of Advice by the governor. No instructions having been received from the Lords of the Treasury who were fully informed of Ebden's scheme, Somerset queried the expediency of permitting the establishment of a private bank. Being aware that the proposed bank would be inoperative if he refused to grant permission for the public offices to receive the notes of the bank, the governor suggested, for the consideration of the council, that there would be no danger of any loss to the government if those departments only which deposited daily in the Discount Bank, were allowed to receive these notes. The Discount Bank could always exchange the notes as soon as the amount of the security deposited by Ebden in that bank had been exceeded. In the interests of commerce it was decided to forward Ebden's application to the chairman of the Commercial Exchange for report.³²

Ebden was duly invited to attend a meeting of the mercantile body on 27 December to explain his proposed banking scheme. He conferred with the members for two hours.³³ Not content with verbal communication and determined to obviate misunderstanding of his proposals, Ebden wrote to Stephen Twycross, chairman of the committee of the Commercial Exchange, on 28 December, supplying details of his plans and referring the chairman to the Copies of Correspondence. He regretted the failure of his attempt to establish a joint-stock bank

32 Theal, Records, XXIV (Minutes of Council, 24.12.1825), pp. 341-342.
33 Minutes, 27.12.1825, CC 2, p. 101.

but expressed the wish to work towards the commercial interests of the colony and to co-operate with the mercantile community "whose confidence it will be my endeavour to attain by every means in my power". On the principle of the Scottish banks, he intended to allow interest on deposits and to grant discounts at the legal interest of the colony. Calculated to influence the decision of the Commercial Exchange in the required direction, Ebden referred to the resolution unanimously adopted at a meeting of the Cape of Good Hope Trade Society held in London on 8 April 1825, approving of his banking scheme. To allay any fear of a control over the issue of his promissory notes, Ebden pointed out that the government would have the power to enact regulations for the exchange of the bank's notes through the medium of the Discount Bank.

Determined that his banking scheme should succeed, Ebden addressed a second letter to Twycross on 28 December, requesting a general meeting of the Commercial Exchange to be called at which the opinion of the public on his scheme could be obtained. If his plans were opposed he would "be exposed to serious loss and inconvenience" and the public would be deprived of a much needed institution. He could not contemplate any objections from the government "unless, from mistaken views, the measure should meet with opposition from a quarter least expected". He sought no exclusive privileges which were not equally open to every other individual in the colony, arguing that every man could employ his capital and credit in business in the way he thought

proper.³⁴

Ebden failed to convince the mercantile body of the acceptability of his banking scheme. Twycross communicated to D.M. Percival, clerk of the Council of Advice, rejecting the banking scheme. The reason advanced was that the only security for the proposed bank rested on Ebden's firm and that the issue of his notes would be limited by the willingness of the public to receive them. The commercial establishment considered that, in the light of the depreciated state of the colony's paper currency, they could not recommend the issue of private paper money.³⁵ On 3 January 1826 the report of the committee of the Commercial Exchange was laid before the Council of Advice and a decision taken that the government would not interfere in the establishment of the proposed bank. If Ebden successfully established the bank upon his own credit, making his notes pass current generally in the colony, the council considered that the government should authorise, as an accommodation to the public, the acceptance of his notes by certain departments to an amount equal to the sum deposited in the Discount Bank as a security to the government, which sum was not to exceed £2,000.³⁶

Encouraged by the apparently sympathetic attitude of the government, Ebden submitted a draft of the prospectus of the Cape of Good Hope Bank to Somerset.³⁷

34 Ebden - Twycross, 28.12.1825, (P.R.O.) CO 414/7, Appendix, p. 406.

35 Twycross - Percival, 31.12.1825, (P.R.O.) CO 414/7, Appendix, pp. 408-409.

36 Theal, Records, XXIX (Minutes of Council, 3.1.1826), p. 225.

37 Ebden - Somerset, 14.1.1826, CO 293, No. 15.

The governor replied that he had no objection to Ebden annexing to the prospectus a copy of the council's resolution on the establishment of the proposed bank, but he warned that no partial extract was to be made. He, however, objected strongly to the assertion made in the prospectus that the bank was to be established under the sanction of the government, reminding Ebden that the council's resolution expressly declared that the government would not interfere in any way with the establishment of the bank.³⁸

The prospectus was finally published in the local press on 1 February, the phrase "established under the sanction of government" being omitted. The proprietors of the bank which had a capital of £50,000 were Frederick Korsten, a pioneer businessman, and Ebden, who was also the managing director. R.W. Eaton was the cashier and Messrs. Williams, Williams, Burgess and Williams, bankers of Birch Lane, London, were the bank's agents. The prospectus explained that as by law, banks consisting of more than six partners were not permitted to issue notes payable on demand and could not be lawfully established, the capital of £50,000 would be raised in six equal shares. On the attainment of an act of parliament or royal charter sanctioning the formation of a joint-stock banking company, the proprietors intended to divide the capital stock, which could also be augmented, into shares of £100 or £50 for purchase by the public. Until such time as sanction for the

38 Plasket - Ebden, 16.1.1826, CO 4854, p. 370.

establishment of a joint-stock bank had been obtained, the Cape of Good Hope Bank would be conducted as a private bank. The bank was to open at 28 Heerengracht (also the residential address of Ebden). Convinced that sanction for the establishment of a joint-stock banking company would eventually be obtained, the public were informed that applications for shares of £50 would be received at the bank but no call would be made upon the subscribers until an act of parliament or royal charter had been acquired.³⁹

Aware of the importance of having the promissory notes of the Cape of Good Hope Bank accepted, Ebden wrote to the colonial secretary enclosing a mortgage bond for £2000 which was the first mortgage on some valuable estates situated in the district of Uitenhage, and which belonged to Korsten. The mortgage bond was to be deposited in the Discount Bank as a security in fulfilment of the requirements expressed in the resolution of the council. In view of the security given, Ebden requested the governor to authorise the Lombard and Discount Banks to receive the notes of his proposed bank.⁴⁰ On 14 February Ebden's letter was laid before the Council of Advice when it was resolved that the request was premature, since the resolution passed on 3 January had implicitly stated that only after the successful establishment of the bank upon Ebden's own credit and the general circulation of the notes, would

39 South African Commercial Advertiser, 1.2.1826: Cape of Good Hope Bank.

40 Ebden - Plasket, 11.2.1826, CO 293, No. 47.

authority be given for certain departments to receive such notes. The request would only be considered after the bank had opened.⁴¹

Ebden went ahead with his plans and on 1 March South Africa's first private bank opened.⁴² Government opposition, of which Ebden had given warning in his pamphlet, was experienced immediately after the bank had commenced operations. On 1 March Ebden wrote to the president of the Lombard and Discount Banks requesting that as a facility to the holders, promissory cash notes of the Cape of Good Hope Bank, presented at the Discount Bank, be paid in the same manner as "our checks against the balance of ours in your hands". Ebden was, however, prepared to enter into any other arrangement considered more convenient by the president and directors of the government bank for the regular exchange of his promissory cash notes. He also referred to the £2000 mortgage bond of Korsten which he wished to deposit in the bank in furtherance of the resolution of the council.⁴³ In reply, Ebden was informed that the president, having received no communication from the government on the Cape of Good Hope Bank, the request to exchange promissory cash notes could not be acceded to nor the mortgage bond accepted.⁴⁴

41 Theal, Records, XXIX (Minutes of Council, 14.2.1826), pp. 251-252; Plasket - Ebden, 16.2.1826, CO 4854, pp. 481-482.

42 South African Chronicle and Mercantile Advertiser, 21.2.1826: Cape of Good Hope Bank.

43 Ebden & Co. - President and Directors of the Lombard and Discount Banks, 1.3.1826 (Enclosure with Ebden & Co. - Plasket, 3.3.1826), CO 293, No. 71.

44 Extract from the minute of the 2nd March 1826 and Decision (Enclosure with Ebden & Co. - Plasket, 3.3.1826), CO 293, No. 71.

Considering the refusal of the government bank to exchange the promissory cash notes for cash or securities deposited in the bank as being "so much at variance with the practice of Bankers in general", Ebden forwarded the correspondence with the president to the colonial secretary, together with a request for an interview to rectify a situation which was causing the public and the proprietors of the newly established bank a great deal of "inconvenience and difficulties which threaten to arrest the progress and operations of any private bank whatever".⁴⁵ Ebden was advised that the lieutenant-governor was not prepared to grant any exclusive privileges to him by sanctioning the government bank to receive the promissory cash notes on account of his cash balance in that bank. He was reminded of the resolution of the Council of Advice which specified that under certain circumstances only would his notes be accepted by the government departments.⁴⁶

The decision taken by the lieutenant-governor, Richard Bourke, terminated the operations of Ebden's private bank. On informing the colonial secretary of the failure of his banking scheme, Ebden outlined the extent of the difficulties with which he had been forced to contend. His notes found no circulation in the country districts once word had spread that such notes would not be received or paid by the Discount Bank. Ebden referred to correspondence which he had had with the Lords of the Treasury in April 1825, respecting the acceptance by the

45 Ebden & Co. - Plasket, 3.3.1826, CO 293, No. 71.

46 Plasket - Ebden & Co., 9.3.1826, CO 4884, pp. 15-16.

government of a private bank's promissory notes as being dependent on the transactions of the relevant bank and the circumstances of the time. To prove that the requirement had been satisfied, Ebden stated that the Cape of Good Hope Bank had been established in accordance with the principles advanced by leading financiers of the time and in the short period of its existence had "offered considerable accommodation by way of Discounts to many of our substantial farmers, and other respectable inhabitants of the Colony". The bank's promissory notes had been received in the interior of the colony in payment of various taxes but in the face of this limited achievement, the promissory notes had generally been rejected on account of the refusal by the Discount Bank to receive the notes. Ebden maintained that he had been led to believe that the colonial government was prepared to render "every reasonable facility" to enable the banking scheme to succeed. He requested Bourke to reconsider his decision and offered to extend the security deposited in the Discount Bank from £2000 to £5000.⁴⁷ Bourke replied that, while he regretted the inconveniences to which Ebden was exposed, he saw no need for interference on the part of the government with the banking scheme other than that decided upon by the council on 3 January.⁴⁸

From a study of the correspondence which had taken place between Ebden and the Cape government, no definite pledge on the part of the government had been given, sanctioning the establishment of the private bank. The

47 Ebden & Co. - Plasket, March 1826, CO 293, No. 72.

48 Plasket - Ebden & Co., 26.3.1826, CO 4884, p. 48.

very opposite view was adopted when Somerset objected to the phrase "established under the sanction of Government" in the draft prospectus of the Cape of Good Hope Bank. Ebden might have been given the impression that the government was willing to co-operate from a private interview in December 1825 with Somerset and Plasket, who was personally known to be averse to government control of banking.⁴⁹ On the other hand, Ebden, who had an exceptionally strong and forceful personality and who was accustomed to persistent protest as a means of obtaining his ends, might have over-estimated his ability to persuade the government to give its support to his bank. In all probability, both these factors contributed towards Ebden's confidence that his bank would receive the support of the government.

The resolution adopted by the Council of Advice, whereby the bank had first to be established and its promissory notes generally circulated before authority would be granted to government departments to accept such notes, was a stalling tactic employed by the government until a reply had been received from the secretary of state on the establishment of the Cape of Good Hope Bank upon a joint-stock basis. In February Somerset forwarded a copy of Ebden's application together with the proceedings of the council on the application to Bathurst.⁵⁰ In reply, Bathurst informed Bourke who, in the meanwhile, had succeeded Somerset, that he proposed discussing the formation of Ebden's bank with the Lords of the Treasury

49 Arndt, Banking, p. 218.

50 Somerset - Bathurst, 10.2.1826, GH 23/7, No. 265, p. 391.

and until further orders were issued, Bourke was to withhold any pledges which would facilitate the circulation of the notes of any private banking company.⁵¹ Bourke was subsequently informed that the Lords of the Treasury, after having considered Ebden's application, had come to the same conclusion as the council that the government should not accept the notes of any private bank until "such Bank shall be opened and shall have established itself in the confidence of the Community by its private dealings".⁵² Six months previous to Bourke receiving this decision, Ebden had been forced to close his bank owing to lack of government support.

At the same time as Ebden was initiating the establishment of a private bank, a number of leading Cape Town residents were proposing the formation of a joint-stock banking company. The bank, to be known as the Bank of South Africa, was to have a capital of £50,000 in shares of £25 each. The services intended to be rendered by this bank, according to the prospectus, were essentially the same as those offered in the prospectus of Ebden's private Cape of Good Hope Bank.⁵³ On 15 February 1826 a public meeting was held to discuss the establishment of the bank as proposed in the published prospectus. A committee of seventy-eight members was formed to present a memorial to the governor, requesting permission to establish the joint-stock bank. Both Ebden and Korsten,

51 Bathurst - Somerset, 1.8.1826, GH 1/56, No. 292, pp. 13-15.

52 Hill - Hay, 25.8.1826 (Enclosure with Bathurst - Bourke, 22.9.1826), GH 1/57, No. 307, p. 22.

53 Cape of Good Hope Government Gazette, 3.2.1826: Joint Stock Banking Company.

owners of the Cape of Good Hope Bank, were elected at the public meeting to serve on the committee.⁵⁴ The Bank of South Africa did not materialise, since the government demanded that each shareholder be liable to the full extent of the bank's transactions. This principle being unacceptable to the shareholders, the plan was abandoned.⁵⁵ The colonial revenue had for some time been running low and for several years the deficiency was only met by having recourse to the Lombard Bank. The authorities had prevented the establishment of private or joint-stock banks in the interests of protecting the monopoly of the Lombard Bank.⁵⁶ This bank continued without a rival until 1837.

In 1830 Ebdon became associated with the formation of a savings bank at the Cape which was independent of the government. The prime mover behind the establishment of this bank, which became known as the Cape of Good Hope Savings Bank, was John Marshall, president of the Lombard and Discount Banks.⁵⁷ On 22 November a public meeting was held at which it was agreed that a savings bank be established in the colony for receiving deposits from benevolent and charitable societies, tradesmen, mechanics, labourers, servants, children and others. It was also decided that the governor be requested to pass an ordinance sanctioning and confirming the plan agreed upon. At the meeting, Ebdon was elected

54 South African Chronicle and Mercantile Advertiser, 21.2.1826: Joint Stock Company Bank.

55 South African Commercial Advertiser, 15.3.1826: Joint Stock Bank.

56 Arndt, Banking, p. 218.

57 ibid., p. 489.

one of the ten trustees of the proposed savings bank.⁵⁸ The governor, Sir G. Lowry Cole, granted the required permission and on 8 June 1831 an ordinance was passed for establishing and regulating a savings bank.⁵⁹ The Cape of Good Hope Savings Bank opened on 25 June.⁶⁰ In terms of the ordinance issued, Ebden was elected one of the ten directors of the newly formed bank, 1831 - 1832, being elected one of the five vice-presidents for the period 1833 - 1849.⁶¹

After the failure of his banking scheme, Ebden as a leading merchant was connected with every possible organisation at the Cape. In May 1833 he was elected to the committee of the Commercial Exchange, being elected chairman for the period May 1834 - April 1836, and in February 1834 he was appointed by the governor as one of the first unofficial members of the newly constituted Legislative Council.⁶² He was now ideally positioned to exert pressure on the authorities for the establishment of a joint-stock bank. In the annual report of the committee of the Commercial Exchange for the period May 1833 - April 1834, mention was made of the numerous bankruptcies which had occurred among the

58 South African Commercial Advertiser, 24.11.1830: Savings Bank.

59 Cape of Good Hope Government Gazette, 10.6.1831: Ordinance No. 86, 8.6.1831.

60 Report of the Committee of Management of the Cape of Good Hope Savings Bank Society (Cape Town, 1832), p. 5 (S.A.L., AC 332.1 CAP).

61 South African Almanac and Directory, 1832-1836; Cape of Good Hope Almanack and Directory, 1837-1839; Cape of Good Hope Almanack and Annual Register, 1840-1850.

62 Minutes, 28.5.1833, 5.5.1834, 4.5.1835, CC 3, pp. 2, 58, 98; Commissions Given, 6.2.1834, LCA 1, p. 47.

trading community during the year under review. The committee maintained that the cause of the problem lay with the Government Discount Bank which was not equipped to meet the requirements arising from the increase in the commercial transactions of the colony.⁶³ While negating the principle of government banking, Ebdon and the other committee members made a concerted effort to improve the general management of the Discount Bank. In June 1834 Ebdon, on behalf of the committee, addressed the governor on the proposed reduction of staff of the Discount Bank and advocated the introduction of certain banking practices similar to those adopted by banks in England.⁶⁴ Although several of the recommendations "were promptly and cordially" adopted by the president and directors of the government bank, there was still a need for better banking facilities at the Cape.⁶⁵

In 1833 a company was established in England which applied for a charter for banking in Australia and South Africa.⁶⁶ The Cape of Good Hope Trade Society in London, having become aware of this scheme and not wishing the business of banking at the Cape to be controlled by persons unconnected with the colony, informed the treasury of the society's intention of co-operating with the inhabitants of the Cape to form a joint-stock banking company, and requested the withholding of a charter from any other banking company.⁶⁷ The society reported upon its proceedings to the committee of the Commercial Exchange and

63 Annual Report, 30.4.1834, CC 3, pp. 53-54.

64 Ebdon - Brink, June 1834, CO 386, No. 44.

65 Annual Report, 30.4.1835, CC 3, pp. 91-92.

66 Arndt, Banking, p. 220.

67 Annual Report, 25.4.1836, CC 3, pp. 126-127.

forwarded a prospectus of a bank to be established at the Cape. The committee reacted favourably to the society's proposals, only objecting to the raising of a part of the capital in England; it was considered that there was sufficient capital in the colony.

Ebden and two other committee members, H.W. Watson and G.W. Prince, were appointed as a sub-committee to draft a prospectus for a joint-stock bank.⁶⁸ The draft prospectus was approved by the committee and once printed, the public was informed that a joint-stock colonial bank was to be established at the Cape and applications for shares were called for.⁶⁹ The bank, known as the Cape of Good Hope Bank, was to be incorporated by a local ordinance and the capital of £75,000 was to be subscribed in shares of £50 each. Three hundred shares were reserved for persons in England intimately connected with the Cape. Nine directors elected annually would manage the affairs of the bank.⁷⁰

After the prospectus and other announcements concerning the new bank had been issued, a polemic raged in the local press between those who were in favour of the bank and those who were opposed to its establishment. Those against argued that the circulating medium was about to be increased to five times the amount previously in circulation by the slave compensation money expected to flow into the colony. This increase would have the

68 Minutes, 29.6.1835, CC 3, pp. 101-102.

69 South African Commercial Advertiser, 3.10.1835: Proposed Joint-Stock Colonial Bank.

70 Prospectus of a Colonial Bank at the Cape of Good Hope (Cape Town, 1835), pp. 2, 4 (S.A.L., AC 332.10968 FOL/CAP).

effect of depreciating the circulating medium, diminish the interest or profit arising from employment of capital and decrease the demand for capital. Considering that the government bank yielded a profit to the colonial government, the opponents of the new bank feared that to counterbalance the deficit, the government would impose taxes while the shareholders of the new bank would be the only ones to benefit by the profits of their undertaking. Those in favour of the new bank defended their cause, contending that when the compensation money arrived in the colony, a great part of it would be employed in the improvement of the land and in public and private works which would provide opportunities for additional banking operations.⁷¹

Against this background Ebdon, on 6 April 1836, introduced into the Legislative Council a joint-stock bank bill. The bill was referred to a sub-committee which comprised William Porter, the attorney-general, C.S. Pillans and Ebdon, who was elected chairman.⁷²

After the sub-committee reported that no objections had been made to the bill, the second reading took place on 11 May, on which occasion Ebdon was the main speaker. His address centred on the advantages to be derived from the bank, to the establishment of which "he had long and anxiously devoted his attention". He attacked the viewpoint of those opposed to the bank, arguing that the more money which existed in any community the greater was the

71 South African Commercial Advertiser, 7.10.1835, 14.10.1835, 17.10.1835, 21.10.1835, 24.10.1835: Original Correspondence.

72 Minutes, 6.4.1836, 5.5.1836, LCA 1, pp. 334, 352.

need for a bank such as that under consideration. He criticised the functioning of the government bank and expressed his surprise that the public had tolerated the "evil" so long.⁷³ On 16 May the bill became an ordinance, having been unanimously passed by the council.⁷⁴

In June the governor, Sir Benjamin D'Urban, forwarded the Cape of Good Hope Bank Ordinance to the secretary of state, Lord Glenelg, who referred the relevant papers to the treasury.⁷⁵ A controversy developed between the treasury officials and the secretary of state. The former were in favour of the British government granting an act of incorporation to the bank to facilitate its transactions. They were, however, opposed to conferring any special privileges, as suggested by the Cape of Good Hope Trade Society, on the Cape of Good Hope Bank to the disadvantage of the British company which had requested a charter for the formation of a banking establishment in South Africa.⁷⁶ Glenelg was averse to British government sanction. The government bank had provided a steady revenue for the colonial government which would decline on the formation of the proposed banks. He was prepared to withdraw his objection if the treasury would recommend a vote to parliament to compensate for the deficiency likely to occur in the colonial revenue by the establishment of the proposed two banks.⁷⁷ The treasury

73 South African Commercial Advertiser, 18.5.1836: Legislative Council.

74 Minutes, 16.5.1836, LCA 1, p. 359.

75 D'Urban - Glenelg, 15.6.1836, GH 23/11, No. 34, p. 214; Stephen - Spearman, 7.10.1836 (Enclosure with Glenelg - D'Urban, 28.2.1837), GH 1/113, No. 1708, pp. 108-109.

76 Spearman - Stephen, 25.11.1836 (Enclosure with Glenelg - D'Urban, 28.2.1837), GH 1/113, No. 1708, pp. 110-115.

77 Stephen - Spearman, 6.1.1837 (Enclosure with Glenelg - D'Urban, 28.2.1837), GH 1/113, No. 1708, pp. 116-122

was not prepared to do this and decided that the ordinance would not receive royal confirmation. This decision also applied to the British banking company.⁷⁸

While the banking question was being debated in Britain, Ebden and the other directors of the Cape of Good Hope Bank became anxious at the prospects of a London banking company being granted a royal charter. "In order to prevent the field being preoccupied by strangers", Ebden requested D'Urban to publish the Cape of Good Hope Bank Ordinance to enable banking operations to commence.⁷⁹ D'Urban refused to accede to the request until the ordinance had received royal sanction. The directors, under the chairmanship of Ebden, drew up, on the basis of the ordinance, a trust deed which enabled them at any time to commence banking business. The trust deed, the first of its kind in South Africa and on which banks established subsequently are largely modelled, was adopted on 4 August 1836.⁸⁰ Ebden was officially informed of Lord Glenelg's decision against granting a royal charter to the Cape of Good Hope Bank in June 1837.⁸¹

On 1 August the bank opened for business at 28 Heerengracht, Cape Town.⁸² Thirteen years had passed since Ebden first attempted to establish the Cape of Good Hope Bank. There were many who anticipated the bank's failure

78 Spearman - Stephen, 26.1.1837 (Enclosure with Glenelg - D'Urban, 28.2.1837), GH 1/113, No. 1708, pp. 124-131.

79 Ebden - D'Urban, June 1836, CO 424, No. 58.

80 Deed of Settlement of the Cape of Good Hope Bank (Cape Town, 1837), p. 6 (S.A.L., Bound Pamphlets, S.A.B.P. 6(10)).

81 Bell - Ebden, 29.6.1837, CO 5304, p. 37.

82 South African Commercial Advertiser, 29.7.1837: Advertisement.

THE CAPE DIRECTORY ADVERTISER.

CAPE OF GOOD HOPE BANK,
28, HEEREN-GRACHT.

Directors,

The Honorable JOHN BARDWELL EBDEN, Esq. *Chairman.*
The Hon. HAMILTON ROSS, Esq.
THOMAS SUTHERLAND, Esq.
THOMAS TENNANT, Esq.
ROELOF ABRAHAM ZEEDERBERG, Esq.
HARRISON WATSON, Esq.
The Hon. CHARLES STUART PILLANS, Esq.
WILLIAM DICKSON, Esq.
ANTONIO CHIAPPINI, Esq.

The following are the leading Principles of this Establishment:—

Its large Proprietary ensures the most undeniable Security to its Customers.

Its Capital can never be diminished by Death or Retirements.

It makes a general Statement of its Affairs to its Proprietors once a Year.

It pays Interest on such Deposits as remain for a certain time.

It observes inviolable secrecy as to the Accounts of Individuals,—a Declaration, in writing, to that effect, being signed by all Persons connected with its management.

It affords every possible facility and accommodation to the Public within the bounds of prudence and caution.

It gives the Proprietor who keeps an Account with the Bank the advantage of realising a profit out of his own transactions with it.

T. CHRISTIAN, *Cashier.*

Advertisement for the Cape of Good Hope Bank
(Cape of Good Hope Annual Register, Directory
and Almanac, 1838, n.p.)

but the greatest opponent was John Marshall who, having taken personal exception to Ebden's remarks in the Legislative Council against the system of government banking, conducted a lengthy correspondence through the local press in which he set out the merits of the government bank and denounced the principle of joint-stock banking. He went so far as to accuse Ebden and the other directors of the Cape of Good Hope Bank of attempting to attract the staff of the government bank away from that institution to the new bank by the offer of higher salaries.⁸³ Contrary to Marshall's warnings, the first joint-stock bank in South Africa was successful. After five months, a clear profit of £2228 8s 6d had been made.⁸⁴ It was this bank which, together with the establishment of the South African Bank in 1838 and the Eastern Province Bank in 1839, contributed to the final closure of the government bank on 31 January 1843.

As a member of the Legislative Council, Ebden advanced the cause, needs and wishes of his bank which aspect will be discussed in a following chapter. He remained chairman of the bank until his death in September 1873. After 1882, there was a steady decline in the operations of the Cape of Good Hope Bank until its final liquidation in September 1890.⁸⁵ Ebden's endeavours in the banking

83 ibid., 21.5.1836; 25.5.1836; 28.5.1836; 10.8.1836; 31.8.1836; 3.9.1836: Original Correspondence. Correspondence appeared in all issues during the period 23.12.1837-31.1.1838.

84 ibid., 17.1.1838: Report of the Chairman and Directors of the Cape of Good Hope Bank.

85 Arndt, Banking, pp. 195-196, 290.

field are commemorated by the J.B. Ebdon Prize for an essay dealing with banking, currency and finance in relation to the economic and social development of the colony. The prize is financed by the interest from a £200 bequest which Ebdon made to the University of Cape Town.⁸⁶

86 Will, 10.4.1866, MOOC 7/1/311, No. 72.

CHAPTER 3

PROMOTER OF THE WINE TRADE, 1825 - 1848

Before Ebden's departure from the Cape in August 1819, he had led the wine growers and merchants in their protests against the agitation in Britain for a repeal of the preferential tariffs on Cape wine, instituted by the British government in June 1813. These tariffs were not altered until 1825 when a draft bill reducing the duties by approximately two-thirds on wines imported from foreign countries was introduced into the House of Commons.¹ This bill, if adopted, was expected to have far reaching adverse effects on the Cape wine trade and Ebden, a London resident at the time, played a leading part in opposing the bill on behalf of the Cape colonists. As a direct outcome of this government measure, the Cape of Good Hope Trade Society was founded on 2 March 1825 to further trade relations between the Cape and Britain. Present at the founding meeting were two well-known Cape merchants, Ebden and Daniel Dixon. Moving the first resolution, Ebden stated that material loss had been sustained by all those connected with the Cape trade through lack of co-operation. He urged co-operation to combat the government's proposal to reduce the duties on foreign wines which would ruin the export trade of Cape wine to Britain. Ebden was appointed to a committee of thirteen to manage the affairs of the society. The first task entrusted to the committee was to inform the British

1 Van Zyl, Kaapse Wyn, p. 134.

government of the loss which would follow the reduction of duties on foreign wines unless corresponding reductions were applied to Cape wines. Ebden, who was about to depart for the Cape, was requested immediately upon his arrival either to form a society at Cape Town or to urge any commercial society already formed there to communicate with the society in London on all subjects of general interest to the trade of the colony.²

On 4 March a deputation consisting of the chairman of the society, Abraham Borradaile, Ebden and two other committee members, Joseph Starkey and Dixon, met the chancellor of the exchequer to discuss the Cape wine trade. The chancellor did not commit himself, but requested certain calculations to prove the necessity of protecting the trade.³ As a leading wine merchant, Ebden was appointed by the society on 5 March to make the required calculations in the form of a petition to be submitted to the chancellor. In the petition, approved by the society on 7 March, Ebden stated that from 1811 the wine trade at the Cape had expanded due to the encouragement afforded it by both the colonial and British governments which had led to the impression that the trade would continue to be protected. Since 1814 ten million rixdollars had been invested in the industry. The cultivation of the vine and the preparation of wine were lengthy processes, and the capital laid out in 1814 had as yet not paid dividends, nor had the Cape been given the opportunity to export first grade wine. The distance between Britain and the Cape made it impossible to

2 Minutes, 2.3.1825, CC 119, pp. 1-4.

3 Report of Deputation, 4.3.1825, CC 119, p. 9.

import Cape wine into the mother country at as low a rate as that from foreign countries, and without a protective duty on Cape wine this commodity would be driven from the British market. Ebden argued that the Cape imported its manufactured goods from Britain and that this was an added incentive for the imperial government to protect the wine trade. He made a detailed comparison between wine imported into Britain from the Cape, Faial, Teneriffe and Sicily under the old protective duties and the proposed new duties. Under the old duties a pipe (110 gallons) of wine imported from the Cape cost £32 while wine imported from the foreign countries cost £57, a difference of £25 in favour of Cape wine. Under the proposed new duties Cape wines would be favoured by a difference of only £5. Since this was considered to be too small a difference, Ebden formulated a compromise, suggesting that if the import duty on foreign wines was to be reduced by two-thirds, duty on Cape wines should be reduced by one-third, from 2s 6d to 1s 4d per gallon, bringing the cost of importing a pipe of foreign wine and Cape wine into Britain to £37 and £25 6s 8d respectively, a difference of £11 13s 4d in favour of the Cape import. Although less protection would be offered by this compromise than had existed before 1825, it was still more than the protection given under the proposed bill. Ebden estimated that the duties paid on Cape wines had contributed £78,750 to the British exchequer, which income would cease if the new duties were imposed, making it unprofitable to export Cape wine. If the compromise duties were instituted, he expected that a limited amount of Cape wine would be

exported, contributing approximately £27,000 to the British exchequer. He drew the attention of the authorities to the fact that nearly 6500 pipes of Cape wine were in stock in the bonded warehouses of London and about 1000 pipes in the outposts and Ireland, while it was expected that at least 2500 pipes would arrive in Britain before the news of the intended alteration to the wine duties had reached the Cape. He foresaw that the wine already imported and valued at £180,000 would find no immediate sale under the new duties, and when eventually sold in payment of the duty, warehouse rent and charges, a loss to the owners would be inevitable. Copies of the petition were also sent to Thomas Wilson, member of parliament, and W. Horton, under secretary of state, who were requested to urge the chancellor to alter his views.

On 11 March, Ebden, as part of a deputation of five, interviewed W. Huskisson, secretary of state, who, without having committed himself either way to the cause of the society, promised to use his influence with the chancellor.⁴ Although not willing to reduce the duty on Cape wines by one-third, as suggested by Ebden, the chancellor of the exchequer made a concession by lowering the duty by 6d per gallon (from 2s 6d to 2s 0d) for a period of five years. The bill embodying this concession was finally enacted on 25 March 1825.⁵ Ebden had not only contributed to the formation of a society which was to co-operate in the

4 Minutes, 5.3.1825; Borradaile - Robinson, 5.3.1825; Borradaile - Horton, 12.3.1825; Minutes, 17.3.1825, CC 119, pp. 10-19, 21, 23.

5 Minutes, 23.3.1825, 26.3.1825, CC 119, pp. 51, 63; Van Zyl, Kaapse Wyn, p. 136.

future with the Commercial Exchange at the Cape in promoting the commercial interests of the colony, but it was also mainly through his efforts that a limited concession had been obtained for the wine trade. On 6 July he tendered his resignation as a committee member of the Cape of Good Hope Trade Society, being about to depart for the Cape.⁶ He arrived in the colony on 13 October aboard the Enterprize, the first steam vessel to enter Table Bay.⁷

By the time Ebden reached the Cape, the consequences of the alteration in wine duties were being considered seriously by all those connected with the trade. On the suggestion of Francis Collison, a wine merchant, Governor Somerset convened a public meeting on 26 January 1826 to form a committee with the specific aim of improving Cape wine. In consequence of the reduced duties on European wines, the quality of Cape wines cried out for improvement so as to be marketable in England. The task of the Cape Wine Trade Committee appointed at the meeting was to investigate how best the improvement could be effected. The members of the committee for Cape Town were: J.B. Ebden, D. Dixon, F. Collison, G. Vos, J. Beck, P. Woutersen, Dr. J.N. Atherstone and S. Twycross. The first meeting of the Cape Wine Trade Committee was held on 27 January.⁸ Dixon, who was secretary of the wine committee, and Ebden held completely different opinions as to how to improve

6 Minutes, 6.7.1825, CC 119, p. 165.

7 Cape Town Gazette and African Advertiser, 14.10.1825: Arrivals and Departures.

8 Van Zyl, Kaapse Wyn, p. 62; Theal, Records, XXV (The Manufacture of Cape Wine), pp. 370-371, 373 (Minutes of proceedings, 27.1.1826), pp. 395-398.

the wine trade. On 19 April a meeting of the principal wine merchants was held to consider the depressed state of the wine trade and to offer suggestions to improve the situation. Dixon proposed that the government be requested to abolish the existing duties on wine exports and in lieu thereof to levy a heavier duty on wines for consumption. The proposal having been rejected on the grounds that it would be prejudicial to the trade, it was decided to petition the government for a drawback of Rds. 4 per leaquer on all wines exported and to abolish the wharfage and wine taster's fees. Dixon was assigned the task of compiling the petition and having agreed, he subsequently canvassed signatures to a petition based on his rejected proposal.

To counter Dixon, Ebden drew up a petition to the government, disapproving of Dixon's view to add further duties on wines for consumption, stating that such a step would be detrimental to the interests of the farmers and the wine trade in general. Ebden recommended that the government should encourage the export of Cape wines to compete with other countries by not levying any duties on the product at the place of growth. He argued that this principle had been advanced by the British ministers who he had met and conferred with as a member of the deputation from the Cape of Good Hope Trade Society. In the interests of promoting the wine trade, Ebden requested that no additional duties be levied on wine for consumption and that all duties on wine exported, calculated at Rds. 16.3 per leaquer, be remitted. If the finances of the colony could not support such a drastic reduction, Ebden suggested

as an alternative that a drawback of Rds. 4 per leaguer be allowed on all wines exported and the fees paid to the wine taster and gauger abolished.⁹ The petition, signed by 189 wine growers and merchants, received no official reply.¹⁰ In view of the depressed state of the colony's finances, the colonial government could not afford to discontinue the duties complained of. On 3 July 1826 the office of wine taster, whose fee amounted to Rds. 2 per leaguer, was abolished which was a small concession to the wine trade. The difference of opinion between Dixon and Ebden was also characteristic of the fate of the Cape Wine Trade Committee. The committee consisted of wine growers and merchants whose interests were at times widely divergent. Besides a few experiments and the disclosure to a limited circle, modern methods of wine preparation, the committee accomplished nothing, ceasing to exist in 1831.¹¹

The alteration in wine duties which the British government had instituted in 1825 reduced the amount of wine exported to England from the Cape by three-fourths, making it necessary for new markets to be found. In April 1826 Ebden informed Bourke that, in conjunction with another merchant, Hamilton Ross, he had decided to ship a cargo of wine to Monte Video in the hope of being able to open up a market for Cape wine in South America.¹² The

9 Ebden, etc. - Bourke, 12.5.1826, CO 4366, No. 21.

10 South African Commercial Advertiser, 29.9.1830: The Cape Wine Trade.

11 Van Zyl, Kaapse Wyn, pp. 139, 86, 67.

12 Ebden - Bourke, 14.4.1826, CO 293, No. 108.

governor was favourably disposed to the venture. He informed the British naval officer in command at the River Plate of the importance of the venture and entrusted the safety of the ship to the officer.¹³ In the 1830's wine exports to South America declined sharply owing to the internal unrest in Argentina which led to the blockade of the River Plate.¹⁴ In December 1836 Ebden, in a further effort to open up a new market, exported a shipment of Cape wine to Jamaica. According to British Act No. 59 of 1833, the shipment should have been permitted a duty-free entry into the island. When the wine arrived at Jamaica in February 1837, the local government decided to levy an import duty fifty per cent higher than that levied on wine from Madeira and Teneriffe. The reason advanced for this action was that Cape wine had never been imported into Jamaica and consequently was regarded as foreign wine. This measure caused Ebden to lose heavily, especially as he had made arrangements for a further shipment of wine to the island. Referring to the provisions of Act No. 59 of 1833, Ebden appealed to the Committee of Privy Council for Trade.¹⁵ The British government ordered the House of Assembly of Jamaica to repay the money to Ebden but wine exports to Jamaica never reached considerable proportions; only approximately 181 leaguers were exported between the years 1835 - 1854.¹⁶

13 Bourke - Officer Commanding H.M. Ships, 15.4.1826, GH 23/8, p. 14.

14 Van Zyl, Kaapse Wyn, p. 168.

15 Ebden - The Lords of the Committee of Privy Council for Trade, 28.9.1837 (Enclosure with D'Urban - Glenelg, 5.10.1837), GH 26/22, No. 67.

16 Glenelg - Napier, 10.3.1838, GH 1/119, No. 1819, pp. 79-80; Van Zyl, Kaapse Wyn, p. 168.

In terms of British Act No. 6 of 1825 an additional duty of 6d per gallon on Cape wine was to have come into effect from 1830. By the middle of 1829 news reached the Cape that the British government had decided to levy this additional duty at a later date, from 1 January 1833.¹⁷ This temporary concession was considered unsatisfactory and Ebdon again took the lead to impress upon the British government the need for protecting the Cape wine trade. On 28 September 1830 a meeting of merchants, growers and others interested in the wine trade was held to devise means for promoting the interests of this trade. On moving the first resolution, Ebdon stated that the wine trade had been deteriorating over a number of years and that the average sales on the London market of wines exported from the Cape were showing heavy losses.¹⁸ He asserted in a petition addressed to the governor for forwarding to the secretary of state that the price of £7 to £10 per pipe which fair quality Cape wine obtained in Britain, left no scope for the merchant to offer a reasonable price to the farmer. The position would improve if the import duties levied on French brandy used for mixing with Cape wine, on staves, packs and rivets were abolished and if the market and wharfage duties were reduced.¹⁹ Before the petition reached the British government, it became known in London that the government intended equalising the import duties on all

17 Van Zyl, Kaapse Wyn, pp. 140-141.

18 South African Commercial Advertiser, 2.10.1830: The Cape Wine Trade.

19 Ebdon, etc. - Cole, undated, CO 4373, No. 8.

wines including Cape wine by levying an overall duty of 5s 6d per imperial gallon. The fact that France would be favoured by this equalisation of duties, a reduction from 7s 3d previously levied on French wine to 5s 6d per imperial gallon, was apparently the most important consideration, since at the time Britain was eager to expand her trade relations with France, the Portuguese Oporto Wine Company having imposed a fifteen per cent increase in the price of port wine which affected Britain. The continuance of a market in Britain for Cape wine did not play an important rôle in the consideration of the British government. The Cape of Good Hope Trade Society took up the cause with various members of the British cabinet and members of parliament. The society proposed a compromise to the chancellor of the exchequer, stating that if an increase in import duties on Cape wine was inevitable, such duties should not exceed 2s 9d. The chancellor accepted the proposal but only on condition that this concession would be valid to the end of 1833, after which the duty would be increased from 2s 5d to 5s 6d per imperial gallon.²⁰

The Cape merchants under the leadership of Ebden were not silent on the proceedings taking place in London. On 14 June 1831 Ebden requested the governor for permission to hold a public meeting on 16 July to consider petitioning the British parliament on the state and prospects of the wine trade and other agricultural and commercial interests of the colony and for a reduction of the colonial taxes and expenditure.²¹ At this meeting

20 Van Zyl, Kaapse Wyn, pp. 141, 143.

21 Ebden, etc. - Bell, 14.6.1831, CO 3951, No. 19.

Ebden again moved the first resolution and introduced the proceedings by referring to the intention of the British government to increase the import duties on Cape wines "at a period of great distress". He expressed the dismay felt by all those involved in the wine trade and voiced the opinion that if the British government brought in the measure to equalise the duties on all wines, the wine trade of the colony would be annihilated. Ebden quoted the under secretary of state as saying that if the colony's wine trade could not be conducted profitably, it should be abandoned and the capital invested in the trade diverted into other channels. He strongly criticised this viewpoint and labelled it as impractical. Advocate H. Cloete seconded Ebden's resolution and spoke of the high quality of Cape wines exported to Britain. In particular, he alluded to an instance when a shipment of Ebden's wine had been seized in the London dock by customs officials who had mistaken the wine for foreign or "genuine Madeira". A petition was drawn up in which the British government was urged to change its policy of equalising the import duties on all wines. At the same meeting another petition was drawn up for forwarding to the British government which dealt with the various restrictions and prohibitions relating to foreign markets and the levying of a ten per cent duty on imported goods from British colonies instead of a three-and-a-quarter per cent which was not conducive to the interests of the

wine trade.²² Ebden had arranged for this question to be introduced into the proceedings, since the previous year the customs officials levied a ten per cent duty, being the duty levied on foreign goods, on staves which he had imported from a British possession in America and on which he considered a three-and-a-quarter per cent import duty should have been levied.²³ He had petitioned the authorities, but was informed that the customs officials were correct in levying the higher duty and that if the lower duty had previously been levied on such produce, it had arisen from a "misconstruction on the part of those officials of the Laws by which the Trade of the Colony is regulated".²⁴

Ebden was untiring in impressing upon the imperial and colonial governments the need for protecting the wine trade not only in the interests of the merchants but also of the farmers. In October 1831 he petitioned the governor, informing him that the decision of the British government to equalise the import duties had caused a cessation in the demand for wines of the past vintage. The prices paid to wine farmers had gradually depreciated during the previous two years from £4 10s 0d to £1 10s 0d per leaguer. To relieve the situation to a limited extent, Ebden requested that the market and wharfage dues be abolished. The petition was signed by 113 wine merchants and growers.²⁵

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- 22 Proceedings of a Public Meeting held in Cape Town, on the 16th July 1831, to take into consideration the state of the Wine Trade, Commerce, Agriculture, and Taxes: and the want of a Legislative Assembly (Cape Town, 1831), pp. 4-5, 8, 13-14, 19-20 (S.A.L., L 663.2 CAP).
- 23 Ebden - Bell, 22.7.1830, CO 3947, No. 49.
- 24 Bell - Ebden, 25.8.1830, CO 5302, p. 190.
- 25 Ebden, etc. - Cole, 20.10.1831, CO 4374, No. 11.

The colonial revenue being unable to sustain a repeal of the duties unless substitute duties were imposed, the government was unable to meet the request.²⁶ As a member of the Legislative Council, Ebden strove to have certain duties on wine either abolished or reduced. On 25 October 1834 the estimates for the year 1835 were laid on the table for the consideration of the council and after having been discussed, Ebden moved that the tithe and market dues payable and collected on all ordinary Cape wines passing into Cape Town from the country districts be discontinued. He also moved that the wharfage rates and dues imposed on wine exported be abolished and other rates introduced, in lieu of those proposed to be repealed, according to an amended tariff. The governor recommended that the matter be referred to a committee composed of four members of the Legislative Council which included Ebden. On the suggestions of the report of this committee, the wharfage rates were reduced by two-thirds, the tithe on ordinary wine brought to Cape Town and Simonstown was abolished as from 1 January 1835 and the market dues on wine were reduced by one-third.²⁷

The representation which Ebden initiated at the Cape against the equalisation of duties on all wines imported into Britain was instrumental in obtaining a concession from the British government for the colony's wine trade. On 5 October 1831 Act No. 30 of 1831 entitled "An Act to Equalise the Duties on Wine" was placed on the British

26 Bell - Ebden, 10.11.1831, CO 5302, pp. 321-322.

27 Minutes, 25.10.1834, 29.10.1834, LCA 1, pp. 246-252.



Ebdon's wine store, corner of Harrington Street and
Darling Street (formerly Keizersgracht), Cape Town,
(extreme right), circa 1880
(General Photographic Collection, AG 718,
Cape Archives Depot)

statutes. The act took effect from 19 July of that year and imposed an import duty of 5s 6d per gallon on imported wine, with the exception of Cape wine, on which a duty of 2s 9d was to be imposed. The condition that this concession would be operative only until the end of 1833 - as previously decided upon by the chancellor of the exchequer - was not included in the act.²⁸ Although the wine trade had escaped an additional burden, it was still in a miserable condition, needing encouragement and protection.²⁹ In November 1831 the Cape of Good Hope Agricultural Society, the first of its sort at the Cape, was formed. Ebdon, who was a founder member of this society, was elected to the committee during the years 1836 - 1839.³⁰ The society, aiming at promoting the improvement of every exportable colonial article, opened a subscription in February 1832 for the purpose of awarding prizes for the best samples of such goods. Ebdon opened the subscription list by donating Rds. 50.³¹ In October 1832 the society had collected sufficient funds to offer amongst other prizes, a prize of Rds. 100 to the wine farmer who sent in the best sample of madeira wine of at least five leaguers.³²

As a shareholder of the Commercial Exchange building and intimately involved with the trade of the colony, Ebdon, soon after his arrival at the Cape in 1825, associated

28 Van Zyl, Kaapse Wyn, p. 144.

29 South African Commercial Advertiser, 30.11.1831:
Leading article.

30 Cape of Good Hope Almanack and Directory, 1837-1839;
Cape of Good Hope Almanack and Annual Register, 1840.

31 South African Commercial Advertiser, 16.2.1832:
Leading article.

32 Van Zyl, Kaapse Wyn, p. 69.

himself with the Commercial Exchange, being elected a member on 17 February 1826 and a committee member for the year 1826 on 13 April.³³ He was subsequently elected a committee member during the years 1833 - 1840 with the exclusion of 1836 and chairman for the period May 1834 - April 1836.³⁴ From this position he continued to promote the interests of the wine trade. In March 1834 the committee of the Commercial Exchange and the committee of the Cape of Good Hope Agricultural Society collaborated in sending a petition to the British treasury which related to duties on Cape products exported to various parts of the British empire and in which it was requested that Cape spirits be admitted into Britain, New South Wales and Van Diemen's Land (Tasmania) on payment of the same duties as were levied at those places respectively on Canadian spirits. It was also requested that Cape wine be entered for consumption at Van Diemen's Land at the same rate of duty as was paid at the port of Sydney, New South Wales.³⁵ The British government reacted unfavourably to the application, stating that they saw no need for an alteration of the existing duties.³⁶

In accordance with British Act No. 85 of 1833 St. Helena, which had been governed as a dependency of the East India Company, was to be handed over to the British

33 Minutes, 17.2.1826, 13.4.1826, CC 2, pp. 102, 104.

34 South African Almanac and Directory, 1834-1836; Cape of Good Hope Almanack and Directory, 1837-1839; Cape of Good Hope Almanack and Annual Register, 1840-1841; Minutes, 5.5.1834, 4.5.1835, CC 3, pp. 58, 98.

35 Minutes, 3.3.1834, CC 3, pp. 36-37; Ebdon, etc. - Lords Commissioners of H.M. Treasury, undated, CO 4378, No. 26.

36 Glenelg - D'Urban, 25.3.1836, GH 1/109, No. 1607, pp. 13-16.

crown on 22 April 1834. Ebden and the other Cape wine exporting merchants expected that this step would cause a greater amount of wine to be exported to St. Helena by private Cape exporters, since the control which the East India Company had exerted over exports to the island would cease. These expectations were not realised. The company, which was permitted to govern the island for a year longer than originally planned, decided that its agent at the Cape would supply the garrison stationed on St. Helena with the necessary supply of wine until such time as the British government took possession of the island. After the middle of 1834 the company would, however, not be responsible for supplying the civilian population with wine, the supply of which would be left to private merchants. To gain the largest possible income from private wine exports, the company, contrary to expectation, issued a proclamation on 2 June 1834, increasing the import duty on private Cape wine exports by more than 200 per cent, from £1 10s 0d per pipe to £4 15s 8d. A few days later the import duties on wine from Teneriffe and America were increased from 16s 8d per pipe to £1 16s 8d. The import duties on European wine remained at £1 per pipe.³⁷

On 28 July the committee of the Commercial Exchange, with Ebden in the chair, decided to send the governor a copy of the proclamation issued by the government of St. Helena, increasing the duty on Cape wine.³⁸ On submitting the proclamation to the colonial government, Ebden

37 Van Zyl, Kaapse Wyn, p. 163.

38 Minutes, 28.7.1834, CC 3, p. 67.

stated on behalf of the committee that the levying of prohibitive duties on an article, the growth of a neighbouring British colony, to favour the introduction of the same article produced in foreign countries was "the most decided hostility to British interests", especially as the East India Company had "enjoyed a lucrative monopoly at the Cape of Good Hope". He requested the governor to forward the proclamation to the secretary of state with the request that it be rescinded and that Cape wine be permitted entry into St. Helena on payment of a duty lower than that imposed on foreign wines.³⁹ Sir Benjamin D'Urban supported the petition, which he forwarded to the British government.⁴⁰ The secretary of state in reply stated that, being unaware when St. Helena would be transferred to the British government, he could do nothing about the request submitted by Ebden, but gave the assurance that when the island was a British possession he would "not lose sight of the subject of the representation."⁴¹ It would appear that nothing was done to appease Ebden and the other Cape merchants because after the island had become a British possession early in 1836, the committee of the Commercial Exchange in their annual reports made no further mention of the matter.⁴²

In consequence of the successful experiments conducted in the late 1820's to improve the quality of Cape brandy, a number of wine farmers were of the opinion that

39 Ebden - Hamilton, 20.8.1834, CO 386, No. 45.

40 D'Urban - Rice, 28.10.1834, GH 23/11, No. 62, p. 51.

41 Aberdeen - D'Urban, 6.2.1835, GH 1/103, No. 1516, pp. 99-100.

42 Van Zyl, Kaapse Wyn, p. 164.

Cape brandy would be as effective as French brandy for fortifying Cape wines. Towards the end of 1831, several wine farmers requested the government to impose a higher duty on French brandy so as to protect the interests of Cape brandy. The government was in a difficult position, knowing that the large scale importation of foreign spirits was damaging to the local turnover of Cape brandy but, at the same time, being aware that the wine merchants preferred to use French brandy to fortify Cape wine for exportation.⁴³ These conflicting views held by the two sectors of the wine trade led Sir Lowry Cole to request Ebden to comment on the application of the wine farmers.⁴⁴ Ebden was of the opinion that the levying of a higher rate of duty on French brandy would be injurious to the wine export trade. He admitted that the quality of Cape brandy had improved but said that, since Cape wine was not regarded very highly in Britain, the knowledge that such wine had been mixed with Cape brandy would work against the interests of the colony's chief export commodity.⁴⁵ Having accepted this reasoning, the government did not alter the import duties on French brandy until 1836. In December 1836 the government appointed a special committee to revise the tariff of import duties for the purpose of increasing the revenue from this source and for repealing certain inland revenue duties.⁴⁶ On 30 November 1837 Ebden, as chairman, submitted the report of the special committee to the

43 *ibid.*, pp. 201-202.

44 Bell - Ebden, 28.11.1831, CO 5302, pp. 325-326.

45 Ebden - Bell, 8.12.1831, CO 386, No. 23.

46 Minutes, 31.12.1836, LCA 1, pp. 399-400.

Legislative Council. The committee reported that it was not in favour of drastically increasing the import duties on French brandy because of its use in fortifying Cape wine. The committee recommended that an import duty of 4d per imperial gallon be levied on French brandy not exceeding the strength of proof by Syke's hydrometer and on spirits imported from the United Kingdom or British colonies. On all other spirits an import duty of 1s 1d per imperial gallon was to be levied.⁴⁷ The Legislative Council having approved these recommendations, the new scale of tariffs was submitted to the British government for approval, being ratified by an order-in-council of 10 August 1840.⁴⁸

On 3 July 1842 Britain and Portugal entered into a commercial treaty. The preferential tariffs levied on French brandy at the Cape was viewed by the British government as being in direct opposition to the treaty and the Cape authorities were ordered to impose equal duties on all brandy and spirit imports. The governor referred the question to the Executive Council, the members of which recommended that a uniform tariff of 1s 0d per imperial gallon be levied on all imported spirits with the exclusion of spirits from the United Kingdom or British colonies on which a duty of 4d per imperial gallon should be levied. Having agreed with the recommendation, the governor, Sir Peregrine Maitland, requested the British government to ratify the new duties by an order-in-council. The British government complied

47 Finance Committee's Report, 30.11.1837, LCA 8, No. 53.

48 Van Zyl, Kaapse Wyn, p. 203.

with the request on 26 April 1845 and Maitland publicised the order-in-council in the form of a proclamation on 15 August.⁴⁹ On the same day as the proclamation was issued, a group of merchants, in the absence of the governor, met the secretary to government, John Montagu. Ebden, leader of the deputation, expressed his surprise at the sudden and unexpected promulgation of the order-in-council without any notice having been given to the public that a change in the law was contemplated by the government. He complained of the precipitancy of the measure, describing it "as fraught with injustice to the public, and serious injury to individual interests". Ebden then requested that the increased duties be suspended until 1 January 1846 so as to ensure the admission of brandies already shipped for the Cape under the old duties. Montagu strongly denied that the government had acted rashly or unjustly, pointing out that a possible alteration to the scale of import duties had been discussed from as early as June 1844. On Ebden's request for an extension of time, Montagu stated that the colonial government was not empowered to give a decision, but if the merchants committed their grievances to writing, he would forward such a communication to the governor.⁵⁰

Ebden drew up a petition addressed to the Lords Commissioners of Her Majesty's Treasury. He complained that the import duties on French brandy had been increased, that the increase was to have immediate effect and that

49 ibid., pp. 203-204.

50 South African Commercial Advertiser, 27.8.1845: Duty on French Brandy.

the intentions of the government had not been made public. The most prominent objection to the measure was the fact that it was to operate immediately which Ebden held was contrary to an order-in-council of 12 April 1809, which stated that a period of not less than six months' notice had to be given before a duty could be imposed on all goods not the growth, produce or manufacture of Britain. He stated that Cape spirits, from a defect in its manufacture, was not suited for admixture with wines for exportation, nor was there a sufficient quantity of such spirits to meet the demands of the trade. Ebden's oral request to Montagu was repeated, that the import duties should only come into effect on 1 January 1846 and that a refund of 8d per imperial gallon be paid to the merchants on all French brandy used to fortify Cape wine between the date of the publication of the order-in-council on 15 September 1845 and 1 January 1846. He further requested that French brandy or any other foreign spirits imported into the colony for mixing with Cape wine and in bond be permitted a duty-free entry.⁵¹ Ebden forwarded the petition, signed by forty-one merchants, to the governor with the application that it be forwarded to the British government.⁵²

Maitland, however, kept the petition back so as to investigate the matter thoroughly.⁵³ A bitter controversy soon erupted between the wine merchants led by Ebden on

51 Ebden, etc. - Commissioners of H.M. Treasury, 20.9.1845, GH 28/32, No. 31, pp. 96-110.

52 Ebden - Montagu, 15.10.1845, GH 28/32, No. 31, pp. 87-89.

53 Maitland - Stanley, 31.1.1846, GH 23/15, No. 31, pp. 518-519.

the one hand and the wine farmers, who were supported by the government, on the other hand. The wine farmers in their agitation to obtain protection for Cape brandy and alarmed by the possibility that the British government might order the colonial government to lower the duty on foreign spirits as applied for by the wine merchants, decided to hold a public meeting at Stellenbosch on 26 November 1845 to express their views. These very farmers who had stood behind Ebden and the other wine merchants in the struggle against the various attempts made by the British government to increase the duties on Cape wine imported into Britain, now criticised the actions of the merchants and their assertion that Cape brandy was not of a high standard. At the meeting mention was made that Ebden, who had levelled abuse at Cape brandy, had purchased such brandy for mixing with his wines for exportation. The wine farmers drew up a petition in which they stated that if the request of the wine merchants was acceded to, they would lose heavily, since in anticipation of the increased duties on the import of foreign spirits, they had converted more wine into brandy.⁵⁴ Ebden endeavoured to prevent a rift forming between the wine growers and merchants by appealing to his "old friends the Wine Farmers" against signing the petition, which he described as "calculated to prejudice the Export of Cape Wine". He said that the wine merchants' and wine growers' interests were identical and that the proposed duty of 1s 0d per gallon on French brandy was no protection to

54 Van Zyl, Kaapse Wyn, p. 205.

Cape spirits. He posed the question that if the grower was to produce spirits, where would the wine come from for exportation. Ebden reasoned that it would be better to agitate for the free importation of foreign brandy to be mixed with Cape wine which would have advantageous results for the export trade of wine to England and other parts of the world.⁵⁵

In the meanwhile, the governor had referred the whole question of the brandy duties to W. Field, collector of customs, who, supporting the wine farmers, dismissed the arguments of the merchants which he considered as having been influenced by the selfish aspirations of Ebden whose pecuniary interests were at stake. Field came to the conclusion that the increased tariffs would afford a protection to the wine farmers and the merchants would have the choice of importing foreign spirits on equal terms of 1s 0d per imperial gallon while spirits from the United Kingdom could be imported at the low rate of 4d per imperial gallon.⁵⁶ Maitland concurred with the opinion of Field and sent all the petitions and other correspondence on the subject to the British government.⁵⁷ The authorities dismissed the request of the wine merchants for a refund but were more sympathetic towards the request that the Cape government should allow the importation of brandy used in the preparation of Cape wine for exportation, free of duty or at a lower rate of duty. Agreeing with the views of Ebden, the Board of Trade considered it

55 South African Commercial Advertiser, 26.11.1845:
Ebden - The Editor.

56 Field - Montagu, 20.1.1846, LCA 20, No. 39.

57 Maitland - Stanley, 31.1.1846, GH 23/15, No. 31,
pp. 516-522.

objectionable to levy a tax on a raw material used in the colony's most important export product and advised the colonial government to grant the merchants concessions. The board, like Ebden, was also of the opinion that " ... as the Spirit Producer is also the Wine Grower, what he gains by the protection afforded to his spirits, he loses to a great extent by the disadvantage accruing to his Wines".⁵⁸ The British government, without having given a definite decision, referred the whole matter back to the Cape governor who was ordered to lay the question before the Legislative Council.⁵⁹ The standpoint of the British government was to lead to one of Ebden's most bitter conflicts with the Cape authorities.

Encouraged by the reaction of the British government, Ebden, supported by fifty-one other merchants, presented a petition to the governor, Sir Henry Pottinger, requesting that the right to export Cape wines mixed with foreign spirits duty-free be instituted. If this request could not be acceded to, an alternative measure was suggested whereby all spirits imported into the colony were to be equalised and reduced to 3d per imperial gallon.⁶⁰ The papers relating to the brandy duties having been laid before the Legislative Council, Ebden, on 27 November 1847, moved that the duties on all spirits imported for consumption be increased and equalised to 1s 0d per imperial gallon and that spirits used in the preparation of Cape wine for export be entirely exempt from duty. Field moved, as an amendment

58 Lefevre - Parker, 13.1.1847, GH 28/42, No. 86, p. 2.

59 Gladstone - Maitland, 28.6.1846, GH 28/42, No. 86, p. 1.

60 Cape of Good Hope Government Gazette, 4.11.1847:
Petition, Ebden, etc. - Pottinger, 23.10.1847.

to Ebden's motion, that for every one hundred gallons of Cape wine exported, the exporter would be entitled to enter duty-free ten gallons of spirits, and that spirits entered for colonial consumption be charged a duty of 2s 0d per imperial gallon. The amended resolution having been put, the council divided, six voting for and three voting against the resolutions of the collector of customs.⁶¹ Ebden was far from satisfied and dissented from the adopted resolutions, maintaining that fifteen and not ten gallons of spirits to every hundred gallons of wine should be the minimum allowed for all wines exported to Britain.⁶²

Determined to fight to the very end, Ebden and a number of wine merchants addressed a petition to the British treasury in which it was stated that the Legislative Council as it was constituted did not have the confidence of the people who had no voice in the imposition of taxes. It was asserted that the executive members of the council had carried the resolutions of the collector of customs, which resolutions were in opposition to the interests of the merchants. The privileges sought by the merchants in the petition to Pottinger in October 1847 were again requested by the petitioners, who added that if the drawback proposed by the collector of customs was adopted, the minimum number of gallons permitted a duty-free entry should be fifteen

61 Minutes, 27.11.1847, 29.11.1847, GH 28/42, No. 86, pp. 22, 33, 36.

62 Dissident from the Resolutions and Proceedings of the Council, relative to the Spirit Duties, GH 28/42, No. 86, pp. 37-38.

and not ten.⁶³ After having put up a bold resistance, Ebden eventually lost the battle. The British government ratified the new import duties on 31 October 1848 by an order-in-council which took effect at the Cape on 31 March 1849.⁶⁴ Obviously exhausted by the various contests which he had initiated to protect the interests of the Cape wine trade and having lost financially on account of the new scale of import duties, Ebden retired from the wine trade in August 1848 by selling his entire wine stock which consisted of 1200 pipes of wine.⁶⁵ Until this time, Ebden had exported from 1200 to 1500 pipes a year which was nearly a quarter of all wine exported from the colony.⁶⁶ The rôle which he had played in the promotion of the Cape wine trade becomes more significant when seen in the light of the fact that until approximately 1840, this branch of trade was the life stream of the colony's economy.

63 Ebden, etc. - The Lords Commissioners of Her Majesty's Treasury, 10.2.1848, GH 28/42, No. 86, pp. 49-51.

64 Van Zyl, Kaapse Wyn, p. 207.

65 South African Commercial Advertiser, 26.8.1848: Advertisement.

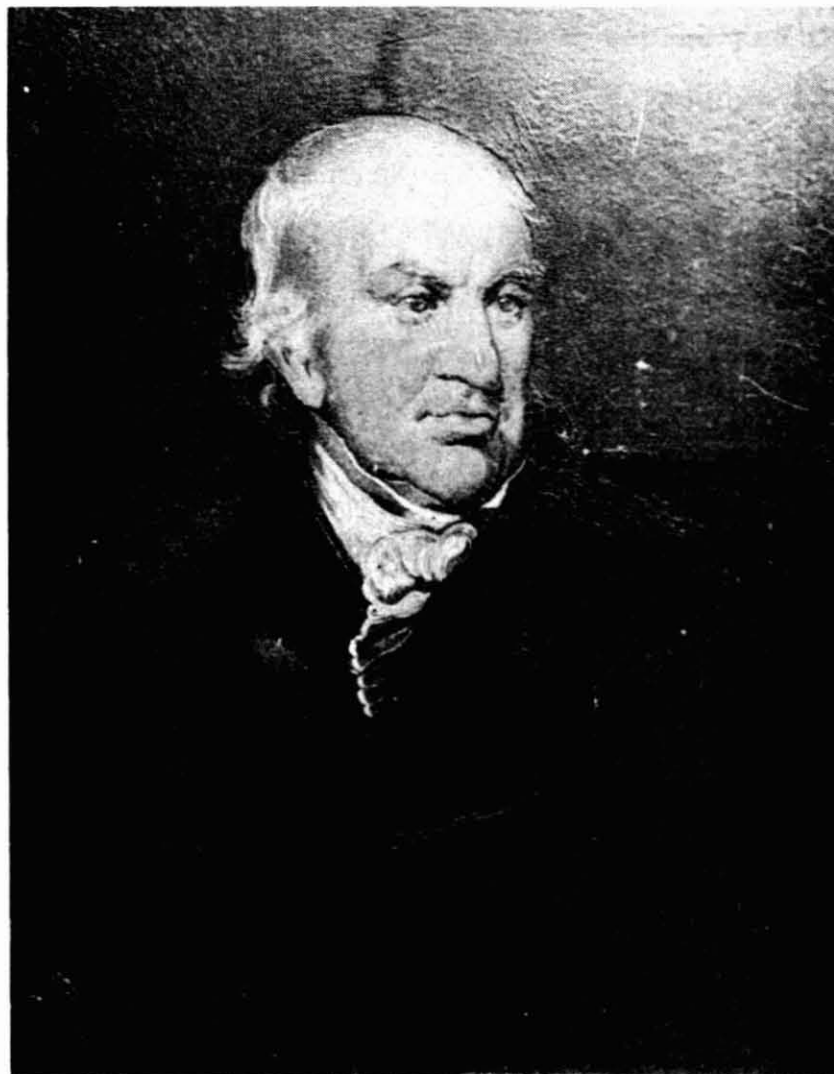
66 Evidence given by Ebden before the Committee appointed to enquire into the subject of the state of the wharves in Table Bay, 13.7.1848, LCA 21, No. 55.

CHAPTER 4

MERCHANT AND ENTREPRENEUR, 1825 - 1849

As an early trader, Ebden conducted the business of shipping agent, importer of general merchandise and produce from Britain, India and Mauritius and exporter of Cape wine. After his return to the colony from Britain in 1825 he continued in all these branches of trade and, in addition, was particularly active in the establishment of joint-stock companies and the opening up of road, harbour and railway communications for the promotion of the commerce of the colony. On his arrival back at the Cape, his partnership with R.W. Eaton was dissolved. In January 1825 Ebden entered into a partnership with Henry Houghton of London, after both merchants had decided to unite their interests in the trade of the Cape and Mauritius and after having received a loan of £6000 from Ebden's father, John Ebden.¹ In terms of the agreement between Houghton and Ebden, the premises in the Heeren-gracht which Ebden had sold in 1819 to James Hutton, former partner of Houghton, were registered in Ebden's name. In June 1826 Ebden purchased stores in the Keizersgracht.² Houghton died in December 1826 and Ebden traded alone until June 1845 when he concluded a partnership with his third eldest son, George Norman Ebden, trading under the

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- 1 Cape Town Gazette and African Advertiser, 21.10.1825: Announcement; Transfer Houghton - Ebden, 25.3.1835, (D.O.) Transfers and Mortgages, T 107, Nos. 241-242.
- 2 Ebden - Cole, 18.10.1830, CO 3947, No. 61; Simpson and Eaton - Somerset, 10.2.1825, TTD 10; Transfer Eaton - Ebden, 2.6.1826, (D.O.) Transfers and Mortgages, T 151, No. 115.



Dr. John Ebdon (1751-1834), father of John Bardwell Ebdon
(Macmillan Collection, Africana - Ebdon Family, Photo 57/271,
Jagger Library, University of Cape Town)

name of Ebden & Co.³

Not only did Ebden return from Britain with a plan for establishing a bank at the Cape, but he also brought back with him a proposal for the formation of a branch association of the London-based United Empire and Continental Life Assurance Association. On 8 January 1826 a meeting was held at the house of the chief justice, Sir John Truter, for the purpose of forming a branch association at the Cape. Present at this meeting were Truter, chairman; the receiver-general, J.W. Stoll; Judge G. Kekewich; the fiscal, D. Denyssen; director of the Lombard Bank, G.H. Maasdorp and Ebden. The correspondence and documents transmitted by the board of directors of the association having been read by Ebden, as agent for the association in the colony, it was unanimously resolved that the meeting approve and encourage the establishment of the branch association. Stoll and Maasdorp were nominated to form, together with Ebden, the committee of agency at the Cape. Truter and Ebden were deputed to meet the governor, conveying to him the resolutions of the meeting and requesting his approval for the proposed establishment.⁴ The insurance agency, known as the Eagle Life Assurance Company, opened in Cape Town in 1830. Ebden was the Cape agent for the company during

3 Ebden - Cole, 18.10.1830, CO 3947, No. 61; South African Commercial Advertiser, 28.6.1845: Notice; Minutes of Miscellaneous Notarial Deeds, J. Reid, 27.11.1847, NCD 138/17, No. 1867.

4 Minutes of Meeting, 8.1.1826 and Prospectus of the United Empire and Continental Life Assurance Association, CO 292, No. 3.

the period 1830 - 1849.⁵

Ebden's involvement in the assurance sphere of business was not limited to being an agent of a London association. In March 1831 the South African Fire and Life Assurance Company, the first of its kind in the colony, was established with a capital of £30,000.⁶ As a shareholder in the company, Ebden was elected to serve on the board of directors for the year 1834.⁷ In December 1835 the Cape of Good Hope Fire Assurance Company was established, having a capital of £20,000 in 400 shares of £50 each.⁸ At a public meeting of subscribers to this company held on 14 November 1835, Ebden was elected one of the nine directors, being subsequently appointed chairman of the board of directors for the ensuing year.⁹ Another joint-stock assurance company was established in Cape Town on 1 October 1844, known as the Equitable Fire and Life Assurance and Trust Company with a capital of £25,000 in 1,000 shares of £25 each.¹⁰ Ebden was elected chairman of the board of directors of this company for the period 1844 - 1849.¹¹ He also helped to establish the Mutual Life Assurance Society, the first meeting of which

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- 5 South African Almanac and Directory, 1831-1836; Cape of Good Hope Almanack and Directory, 1837-1839; Cape of Good Hope Almanack and Annual Register, 1840-1850.
 - 6 G.M. Theal, History of South Africa, 1795-1834 (London, 1891), p. 369.
 - 7 South African Almanac and Directory, 1835: Advertisement, n.p.
 - 8 South African Commercial Advertiser, 18.11.1835: Advertisement.
 - 9 Deed of Agreement of the Cape of Good Hope Fire Assurance Company (Cape Town, 1837), pp. 5-6 (S.A.L., Bound Pamphlets, S.A.B.P. 6 (7)).
 - 10 South African Commercial Advertiser, 19.10.1844: Advertisement.
 - 11 Cape of Good Hope Almanack and Annual Register, 1844-1849.

was held on 22 April 1845 and at which he officiated as chairman. On 17 May Ebden was elected one of the nine directors of the society. John Fairbairn, editor of the South African Commercial Advertiser, was elected chairman on a majority vote on 19 May. After Fairbairn's election a resolution was passed, committing the directors to secrecy on the proceedings of the society. Before a vote was taken on this motion, Ebden left the meeting and handed in his resignation as a director and a member of the society.¹² There is no evidence why Ebden altered his course but he probably found his position in relation to his other insurance interests untenable. Ebden not only contributed towards the establishment of assurance companies at the Cape but as a member of the Legislative Council he also promoted the advancement of such companies as will be discussed in the following chapter.

On 2 January 1827 the Council of Advice, on instructions from the secretary of state, considered removing the restrictions to the free exportation and importation of wheat and "three merchants of the highest reputation and experience" were called in and examined by the council. The three merchants were James Nisbet, Hamilton Ross and Ebden. The merchants were questioned on the places from where they had imported wheat, the amount imported, the cost of importing and the eventual selling price at the Cape. They were also required to supply similar particulars

12 (O.M.) Board Minutes of the Mutual Life Assurance Society of the Cape of Good Hope, 22.4.1845, 17.5.1845, 19.5.1845, pp. 1, 4-5.

concerning wheat exports and to express their opinion on the town granary administration. From the evidence given by Ebden, he had imported wheat from England and Bengal at a cost of £11 8s 6d and £12 15s 0d per load respectively and stated that it would only be profitable to import wheat from the latter country if Cape wheat was selling at £13 10s 0d to £15 per load. He had also imported flour from America and rice from Bengal. Wheat purchased at the Cape for £8 14s 0d per load had been exported to Mauritius but having proved unprofitable, Ebden was of the opinion that the only inducement to export wheat from the colony to the island would be if such wheat could be shipped at or under £7 10s 0d per load. The evidence given by the other two merchants, with a few minor variations in the calculations, was the same as that stated by Ebden. While all three merchants were opposed to the town granary administration, Ebden was the most outspoken, labelling the system unnecessary and having prevented the investment of capital in the wheat trade. He contended that any scarcity of wheat in the colony could always be prevented if the trade was free, enabling imports to be shipped from India, South America and Mauritius.¹³ The export and import of wheat was restricted by the Cape government on information received at different times of the deficiency or abundance of the annual produce in the colony. The export of wheat had been permitted under licences from the governor when

13 Theal, Records, XXXIV (Minutes of Council, 2.1.1827), pp. 274-292; Minutes, 30.1.1827, AC 1, p. 511.

the average market price of wheat taken from a weekly return made by the president of the Burgher Senate to the collector of customs exceeded the sum of Rds. 130 per load of ten muids (approximately £2 8s 9d per quarter). Similar restrictions were imposed on the importation of wheat. On the recommendations of the Council of Advice, assisted by the experienced reasoning of Ebden and the other two merchants, the wheat trade in 1828 was freed from all restrictive colonial laws.¹⁴

As an advocate of free trade, Ebden was opposed to the monopoly which the East India Company exerted over the trade to China. At a committee meeting of the Cape of Good Hope Trade Society, held on 18 April 1825, he had raised this question by stating that it would be desirable to have the Cape made a free port with all the advantages of the right of warehousing intended to be granted to the West Indies and, in particular, to obtain the privilege of trading with China without the intervention of the East India Company. Every other part of the world under the company's charter with the exception of the Cape enjoyed this privilege. The committee were in full agreement with Ebden and addressed a petition to W. Huskisson, president of the Board of Trade, recommending the need for making the Cape a free port and of opening the trade to China. On the China trade, Huskisson thought it unlikely that the trade would be opened owing to the tenacity of the East India Company but he promised to write to

14 Theal, Records, XXXV (Report of the Commissioners of Inquiry upon the Trade of the Cape of Good Hope, 3.10.1828), p. 234; Leverton, 'Government Finance', p. 307.

the company's board of control on the subject.¹⁵

At the time Ebdon was preparing to depart for the Cape, Borradaile was investigating the possibility of exporting tea to the Cape with a view to testing the extent of the East India Company's monopoly over the China trade. After having conferred with prominent executive officials in Britain and having received no encouragement other than it being stated that no laws could be found prohibiting the exportation of tea from the United Kingdom to the Cape, Borradaile proceeded with his plans. On 23 September 1826 the brig Kerswell left London for the Cape, carrying among her cargo 423 lbs. of Congou in five packages consigned to Borradailes, Thompson & Pillans. On the arrival of the vessel at the Cape on 12 January 1827, the customs officials allowed the tea to be landed but the packages were ordered to be kept in custody in their warehouse until such time as a clearance certificate was received from the agency of the East India Company or an order for release had been issued by the lieutenant-governor. Ebdon and the other members of the committee of the Commercial Exchange took up the matter with the customs officials, urging the release of the tea.¹⁶ The committee also communicated to Bourke, quoting the provisions of the various acts regulating the company's charter and stating that once the company had disposed of its teas in London, "the further right of

15 Minutes, 18.4.1825; Memorandum, 11.5.1825, CC 119, pp. 111-112, 144-146.

16 Arkin, Storm in a Teacup, pp. 51-53.

trade and traffic is open to all His Majesty's subjects". The committee reached the conclusion that unless the customs officials could produce any local regulation to prevent the tea being admitted, they were bound to release the cargo to the consignees.¹⁷ The tea import was debated upon by the Council of Advice on 27 February and, at a subsequent meeting on 2 March, it was decided to request the lieutenant-governor to issue instructions for the release of the impounded tea, since no local regulations had been found prohibiting the import of tea from Britain. Ten days later, the tea from aboard the Kerswell was sold by public auction.¹⁸

Although the outcome of the Kerswell case clearly implied that the agency no longer held the exclusive right of supplying the colony with tea, the fact remained that as long as the company continued to control the China trade, this established breach would make very little practical difference, the re-export of China teas from London back to the Cape proving too expensive a venture for private dealers to undertake. The episode which arose from Ebden's resolution proposed at the committee meeting of the Cape of Good Hope Trade Society, helped to add to the pressure which culminated in the abrogation of the company's Canton monopoly and the closure of its Cape agency in 1834.¹⁹

Intent on ending the monopoly of the East India Company at the Cape, the committee of the Commercial

17 Theal, Records, XXXIV (Minutes, 27.2.1827, Annexure 4: Christian, Simpson, Ebden, Twycross and Venning - Secretary to Government, 24.2.1827), pp. 356-358.

18 ibid., (Minutes, 2.3.1827), pp. 362-363; Arkin, Storm in a Teacup, p. 57.

19 Arkin, Storm in a Teacup, p. 59.

Exchange, on 2 July 1829, resolved to apply to the government for permission to hold a public meeting on 22 July to consider petitioning the British parliament on the connection between the trade of the Cape and the renewal of the East India Company's charter. Although not a member of the exchange committee for this year, Ebdon was invited by the committee to assist with the preparations for the public meeting.²⁰ During the proceedings of the meeting, Ebdon proposed that if the trade to the east was opened to private merchants, the Cape would become an entrepôt for eastern products from which the markets of South America and other parts of the world could be supplied. Cape produce and British manufactured goods would be exchanged for eastern commodities which would promote the commercial interests of the Cape. A petition, enlarging upon the commercial benefits likely to flow from the non-renewal of the company's charter, was drawn up and sent to the governor for transmission to the secretary of state.²¹ Another copy of the petition was transmitted directly to the Cape of Good Hope Trade Society for presentation to parliament, being tabled in the House of Commons on 9 March 1830. The select committee appointed by parliament to enquire into the China trade reported in favour of maintaining the company's trading privileges.²²

In August 1833 the charter of the East India Company

20 Minutes, 2.7.1829, 18.7.1829, CC 2, pp. 236-237, 241.

21 South African Commercial Advertiser, 1.8.1829: East India Company's Charter and Copy of the Petition.

22 Arkin, Storm in a Teacup, pp. 75, 100.

was formally abrogated and the important question which now arose was the manner in which the Cape agency intended to dispose of its remaining tea stocks.²³ Ebden, as chairman of the committee of the Commercial Exchange, wrote to the company's agent at the Cape for details: whether the disposal of stock would be by private sale or public auction and if amounts to private individuals would be limited.²⁴ The agent would not reply to these queries, stating that he had instructions from his employers and when arrangements had been made, he would publish such in the local press. On 15 August 1834 an advertisement was published, giving notice that the tea stocks would be sold at a weekly public sale. Ebden made no further effort to alter this procedure and the agency's surplus tea stocks were disposed of according to plan over the ensuing nine months.²⁵

Although Ebden had worked towards the termination of the East India Company's charter, he was not one of the foremost importers of tea from China. On two occasions only were references traced to the importation of tea from China by the firm of J.B. Ebden & Co., in September 1841 and January 1846.²⁶ This is probably due to the fact that Ebden, concentrating mainly on the exportation of Cape wine, did not wish to compete with the spate of specialist retail tea dealers who appeared on the scene after the termination of the East India Company's

23 ibid., pp. 111, 115.

24 Ebden - Hawkins, 30.7.1834, CC 30, pp. 26-26A.

25 Arkin, Storm in a Teacup, pp. 118-119.

26 South African Commercial Advertiser, 16.9.1841: Advertisement; Cape Town Mail, 24.1.1846: Advertisement.

monopoly of the China trade.

The consequences of the abrogation of the company's monopoly formulated in the resolution proposed by Ebden at the public meeting held on 22 July 1829, failed to materialise, which indicated that the main obstacles to the emergence of Table Bay as an entrepôt of world commerce lay in other directions.²⁷

Ebden was fully aware of the importance of opening up the internal communications of the colony in the interests of commerce. In January 1831 he was one of the merchants responsible for calling a public meeting for the purpose of drawing up a petition for submission to the British government on the termination in 1830 of the Houw Hoek Pass works on orders from the imperial authorities.²⁸ At the meeting a subscription was opened by the merchants, the proceeds of which were to be expended on recommencing the road works. Ebden, together with thirty-five other merchants, subscribed a total sum of £800.²⁹ The governor informed the secretary of state of the actions taken by the merchants and expressed the hope that he would not have to call upon the subscribers to fulfil their obligations, arguing that a work of such public benefit be defrayed from the public treasury.³⁰ The secretary of state was opposed to the road works being completed on the subscription of the mercantile community

27 Arkin, Storm in a Teacup, p. 126.

28 Thompson, etc. - Muntingh, 6.1.1831 (Enclosure with Muntingh - Bell, 11.1.1831), CO 386, No. 12.

29 List of Subscribers (Enclosure with Cole - Murray, 10.2.1831), (P.R.O.) CO 48/141, No. 22.

30 Cole - Murray, 10.2.1831, (P.R.O.) CO 48/141, No. 22.

and sanctioned the work being completed by the colonial government.³¹ The Cape merchants had won the day by their swift and practical action.

As a member of the committee of the Agricultural Society, Ebden was associated with a project to build a road over the Cape downs. At the monthly meeting of the society held on 9 January 1839, mention was made that the government had granted 150 feet width of ground for the proposed hard road across the Cape flats and downs.³² The scheme lay dormant until 1842 when a subscription list was opened to obtain a plan of the proposed road and an estimate of the cost of the work.³³ In May 1842, a sum of £117 having been subscribed, W. Gadney, F. Watermeyer, J. Fairbairn, J.B. Ebden, P.L. Cloete, J.G. Faure and D. O'Flinn were appointed as a committee to control the money subscribed and to obtain a plan and estimate of the proposed road works. The committee was also required to collect statistical information on the district through which the road would pass.³⁴ The committee reported their findings to a meeting of the subscribers to the fund on 6 August 1842, recommending that the expense of constructing the road be defrayed by a rate levied on the fixed property in the Cape and Stellenbosch districts. The committee also drew up an outline of an ordinance which was to be introduced

31 Goderich - Cole, 24.5.1831, GH 1/82, No. 1244, p. 13.

32 South African Commercial Advertiser, 16.1.1839: Road over the Cape Downs.

33 ibid., 23.4.1842: Road through the Cape Downs.

34 ibid., 25.5.1842: Meeting of subscribers to the fund for obtaining a plan and estimates of a road over the Cape Downs.

into the Legislative Council, enabling the inhabitants of the Cape and Stellenbosch districts to make and maintain a hard road over the Cape downs.³⁵

At a public meeting held on 3 December 1842 to consider the draft of a bill for the proposed road, Ebden moved a series of resolutions which expressed the need for roads in the colony to promote trade and agriculture and the benefits likely to accrue from the construction of the road under review. He also proposed that an assessment on fixed property be introduced into the colony and expended on the construction of road works.³⁶ On 5 November 1842, William Porter, the attorney-general, presented the bill to the Legislative Council but, owing to the many petitions against the bill, Porter withdrew his measure on 20 March 1843. It was not before the end of 1843 that a new principle for the construction of roads in the Cape colony dependent on convict labour and initiated by John Montagu, secretary to government, was introduced.³⁷ Ebden was appointed by the government as a member of the newly created Central Board of Commissioners of Public Roads on 23 November 1843.³⁸ During his term of office, which terminated in July 1848, the

35 ibid., 10.8.1842: Road across the Cape Downs.

36 ibid., 7.12.1842: Copy of Resolutions of Saturday's Meeting.

37 J.J. Breitenbach, 'The Development of the Secretaryship to Government at the Cape of Good Hope under John Montagu, 1843-1852', Archives Year Book for South African History 1959, II, pp. 231-232.

38 Montagu - Ebden, etc., 23.11.1843, CO 4919, p. 314.

Cape Flats Road and the Montagu Pass were completed.³⁹

Turning his attention to port facilities, Ebdon led the members of the Commercial Exchange committee in spurring on the local authorities to press the secretary of state for the provision of funds for this purpose. In 1832 construction work on a stone pier had been commenced only to be suspended in August 1833, on instructions from the secretary of state.⁴⁰ At a meeting of the committee of the Commercial Exchange held on 8 October 1833, Ebdon as chairman announced that he had been invited to confer with the acting governor, Lieut.-Col. Thomas Wade, on the subject of the stone pier.⁴¹ Subsequent to the meeting with Wade, a petition was presented to the government, signed by Ebdon and seventy-three residents of Cape Town, requesting the completion of the stone pier at the expense of the petitioners.⁴² Since the colonial government had no authority either to accept the proposal or to resume work on the pier, the committee of the Commercial Exchange addressed a petition to the secretary of state.⁴³ Having been advised that the British government would not sanction the completion of the pier in consequence of the depressed state of the colonial revenue, Ebdon, as chairman of the committee, communicated to the government on 15 September 1834, once again proposing that the projected construction be completed at the expense of

39 Breitenbach, 'The Development of the Secretaryship', pp. 240-241; Cape of Good Hope Government Gazette, Supplement, 27.7.1848: Proclamation, 21.7.1848.

40 Cape of Good Hope Government Gazette, 30.8.1833: Government Advertisement, No. 1443, 30.8.1833.

41 Minutes, 8.10.1833, CC 3, p. 22.

42 Ross, etc. - Wade, undated, CO 3962, No. 64/3.

43 Annual Commercial Report, 30.4.1834, CC 3, pp. 49-50.

private individuals.⁴⁴ The governor was sympathetic to the proposal but having been informed that the British government had not completely given up the idea of completing the pier, he considered that the imperial authorities would be inclined to complete the work at public expense rather than to permit "so heavy and expensive an undertaking of general and acknowledged utility" being executed by private individuals.⁴⁵

Nothing further was done about the erection of the stone pier until April 1837 when the exchange committee was informed by the government that a communication had been received from the secretary of state, sanctioning the appointment of a local trust or commission which was to be responsible for the construction and maintenance of a stone pier in Table Bay under the superintendence of the colonial engineer. The wharfage dues were to be vested in the trust which would be empowered to raise money on the security of the dues. The committee was further informed that the governor had selected nine members of the commercial body "to form a Provisional Committee" on the understanding "that if it should appear desirable to proceed with the creation of the Trust it should be composed of those Gentlemen".⁴⁶ On 12 March 1838 Ebdon and the other selected members who were to comprise the trust agreed to form themselves into a provisional committee and expressed the opinion that it was

44 Ebdon - Bell, 15.9.1834, CO 386, No. 47.

45 Bell - Chairman of the Committee of the Commercial Exchange, 17.10.1834, CO 5303, pp. 125-126.

46 Annual Report, 30.4.1838, CC 3, pp. 189-192.

essential for the mercantile interests of the colony that the old jetty be maintained and improved and that the stone pier already commenced be completed.⁴⁷ The matter lay in abeyance until the governor, Maj.-Gen. Sir George Napier, on 10 July 1839, presented to the Legislative Council a "Bill for constructing and maintaining a stone pier in Table Bay".⁴⁸ Shortly afterwards, the governor requested the members of the trust to meet him on 6 August.⁴⁹ From this meeting, the members learnt that the construction of the stone pier would amount to £20,000 and that its maintenance, exclusive of repairs to the old jetty, would require an outlay far exceeding the amount of the wharfage dues. Under these circumstances, Ebden and the other members unanimously declined to accept the trust. Their action was a protest against the British government's decision to limit the resources for raising funds for the pier's construction and maintenance solely to the wharfage dues.⁵⁰ The creation of a harbour board was eventually realised in 1848. On 25 July Ebden was appointed to the newly constituted Board of Commissioners for improving the Port and Harbour of Table Bay.⁵¹ During the same month he served on the government-appointed committee to examine the state of the north and south wharves in Table Bay.⁵²

An opportunity for extending colonial trade appeared to have presented itself on the return to the colony of

47 Minutes, 12.3.1838, CC 3, pp. 179-180.

48 Minutes, 10.7.1839, LCA 2, p. 143.

49 Secretary to Government - Ebden, etc., 5.8.1839, CO 5304, p. 327.

50 Report, 30.4.1840, CC 3, pp. 289-290.

51 Montagu - Ebden, 25.7.1848, CO 4933, pp. 55-56.

52 Minutes, 4.7.1848, LCA 3, p. 329.

Dr. Andrew Smith from an official visit to Natal. On 7 December 1833, Dr. Smith and John Centlivres Chase, honorary secretary of the Cape of Good Hope Association for Exploring Central Africa, attended a meeting of the committee of the Commercial Exchange. After the two guests had communicated "a variety of information on the subject of Port Natal with a view to the proposed formation and protection of a British Settlement", the committee resolved that Ebden and Chase, together with the secretary of the committee, R.W. Eaton, should prepare a draft of a petition to the British government and resolutions to be proposed at a public meeting on a military occupation and settlement at Port Natal.⁵³ At the public meeting held on 20 January 1834, Ebden moved that a British government establishment at Port Natal would prevent foreign powers from supplying arms to the indigenous tribes which would ensure the peace and security of the colony. Furthermore, he stated that, under a British administration, missionary efforts to civilise the various tribes would also be fostered. He was of the opinion, after having carefully studied the facts conveyed by the different travellers, traders and others who had visited Natal, that the occupation of the territory which possessed every requisite of soil, climate and situation would benefit the colony both politically and commercially.⁵⁴ Ebden forwarded a petition bearing 190 signatures to the colonial government for transmission to the secretary of state with the

53 Minutes, 7.12.1833, CC 3, p. 29.

54 P.R. Kirby, Andrew Smith and Natal; documents relating to the early history of that Province, (Van Riebeeck Society, No. 36, Cape Town, 1955), pp. 146, 149-150.

request that the governor recommend the application for a British occupation of Port Natal.⁵⁵ The petition sketched the historical background, present state and description of the country, and requested the British government to occupy Port Natal and the depopulated surrounding vicinity and to establish a government there with a military force as a protection to trade.⁵⁶ The secretary of state appreciated the benefits likely to accrue to the trade and to the general relations of the colony but replied that the state of the colony's finances made it impossible for the British government to sanction the establishment of any new settlement.⁵⁷

Ebden's ambition to promote the commercial and economic prospects of the colony led him in the 1830's to experiment with the importation of sheep from New South Wales. In November 1831 he was associated with the arrangements to form a company to encourage the breeding of merino sheep and the export of wool. It was proposed to raise a capital of £450 in 120 shares of £4 3s 4d. The object of raising shares was not regarded as a profitable undertaking but was instituted to set the principle of improving the quality of wool produced in the colony in motion. At the founding meeting held on 7 November, four merchants, A. Chiappini, E. Christian, H. Ross and Ebden were appointed treasurers to receive the names of additional shareholders.⁵⁸

55 Ebden - Brink, 7.4.1834, CO 386, No. 42.

56 Ross, etc. - His Majesty the King in Council, undated, CO 3969, No. 75.

57 Rice - D'Urban, 10.11.1834, GH 1/102, No. 1482, pp. 65-67.

58 South African Commercial Advertiser, 9.11.1831: Minutes of Meeting.

A meeting of the shareholders of the Association for the Improvement of Cape Wool, as the company became known, was arranged to be held on 31 December. On 28 December a circular appeared in the local press, signed by Charles Hobson Ebden, second eldest son of J.B. Ebden, stating that "under the encouragement and support of my friends in this Colony" (no doubt his father had been a major influence), he had decided to proceed to Sydney, New South Wales, with the intention of establishing himself as a general agent.⁵⁹

From as early as 1817, Ebden had been an exporter of Cape wine to New South Wales.⁶⁰ Between 1831 and 1840 this settlement was one of the most important markets for the wine of the colony. Wine exports to New South Wales were limited, since the trade between the two colonies was one-sided, the Cape importing nothing from her Australian counterpart.⁶¹ A way of overcoming the imbalance of trade was the importation of sheep from New South Wales, which was initiated by Ebden with the assistance of his son. Nothing more was heard of the Association for the Improvement of Cape Wool. It would appear that several merchants embarked on the scheme of importing sheep individually. In January 1835 three shipments of merino sheep arrived at the Cape, the first belonging to Messrs. Venning, Robertson & Co., imported from Germany, the second to Captain Neilson and the third to Ebden. The latter two shipments were imported from New South Wales.⁶² Ebden's

59 ibid., 28.12.1831: Cape Wool and Circular.

60 Register of Return of Cape Wines Exported, 1811-1817, WT 3.

61 Van Zyl, Kaapse Wyn, p. 165.

62 South African Commercial Advertiser, 31.1.1835.

shipment consisted of 173 rams and 11 ewes, selected by his son from the saxon flocks of William Edward Riley and the merino flocks of James and William Macarthur.⁶³

A sub-committee of the Agricultural Society inspected the sheep and reported on their superior quality, stating that Ebden had conferred a great benefit on the wool industry of the colony. The first sale of the sheep took place by public auction on the Grand Parade on 21 February. Ebden, as an astute businessman, was the first merchant to advertise that the sale would "be made extremely favorable to Purchasers, and Claims to the Compensation Money will be taken in payment".⁶⁴ In a letter to the editor of the South African Commercial Advertiser, a writer signing himself "A.B." praised Ebden's decision to take claims on the slave compensation money in payment of the sheep, commenting "In acting in this manner, Mr. Ebden will confer a twofold benefit on the Colony, as the want of ready money is generally experienced at present". The writer advised the slave owners to invest the capital coming to them in the form of compensation money in the speculation of wool, which was expected to become a staple export of the colony.⁶⁵ Other merchants soon followed Ebden's example to supply goods on receiving transfer of claims on the compensation fund. By April 1835 there were already signs that the venture had been unsuccessful. The price of merino sheep imported from Germany and New South Wales declined to such an extent

63 Ebden - Bell, 27.1.1835, CO 3977, No. 158.

64 South African Commercial Advertiser, 7.2.1835: Saxon & Merino Sheep.

65 ibid., 18.2.1835: A.B. - The Editor, 14.2.1835.

that Ebden decided that further importations would be a doubtful speculation. The agitated state of the colony due to the frontier war was advanced as a reason for the poor prices paid.⁶⁶ Although Ebden had held various sales during 1835, in February 1837 he was advertising a sale to be held at Stellenbosch of eighty sheep imported in 1835.⁶⁷ Ebden made no further imports of sheep, but he had to a limited extent contributed to up-grading the quality of the colony's stocks. In September 1842 3500 merino sheep belonging to the insolvent estate of a Beaufort West farmer, William Kinnear, were sold. The announcement of sale stated that some of the sheep had been produced from the fine stock imported by Ebden.⁶⁸

The slave compensation money expected to flow into the colony gave rise in June 1836 to the formation of a steam navigation company launched by Ebden in conjunction with other Cape Town merchants. On 15 June a meeting was held at which it was proposed to establish a steam navigation company in Cape Town with a capital of £20,000 in shares of £10 each. Having been called to the chair, Ebden expressed the practicability of the scheme "and had no doubt it would be carried into effect with an energy the Cape Colonists had often been accused of wanting". The purpose of the company was to purchase one or more steam vessels which would be employed to ply between the eastern and western provinces of the colony to meet the demands of

66 ibid., 15.4.1835: Leading article.

67 ibid., 7.2.1835, 28.3.1835, 25.4.1835, 27.5.1835, 26.8.1835, 11.2.1837: Advertisements.

68 ibid., 14.9.1842: Merino Sheep.



**CAPE OF GOOD HOPE
STEAM NAVIGATION
COMPANY,**

55, St. George's-Street:

Trustees.

The Hon. J. B. Ebdon, Esq. H. Watson, Esq. T. Ansdell, Esq.

Directors,

Thomas Ansdell, Esq. *Chairman.*

W. Billingsley, Esq.
G. Robb, Esq.
H. Watson, Esq.
G. Greig, Esq.

T. B. Venn, Esq.
R. P. Dobic, Esq.
J. H. Vaurena, Esq.
Edw. Norton, Esq.

Auditors,

Thomas Hall, Esq.—John Ross, Esq.

Secretary and Managing Director, Edward Norton, Esq.

Agents,

London,..... Alex. Sinclair, Esq.
Port Elizabeth,..... Maynards, Higgins, & Co.
Mossel-bay,..... J. B. Adam Bland, Esq.

Advertisement for the Cape of Good Hope Steam
Navigation Company
(Cape of Good Hope Almanack and Annual Register, 1843, n.p.)

commerce and promote its growth. Ebden, together with twelve prominent Cape Town residents, was appointed to prepare a prospectus of the proposed company. At a subsequent meeting of shareholders held on 6 July, Ebden was elected one of the nine directors of the company.

Arrangements for purchasing the vessel were undertaken by the Cape of Good Hope Trade Society in London. A vessel having a burden of 300 tons with two engines each of fifty horse power was contracted for at the cost of £10,000. On 8 December 1838 the Hope steamer arrived in Table Bay.⁶⁹ After four months of having run the Hope between Cape Town and Algoa Bay, Ebden and the other directors informed Napier that the communication between the two places had greatly increased. The governor was requested to grant to the company a piece of land situated at Mossel Bay for the purpose of building a store for coal for the use of the steamer. Although the ground could not be alienated by the government, the company was permitted to use the land as a coaling depot until such time as it was required for public purposes.⁷⁰ The career of the Hope was shortlived. She was wrecked on 11 March 1840 on the rocks off the Tsitsikamma coast.⁷¹ The company at once took steps for her replacement but many months elapsed before the insurance money was paid in England and only after three years did her successor, the Phoenix, put in an appearance in Table Bay in December 1842. By 1845

69 ibid., 18.6.1836, 29.6.1836, 9.7.1836, 27.7.1836, 9.5.1838, 12.12.1838: Steam Navigation Company.

70 Venning, Ebden, etc. - Napier, undated, CO 424, No. 145.

71 Cape of Good Hope Almanack and Annual Register, 1841, p. 193.

the Phoenix had become so unprofitable to run that she was offered for sale and the company, of which Ebden had been director and trustee for the years 1836-1842, wound up its affairs at the end of 1845.⁷²

Although the steam navigation company proved to be a non-paying concern, it contributed to the awareness for a coasting service in the colony which subsequently was successfully undertaken by larger companies. Ebden's interest in steam communication continued throughout his career as a merchant. On 31 June 1847 he presided over a public meeting to consider steam communication between England and Australia.⁷³ A petition was presented to the governor informing him of the intention of a London company to commence a steam service to Australia. Ebden and his fellow-petitioners considered that from commercial and political points of view, the Cape should be included in the route and that if the company regarded the traffic at the Cape with passengers and mail insufficient to meet the expenses, the colonial government should advance a bonus to the company on the regular delivery of mails at the Cape.⁷⁴ The governor was favourably disposed to the proposal but the British government would not comply with the request.⁷⁵

In 1845 Ebden turned his attention to the possibility of developing Natal as a cotton producing British colony.

72 M. Murray, Ships and South Africa (London, 1933), pp. 12-13; Cape of Good Hope Almanack and Directory, 1837-1839; Cape of Good Hope Almanack and Annual Register, 1840-1843.

73 Zuid-Afrikaan, 29.7.1847: Public Meeting.

74 Letterstedt, etc. - Pottinger, undated, CO 4037, No. 9.

75 Pottinger - Grey, 25.10.1847, GH 23/17, No. 162, p. 216.

From May 1844 Natal had been administered as an appendage to the Cape Colony.⁷⁶ A petition signed by Ebdon and 158 other Cape merchants was addressed to the Queen in which it was stated that Natal was a highly productive country, rich in natural resources and suitable for the cultivation of cotton. The merchants complained that very high port dues were levied at Natal and that the lack of a civil government and a judicial establishment tended to be detrimental to trade relations between the Cape and Natal. The appointment by the British government of a civil government and a judicial establishment at Port Natal was requested.⁷⁷ On 30 April 1845 the imperial government issued a commission under the privy seal enabling the Cape governor to appoint a lieutenant-governor in Natal. In consequence of this commission, Maitland, on 21 August, defined the boundaries of Natal and on 13 November appointed Martin West provisionally lieutenant-governor of the territory. By 4 December a civil and judicial administration had been established at Natal.⁷⁸

Britain needed alternative sources to South America for her supply of raw cotton. A group of philanthropists exerted pressure on the British government to withdraw capital from undertakings produced by slave labour. One such undertaking was the cotton industry of South America

76 Theal, History of South Africa from the foundation of the European settlement to our own times, 1834-1854 (London, 1893), p. 368.

77 Ansdell, etc. - The Queen in Council, undated (Enclosure with Maitland - Grey, 1.8.1845), GH 28/30, No. 106.

78 Theal, History of South Africa from the foundation of the European settlement, pp. 369-371.

from where England, the world leader in the field of cotton manufacturers, received her raw material. Another factor which engaged the attention of the British cotton manufacturers was the probability that in time the Americans would themselves become manufacturers of raw cotton and that the slave states would thus virtually cease to supply the United Kingdom with its most essential raw material.⁷⁹

In March 1847 the Natal Cotton Company was floated in Cape Town with the backing of the merchants Ebden, Edward Chiappini, Hermann and Ernst Suffert and the German-Jewish pioneer, Jonas Bergtheil.⁸⁰ Ebden, who was chairman of the company, together with the other directors, addressed a petition to Martin West in which the hope was expressed that the company would provide sufficient cotton to counterbalance the deficiency occasioned by the withdrawal of capital from the American plantations. The company intended to locate immigrants in villages where they would be allowed the sale of their produce. Ebden and his colleagues pointed out that there were 300,000 acres of unappropriated crown land in Natal which was capable of yielding about 500,000 bales of cotton annually. The directors requested 50,000 acres on condition of their importing 500 immigrants which would be equivalent in expense to buying land at 2s 0d per acre.⁸¹ Both the lieutenant-

79 B.J.T. Leverton, The Natal Cotton Industry, 1845-1875 (Pretoria, 1963), pp. 4-5.

80 South African Commercial Advertiser, 6.3.1847: Natal Joint Stock Company.

81 Ebden, etc. - Grey, undated (Enclosure with West - Governor of the Cape of Good Hope, 19.8.1847), CO 567.

governor of Natal and the Cape governor were in favour of the scheme, the latter recommending support for the company to the secretary of state with the stipulation that the immigrants should be British subjects.⁸² The secretary of state sanctioned the company's scheme, guaranteeing £10 drawback on each approved British immigrant.⁸³

On 18 March 1848 Ebdon addressed a petition to the Cape governor, Sir Henry (Harry) Smith, requesting on behalf of the company a grant of 25,000 acres of crown land at Natal at the rate of 2s 0d per acre and giving an undertaking to import in a reasonable time 500 approved immigrants from Britain. The governor acceded to the request and informed Ebdon that in addition to a drawback of £10 from the purchase money of the land to be sold for every approved British immigrant, the secretary of state had authorised the whole of the purchase money to be devoted to the introduction of immigrants and the provision of dwellings, schools and churches for their use.⁸⁴ In May 1848 the purchase was concluded and on 31 July ten per cent of the purchase money was paid. Twenty-eight immigrants who had originally immigrated to the Cape were persuaded to proceed to Natal in October, to commence the cultivation of cotton.⁸⁵

82 West - Governor of the Cape of Good Hope, 19.8.1847, CO 567; Pottinger - Grey, 30.9.1847, GH 23/17, No. 147, p. 188.

83 Grey - Smith, 20.1.1848, GH 1/190, No. 63, p. 48.

84 Montagu - Ebdon, 20.3.1848, CO 5309, pp. 289-291.

85 Bergtheil - Moodie, 14.11.1849 (Enclosure with Moodie - Secretary to Government, 4.1.1850), GH 28/51, No. 35.

The project was, however, doomed to failure. The directors were unable to fulfil their side of the agreement entered into with the government. In an explanatory petition to Smith in March 1849, Ebden and the other directors stated that, after the most unremitting exertions on the company's part and an expenditure of about £5,000 on the introduction of immigrants and the construction of facilities for their use, no progress had been made in the cultivation of cotton. The chief difficulty was that of the 22,779 acres purchased by the company, only 4,500 acres had any prospect of being brought under cultivation. The directors were of the opinion that cotton could be successfully cultivated at Natal by employing indigenous labour under European superintendence rather than by British immigrants as planned originally. The twenty-eight immigrants settled by the company in Natal were sufficient for the work available. Ebden and his associates were under the impression that the encouragement which the secretary of state had shown towards their project at the outset had been aimed at testing the capabilities of the newly acquired territory for the cultivation of cotton rather than principally as a means of introducing an European population. They expressed the hope that the conditions of the grant, although, they admitted, not carried out in the letter, had in spirit been fulfilled. The company's expenditure had already doubled the original upset price of the land and the shareholders' refusal to pay any further instalments until the company had the title deeds embarrassed the

position still further. The directors were reluctant to abandon an enterprise which had promised so well, both for them and the colony. They requested the governor to grant them a special concession by revoking the original agreement which bound the company to introduce 500 immigrants and they also applied for the title deeds to the land.⁸⁶

Ebden was informed in reply by the governor that the directors of the Natal Cotton Company had misunderstood the intentions of the secretary of state in granting certain privileges to the company, the main object of which had been to encourage emigration from the United Kingdom into Natal. It was further stated that a decision would be taken on the request of the directors, pending a report from the lieutenant-governor of Natal.⁸⁷ Further to this reply, Ebden was advised that, since the lieutenant-governor had received no reply to a communication which he had addressed to the managing director of the company in Natal, he was of the opinion that no explanation could be supplied which would warrant a departure from the terms on which the land had been sold to the company.⁸⁸ In response, Ebden explained that the communication alluded to by the lieutenant-governor and which applied to particulars on the expenditure of the company had been delayed owing to the time it had taken to analyse the required particulars from the numerous documents received from the management in Natal. He now included an abstract of the company's

86 Ebden, etc. - Smith, 30.3.1849, GH 28/47, No. 120.

87 Smith - Ebden, 7.4.1849, CO 5310, pp. 254-255.

88 Montagu - Ebden, 8.9.1849, CO 5310, p. 445.

expenditure from 19 March 1847 to 1 June 1849 which amounted to £5000. This sum had been expended on the introduction of immigrants, the erection of buildings and the cost of machinery necessary to cultivate cotton. Ebden again appealed to the governor to render the assistance requested originally and at the same time gave the assurance that if the directors of the company were not held liable for introducing more immigrants, the company would "succeed in making Natal a cotton growing and exporting country".⁸⁹ Ebden's explanation was forwarded to the secretary of state.⁹⁰

Ebden made a final attempt to save the company. He requested the lieutenant-governor to accede to the application of the directors and drew attention to the fact that the secretary of state had assigned no exact limit to the time the company should take in fulfilling their contract with the government.⁹¹ The plea was in vain. The lieutenant-governor, in November 1849, had already decided, pending the sanction of the secretary of state, to reclaim for the crown the land of the Natal Cotton Company and to assign it to J.C. Byrne for his promotion of immigration to Natal.⁹²

The conditions of sale not having been complied with, Ebden was informed in April 1850 that the secretary of state had instructed the Cape governor to resume on behalf of the crown the land sold to the company. In furtherance

89 Ebden - Montagu, 13.9.1849, GH 28/48, No. 180.

90 Smith - Grey, 24.9.1849, GH 23/19, No. 180, p. 93.

91 Ebden - Moodie, 11.12.1849, (N.A.D.) CSO 10, No. 83, pp. 4-6.

92 Smith - Grey, 13.12.1849, GH 23/19, No. 226, pp. 164-165.

of this instruction, the lieutenant-governor was requested to report on the amount of compensation to which the company was entitled for improvements upon the land.⁹³ Even at this late stage, Ebden, on behalf of the company, put up a bold fight, accusing the lieutenant-governor of breach of faith and requesting the Cape governor to reconsider the whole question.⁹⁴ The company having made no payment to the government either at the Cape or at Natal for the introduction of immigrants or for any other purpose beyond ten per cent paid on 22,750 acres of crown land purchased in May 1848, cancelled Ebden's argument that the company had fulfilled its side of the bargain by expending £5000 on the land.⁹⁵ In September 1850 the lieutenant-governor decided that £260 11s 6d be paid to the company as compensation for buildings erected on the land.⁹⁶

The constructive work of the company, besides clearing the ground, building several houses and indirectly assisting a few hundred Byrne immigrants, was so small as to be almost negligible.⁹⁷ The company had, however, provided an experience which caused thirteen years to elapse before a comparable venture was undertaken. The major cause of failure of the company was its lack of proper organisation. Ebden and the other directors were located in Cape Town and could not possibly manage affairs efficiently in far-

93 Montagu - Ebden, 16.4.1850, CO 5311, p. 106.

94 Ebden - Montagu, 22.4.1850, CO 596, No. 94.

95 Memorandum, 24.4.1850 (Appended to Ebden - Montagu, 22.4.1850), CO 596, No. 94.

96 Montagu - Ebden, 17.9.1850, CO 5311, p. 272.

97 R.E. Ralls, 'Early immigration schemes in Natal, 1846-1853' (Unpublished M.A. thesis, Natal University College, 1934), p. 59.

off Natal. The branch directorate appointed in Natal functioned in a half-hearted manner which contributed to the company's dismal failure.⁹⁸

Although railways had already made their appearance during the 1850's in Canada, India and Australia, the Cape lagged behind, being dependent on the ox-wagon to transport goods from the interior to the coast. In 1844 a commencement had been made with the construction of roads in the colony with the aid of convict labour, but however good these roads might have been, the fact remained that the speed of the ox-wagon was limited.⁹⁹ As in the construction of roads and harbours, Ebdon was in the forefront of railway construction. At a special meeting of the committee of the Commercial Exchange held on 21 April 1849, the subject of railways was raised. Edmund Leahy, an engineer who had had previous experience in the building of railways in France and Ireland, suggested to the committee that a railway be constructed from Cape Town to Stellenbosch, Paarl and Wellington with branches to Wynberg and Somerset West. Four members of the Commercial Exchange, Ebdon, W. Gadney, R.W. Eaton and a Mr. Frushard were appointed as a special committee to co-operate with Leahy in investigating the possibility and cost of constructing the proposed railway. Ebdon, as chairman of the special committee, submitted a report to the committee of the Commercial Exchange on 11 August.¹⁰⁰ The calculations

98 Leverton, The Natal Cotton Industry, pp. 34-35.

99 D.H. Heydenrych, 'Die Geskiedenis van die Spoorweë in die Kaapkolonie tot 1885' (Unpublished M.A. thesis, University of Stellenbosch, 1965), p. 1.

100 Minutes, 21.4.1849, 11.8.1849, CC 4, pp. 129, 138.

contained in the report were based on the return of goods which had passed through the Cape Town market during the years 1845 to 1847. The report gave a favourable impression of the advantages to be derived from the proposed railway. It was estimated that a dividend of more than ten per cent would be yielded on capital invested in the construction which was expected to stimulate the economic life of the colony.¹⁰¹ The government to whom the report was subsequently submitted was not in favour of the proposed railway, and the subject was dropped until the formation of the Cape Town Railway Dock Company in March 1854.¹⁰² Ebdon was chairman of the local committee of this company from its inception until the take-over of private railways by the government in 1872.¹⁰³ The company was responsible for constructing the Cape Town to Wellington railway, opened in November 1863, which was the first project of its kind to have been accomplished in South Africa.¹⁰⁴

Ebdon not only employed his talents, wealth and influence in the promotion of the colony's commercial and economic development, but he also contributed towards the advancement of educational and cultural institutions and of the church. In October 1827 he was a signatory

101 Report of the Committee of Commercial Exchange on the practicability of introducing Railways into the Cape Colony, 1.8.1849 (Enclosure with Eaton - Montagu, 17.8.1849), CO 4490.

102 Heydenrych, 'Die Geskiedenis', p. 3.

103 (C.A.D.) Cape Town Railway and Dock Company. Local Committee. Minutes, March 1854 - December 1872 (Un-arranged official manuscripts).

104 Cape of Good Hope Commercial Directory and General Business Guide, 1868, p. 132.

to a petition requesting Acting Governor Bourke to sanction a public meeting to consider means of erecting an English Church at Cape Town.¹⁰⁵ Having no separate building of their own, the English community held their church services in the Dutch Church in the Heerengracht from January 1807.¹⁰⁶ The first plan adopted to establish the church was drawn up on the principle of the government providing the site and half of the cost of erection and the public subscribing the other half of the cost.¹⁰⁷ At a meeting of subscribers to the church held on 1 November, Ebden was elected one of the nine members of the committee of management on which he served until its termination in September 1829.¹⁰⁸ Insufficient funds having been subscribed by the public towards the erection of the proposed church, a new scheme was advanced in August 1829, when it was decided to form a joint-stock company with a capital of £6250 in 250 shares of £25 each. Ebden, together with two other subscribers, were appointed a committee for receiving subscriptions for shares.¹⁰⁹ On 1 September 1829 Ordinance No. 4 was passed, authorising a sum of money to be raised in shares for erecting an English Church at Cape Town.¹¹⁰ St. George's Church was declared open on 21 December 1834.¹¹¹ Ebden

105 Hawkins, etc. - Bourke, 15.10.1827, CO 3935, No. 30.

106 R.R. Langham-Carter, Old St. George's: The Story of Cape Town's first cathedral (Cape Town, 1977), p. 3.

107 Resolutions passed at a general meeting of the Inhabitants, 22.10.1827 (Enclosure with Hough - Lieutenant Governor, 26.11.1827), CO 324, No. 39.

108 The Colonist, 24.1.1828: English Church; St. George's Church. Building Committee. Minutes, 15.9.1829.

109 Minutes of Proceedings, 27.8.1829 (Enclosure with Judge, etc. - Bell, 27.8.1829), CO 361, No. 55.

110 Cape of Good Hope Government Gazette, 4.9.1829: Ordinance No. 4, 1.9.1829.

111 Langham-Carter, Old St. George's, p. 17.

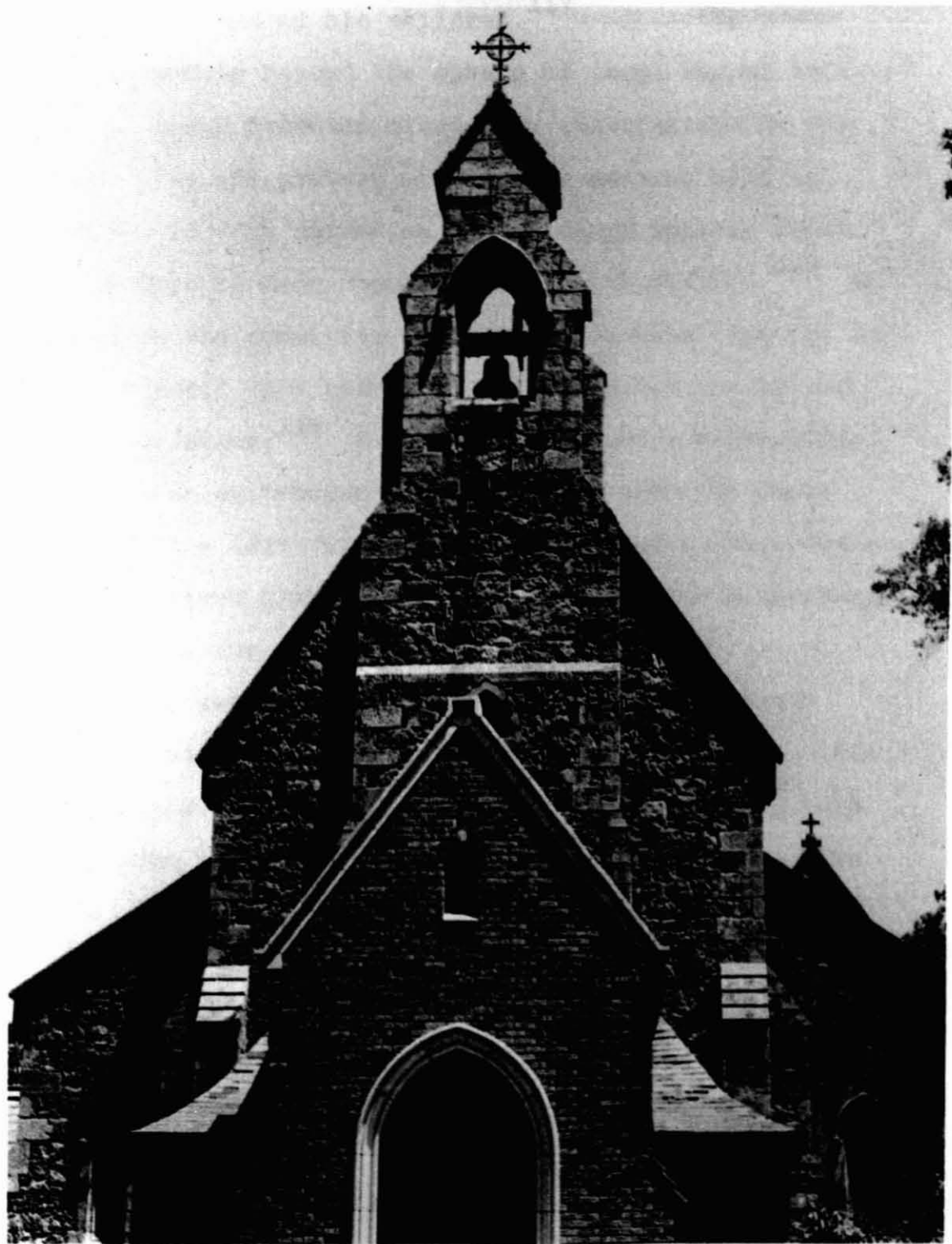


Ebden's home 'Belmont' built at Rondebosch circa 1835
in the neo-Grecian style. West facade, 1878
(Macmillan Collection, Africana - Cape Peninsula - Historic
Houses and Buildings - Rondebosch, Photo 57/200,
Jagger Library, University of Cape Town)

continued to render his services to the church which he had helped to establish. He was a trustee for the periods 1836 - 1838, 1842 - 1843 and 1849 - 1850 and was also a member of the finance committee during the years 1836 - 1838.¹¹² In his capacity as a trustee, Ebden was responsible for obtaining plans and estimates for minor improvements to the building of St. George's Church.¹¹³ In March 1848 he was elected, together with four other shareholders, to investigate the position of the church's finances and the possibility of having St. George's Church consecrated a cathedral.¹¹⁴

In 1837 Ebden and his family moved into their new home named Belmont (now St. Joseph's College) at Rondebosch.¹¹⁵ He became a member of St. Paul's Parish Church and served as a church warden during the year 1846 and as a member of the vestry for the periods 1849 - 1852 and 1854.¹¹⁶ Various memorials were erected in St. Paul's Church to members of the Ebden family. Two stained glass windows commemorate Ebden's wife, Antoinetta (Anthonia) Adriana Ebden and his youngest son, Dr. Henry Anderson Ebden. The bell turret of the church was erected in

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- 112 St. George's Church. Minutes of Vestry and Trustees, 3.10.1836, 6.10.1836, 7.10.1837; Cape of Good Hope Almanack and Annual Register, 1842-1843, 1849-1850.
- 113 St. George's Church. Draft Minutes of Trustees and Vestry, 6.10.1836, 21.4.1838, pp. 133, 160.
- 114 Report of the committee appointed by the shareholders of St. George's Church at a special general meeting held on the 31st March, 1848 (Cape Town, 1848), pp. 21-23 (S.A.L., Bound Pamphlets, S.A.B.P. 31).
- 115 Cape of Good Hope Almanack and Directory, 1838, p. 259.
- 116 South African Commercial Advertiser, 2.12.1846: Notice; St. Paul's Church. Minutes of Vestry, 28.5.1849, Whit Monday 1850, 9.6.1851, 31.5.1852, Whit Monday 1854.



Bell turret of St. Paul's Church, Rondebosch
erected by Ebden's children after his death in 1873

memory of Ebden by his children.¹¹⁷

Extending beyond the sphere of local church activities, Ebden promoted missionary undertakings in the colony. He was present at a public meeting held on 15 March 1837 to establish a missionary society known as the Cape of Good Hope Missionary Association.¹¹⁸ He served on the committee of this association from its inception until 1839 and in 1840 was elected one of the vice-presidents.¹¹⁹ He was also a prominent freemason, having been an honorary member of the Lodge de Goede Hoop, 1811 - 1819, master of the Hope Lodge 473, 1834 - 1836 and Grand Director of Ceremonies of the Provincial Grand Lodge for South Africa, 1838 - 1845.¹²⁰

Ebden was a foundation subscriber to the South African College which was established on 1 October 1829 by the raising of voluntary subscriptions divided into 200 shares of £10 each.¹²¹ He contributed towards the administration of the college by serving on the council of directors during the years 1838 - 1839, 1842 - 1844 and 1856 - 1873.¹²² In July 1838 he was appointed to a

117 Plaque in St. Paul's Church, Rondebosch.

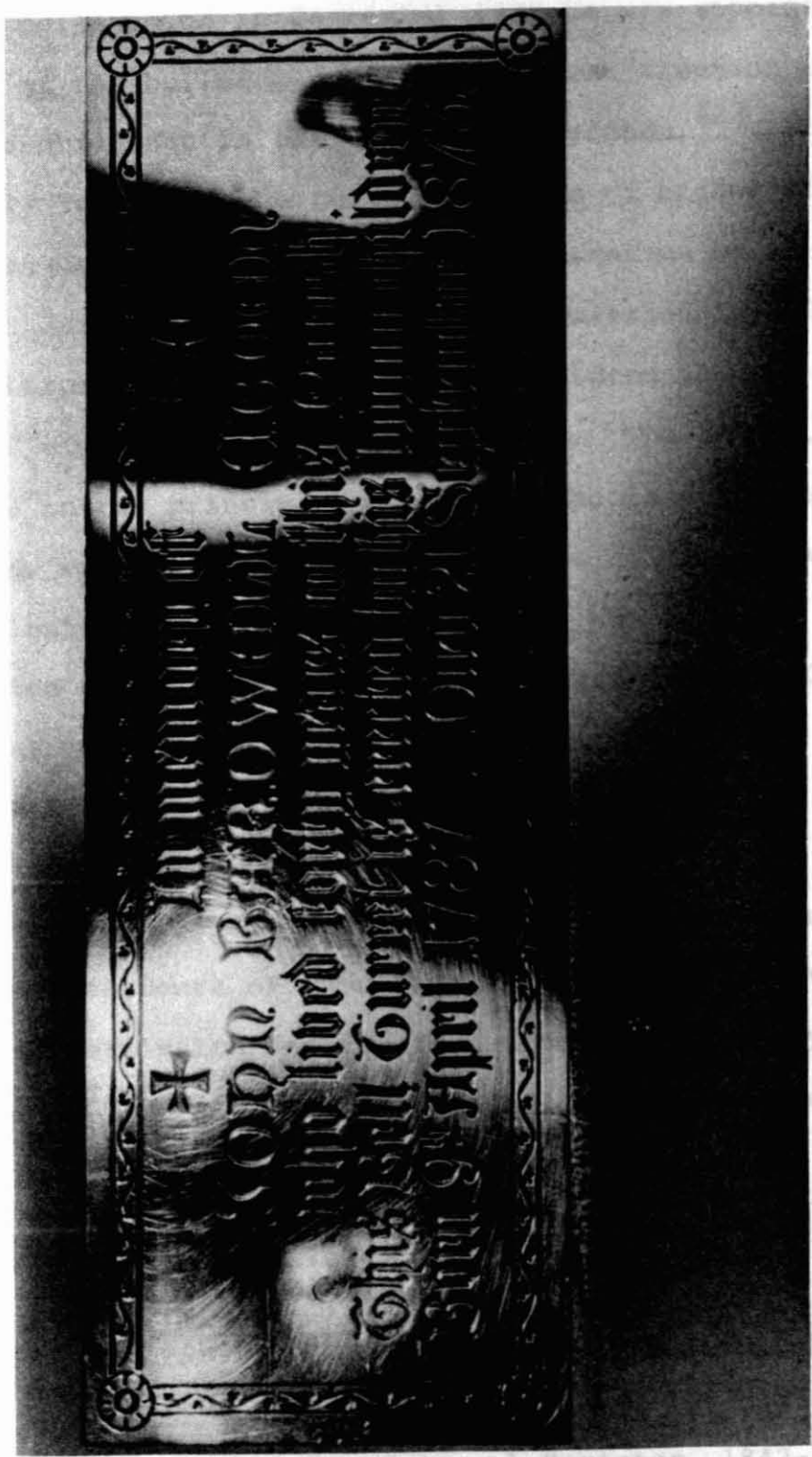
118 South African Commercial Advertiser, 25.3.1837: Cape of Good Hope Missionary Association.

119 Cape of Good Hope Almanack and Directory, 1838-1839; Cape of Good Hope Almanack and Annual Register, 1840-1841.

120 Register of Members of the Lodge de Goede Hoop, A 731, 5/1, No. 596; Recreation Club "De Hoop". List of Members, A 731, 7/1/1/1; T.N. Cranstoun-Day, The British Lodge No. 334 and English Freemasonry at the Cape of Good Hope, 1795-1936 (Cape Town, 1936), pp. 192, 196.

121 South African Commercial Advertiser, 6.5.1829: Subscription list; South African Almanac and Directory, 1832, p. 111.

122 W. Ritchie, The History of the South African College, 1829-1918, II (Cape Town, 1918), p. 803.



Commemorative plaque in St. Paul's Church, Rondebosch

Minutes, 1842-1850.

South African and Annual Register, 1845-

Vol. 2, 4, 1849, pp 3942, No. 187.

sub-committee of the council to report upon the finances of the college and in September 1839 he was appointed a member of the building committee for the erection of college buildings in the government gardens.¹²³ Ebden not only furthered the colony's system of higher education but he also subscribed to the formation of the South African Infant School, which was established in 1830 for the instruction of all classes of children between the ages of eighteen months and six years. The school, founded on the principle of infant schools established in England, was supported by aid from the colonial government and voluntary subscription.¹²⁴ Ebden was a member of the committee of the school during the years 1833 - 1835, 1838 and 1841 - 1850.¹²⁵ In 1844, an infant school was established at Rondebosch, and Ebden was elected to the committee for the period 1844 - 1852.¹²⁶

In April 1829 he was a signatory to a petition signed by fifty residents of Cape Town, requesting the governor to grant permission for the formation of a literary society.¹²⁷ Permission was granted, and Ebden became a member of the South African Literary Society which, in

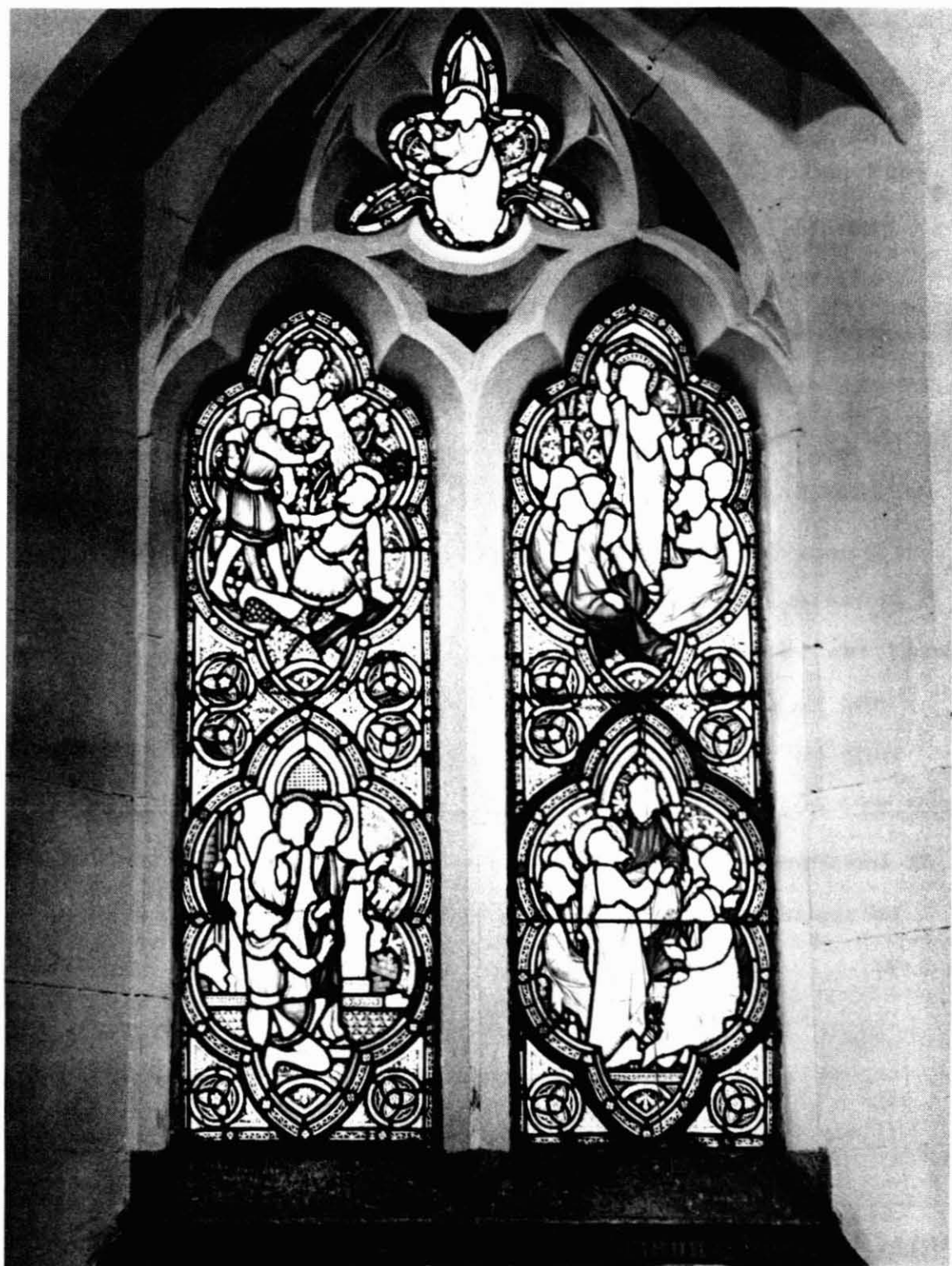
123 South African College. Council of Directors. Minutes, 3.7.1838, 17.9.1839.

124 South African Commercial Advertiser, 30.1.1830: South African Infant Schools; Cape of Good Hope Almanack and Annual Register, 1852, p. 156.

125 South African Almanac and Directory, 1834-1836; Cape of Good Hope Almanack and Directory, 1839; Cape of Good Hope Almanack and Annual Register, 1842-1850.

126 Cape of Good Hope Almanack and Annual Register, 1845-1852.

127 Cloete, etc. - Cole, 2.4.1829, CO 3942, No. 187.



Stained glass window, St. Paul's Church, Rondebosch,
commemorating Ebden's wife
Antoinetta (Anthonia) Adriana Ebden (1781-1853)

1833, became known as the South African Literary and Scientific Institution; it had for its object the extension and promotion of general literature and scientific research.¹²⁸ He subscribed to the South African Public Library which was opened to the public on 2 January 1822, and served on the committee of direction for the years 1836 - 1847.¹²⁹ He was a subscriber to the Cape of Good Hope Philanthropic Society for aiding deserving slaves and slave children to purchase their freedom, which was established in July 1828. He served on the committee of the society during the year 1831.¹³⁰

Ebden, who, during a quarter of a century, wielded a significant influence on the affairs of the Cape, was tireless in his endeavours to promote the interests of the colony. The failures which accompanied several of the schemes which he initiated never deterred him from his prime objective. The free enterprise system practised in South Africa owes much to the failures and successes of Ebden and his associates.

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- 128 South African Literary Society. Rules and Regulations; with an appendix of papers (Cape Town, 1830); South African Literary and Scientific Institution. Annual Report (Cape Town, 1833) (S.A.L., Bound Pamphlets, S.A.B.P. 4).
- 129 Cape of Good Hope Almanack and Directory, 1837-1839; Cape of Good Hope Almanack and Annual Register, 1840-1848.
- 130 South African Almanac and Directory, 1832, p. 113.

CHAPTER 5

POLITICAL AND PUBLIC LEADER, 1834 - 1849

On 23 October 1833 letters patent were issued at Westminster creating a legislative council for the colony. It was to consist of not less than ten nor more than twelve members, exclusive of the governor. The military officer next in rank to the governor, the secretary to government, the treasurer-general, the auditor-general and the attorney-general were to hold seats by virtue of their offices. The other members were to be selected from the chief landowners and principal merchants and were to hold office during residence and good behaviour, unless disallowed by the secretary of state within two years of their nomination. The governor and six members were to form a quorum. Meetings could only be summoned by the governor who was to preside. In his absence, the senior member present was to occupy the chair. The governor was to have a vote and also a casting vote when the council was equally divided. Decisions were to be valid on a simple majority of votes. Draft ordinances were to be published in the Cape of Good Hope Government Gazette at least three weeks before being submitted for discussion.¹ On his arrival at the Cape on 16 January 1834, the new governor, Sir Benjamin D'Urban, proceeded to institute the Legislative Council. On 6 February Ebdon, Charles Stuart Pillans, Pieter Laurens Cloete, Michiel

1 Extracts from the Instructions, LCA 1, pp. 9-39.

van Breda and Jacobus Johannes du Toit were given commissions to be the first unofficial members of the newly constituted Legislative Council.²

Ebden's main achievement in the council centred upon financial matters and, although not his only contribution, it features so prominently as to warrant a full discussion before other aspects are commented upon. On 31 December 1836 Ebden and six other members of the council were appointed as a committee to enquire into the taxes and expenditure of the colony. Ebden, as chairman of the finance committee, submitted a report on 4 November 1837.³ The committee recommended that the capitation tax, taxes on servants, carriages and horses, on stock and produce, on income and on grain be abolished. The committee were of the opinion that these taxes, while oppressive in nature, were extremely difficult to collect. If the suggested taxes were abolished, a deficiency of £15,321 would accrue to the colonial revenue. According to the committee, the deficiency would be offset by the increase of the revenue derived from the customs which was steadily growing. So as to ensure that the increased revenue would continue from the customs, the committee appended to the report a table of principal articles of general consumption imported into the colony and requested that uniform duties be levied on the enumerated articles which would lead to the importation of the best articles and an increase of the revenue from the customs. As a further precautionary measure, it

2 Commissions, 6.2.1834, LCA 1, pp. 44-47.

3 Minutes, 31.12.1836, LCA 1, pp. 399-400; Minutes, 4.11.1837, LCA 2, p. 28.

was proposed that the duty on all imports be raised. As mentioned in Chapter 3, the committee, on Ebden's recommendation, advised that the low import duty on French brandy as opposed to the high duties on other foreign brandies was necessary to advance the interests of the Cape wine trade.⁴ The report was adopted by the council on 27 December and transmitted to the secretary of state. On 2 December 1840 Col. J. Bell, the secretary to government, laid before the council a despatch from the secretary of state enclosing an order-in-council authorising a new tariff of customs for the colony. The specific duties, with slight modifications recommended by the finance committee, had been adopted, but the proposal to levy ad valorem duties on certain duty-free articles was not sanctioned. Having discussed the question, the majority of the members of the council came to the conclusion that, since the revenue derived from the customs would be insufficient to defray the deficiency arising from the repeal of the assessed taxes, the secretary of state be requested to reconsider the matter and to sanction the recommendations of the finance committee in entirety by issuing an amended order-in-council.⁵ Ebden was the only member who dissented from the majority vote. He maintained that it was imperative to immediately implement the order-in-council so as to repeal the several assessed taxes which bore heavily on the colonists. He was confident that the customs duties under the order-in-council and the gradual improvement of the revenue were more than adequate to meet any deficiency.⁶

4 Ebden - D'Urban and members of the Legislative Council, 30.11.1837, LCA 8, No. 8.

5 Minutes, 2.12.1840, LCA 2, pp. 216, 219.

6 Dissident, 10.12.1840, LCA 2, pp. 220-223.

Contrary to the majority vote, the governor decided to publish the tariff of customs duties and to repeal the assessed taxes with the exception of the tax on grain. Ebden made a bid in the council to have the continuation of the tax on wheat removed but was unsuccessful.⁷

In 1839 Ebden introduced two bills which were aimed at the advancement of the Cape of Good Hope Bank. On 26 January he presented to the council a bill "For the better regulating the issue of Promissory Notes, Bills of Exchange, or Undertakings in Writing of a limited Sum", generally referred to as the "Small Note Bill".⁸ The purpose of the bill was to suppress a monopoly in the issue of small notes under the value of £3 15s which the government enjoyed in terms of a proclamation issued by Somerset on 22 August 1822. Ebden regarded the restrictions imposed by the proclamation as undermining the mercantile interests of the colony.⁹ The bill, when first read, provided for the issue of notes of not less than £1 but, before being passed into an ordinance on 9 March, was amended by the raising of the minimum amount to £2.¹⁰ The publication of the ordinance was delayed, pending royal confirmation. On transmitting the ordinance to the secretary of state, the governor stated that the legislation had been introduced solely to benefit the interests of the Cape of Good Hope Bank and that he personally was opposed to the ordinance, being doubtful

7 Minutes, 17.12.1840, LCA 2, pp. 226-227; South African Commercial Advertiser, 26.12.1840: Legislative Council.

8 Minutes, 26.1.1839, LCA 2, pp. 103-104.

9 South African Commercial Advertiser, 18.1.1840: Report of the Directors of the Cape of Good Hope Bank.

10 Minutes, 28.2.1839, 9.3.1839, LCA 2, pp. 136-140.

"as to the real stability and usefulness of any private bank of issue".¹¹ In June 1839 the governor once again communicated to the secretary of state, adding a further reason why the ordinance transmitted the previous month should not receive royal assent. Ebdon, on behalf of the directors of the Cape of Good Hope Bank, had brought an action in the Supreme Court against the Commissariat Department for the non-payment in British gold or silver money of a draft on the department which was held by the bank. Ebdon had deliberately provoked this action as a means of discrediting the government paper currency on the grounds that such currency was not convertible into gold or silver at the will of the holder. Ebdon lost the case. The court judged that the government paper money "was a legal tender, tantamount to gold and silver, in the payment of debts". The governor, who was opposed to private banks, misconstrued the issue by informing the secretary of state that the action in the Supreme Court had led the directors of the Cape of Good Hope Bank to rescind the declaration that the notes of the bank would be convertible into specie.¹² The Treasury Department, to which the matter was referred by the secretary of state, advised against permitting the "Small Note Bill" to come into operation. The department was not prepared to sanction any measure for the circulation of promissory notes in the colonies "except by Incorporated Banking Establishments

11 Napier - Glenelg, 2.5.1839, GH 23/12, No. 44.

12 Napier - Glenelg, 13.6.1839, GH 23/12, No. 54; South African Commercial Advertiser, 18.1.1840: Report of the Directors of the Cape of Good Hope Bank.

with paid up capital, and governed by proper regulations".¹³

In September 1839 Ebdén introduced a bill into the council "To Exempt certain Bills of Exchange and Promissory Notes from the operation of the Laws relating to Usury", the purpose of which was to establish a free trade in money which Ebdén and the other directors of the Cape of Good Hope Bank considered would be the best and only way to solve the fluctuations in the value of money.¹⁴ On presenting the bill, Ebdén expressed the opinion that all usury laws were unjust towards the borrowers, and that if the trade in money was opened, the capitalist of repute would be able to compete with the usurer and the public would reap the benefit of the competition. He emphatically stated his adherence to the free trade system which offered a fair field and no favour and an enemy of all injudicious restrictions and monopolies which "comprised the principles by which, with God's grace, he should ever be guided". The bill caused a considerable stir outside the council, principally among the landowners who feared a sudden call by the capitalists on the mortgaged property in the colony. Backed by the South African Commercial Advertiser, Ebdén described this fear as unwarranted. He argued that the amount of mortgages which was estimated at £5,000,000 could not be converted into money, since the money in circulation did not exceed £250,000 to £300,000.¹⁵ Within the council, the

13 Pennington - Stephen, 3.1.1840 (Enclosure with Russell - Napier, 25.1.1840), GH 1/133, No. 30, pp. 79-80; Bell - Ebdén, 3.6.1840, CO 4914, pp. 3-4.

14 Minutes, 23.9.1839, LCA 2, p. 156; South African Commercial Advertiser, 18.1.1840: Report of the Directors of the Cape of Good Hope Bank.

15 South African Commercial Advertiser, 9.10.1839, 12.10.1839, 23.10.1839, 2.11.1839: Leading articles and Legislative Council.

bill was opposed by the governor and the members of the executive with the exception of Porter who, together with all the unofficial members, was in favour of the principle of the bill. The discussion on the subject was brought to a climax when one of the unofficial members, Advocate H. Cloete, announced that during legal researches he had not found any colonial or Dutch law applicable to the colony fixing the legal rate of interest at six per cent per annum which, until then, had been regarded as the prescribed rate, nor had he found any law inflicting a penalty upon the act of charging any higher rate. In the absence of any usury law, Ebden was satisfied that the object in view of obtaining a free trade in money had been achieved and consequently withdrew the bill.¹⁶

Ebden was one of the foremost opponents of the government paper money. In April 1839 he signed a petition addressed to the secretary of state by the committee of the Commercial Exchange, requesting the withdrawal of the paper money and stating that, in the event of any government paper money being issued in lieu of that withdrawn, such currency be convertible into gold or silver money at the will of the holder and receivable at the Commissariat for bills on the Treasury Department.¹⁷ On forwarding the petition, the governor declined to recommend the proposal for favourable consideration by the secretary of state.¹⁸ On 3 July 1840 two petitions were laid before the Legislative Council, the one signed by 578 inhabitants of the

16 *ibid.*, 2.11.1839, 13.11.1839: Legislative Council.

17 Chiappini, Ebden, etc. - Glenelg, 29.4.1839, GH 28/14, No. 44.

18 Napier - Glenelg, 2.5.1839, GH 23/12, No. 44.

town and division of George, requesting the governor to take measures for the immediate construction of a road over the Cradock mountains and the other signed by a deputation at a public meeting of which Ebden was chairman, advocating that an annual payment of £12,000 be devoted to the cost of introducing 1000 labourers into the colony annually. The governor, on presenting these petitions, informed the council that he was not at liberty to authorise any expenditure for general improvements. Instructions had been received from the secretary of state that the debt due by the colonial treasury to the Discount Bank on account of the paper money was to be paid off; that the whole of the repayments if not required for the purposes of the bank was to be withdrawn from circulation by cancelling an equivalent amount of the colonial paper and that until the paper debt had been reduced so as to enable the local government to undertake the payment of its own notes in specie on demand, no re-issue could be authorised. The governor opposed these instructions, maintaining that a final reduction of the paper money by means of surplus revenue would debar the colonial government from undertaking works for the general welfare of the colony. He proposed communicating to the secretary of state, requesting that a re-issue of a portion of the repayments of the Long Loan Fund be authorised. Before the governor adopted this procedure, he required the concurrence of the council. The matter was opened for discussion by the secretary to government who moved a series of resolutions which centred around the proposal of the governor. As an avowed advocate of

liberal principles and free trade, particularly a free trade in money, Ebdon dominated the discussion by opposing the resolutions of the secretary to government. He was the only member of the council to oppose the resolutions but this did not deter him "from the conscientious discharge of what I hold to be my duty on the present occasion". Drawing from his wide reading and researches on economic subjects and his personal experiences as a successful banker, Ebdon, agreeing with the instructions received from the secretary of state, attempted to prove that a complete withdrawal of the government paper money would be of advantage to the colony.¹⁹ His greatest objection to the paper currency was that no guarantee existed for its redemption nor for its conversion into gold or silver at the will of the holder, and in his view should accordingly be replaced by a currency possessing these requisites. He argued that from experience the paper money, as a circulating medium, had been found ill adapted to the wants of the public. The fact that the paper money was exchangeable for treasury bills on the same terms as British silver, offered no facilities over either gold or silver in the obtaining of remittances. As a further disadvantage, Ebdon stated that the paper money had the tendency to exclude from circulation the precious metals which constituted an obstruction to commerce. By proposing to re-issue a portion of the paper money, he accused the executive of attempting to uphold a system which secured to the government a monopoly in banking. Ebdon was of the

¹⁹ South African Commercial Advertiser, 5.8.1840, 12.8.1840, 19.8.1840, 5.9.1840, 9.9.1840, 7.11.1840: Legislative Council.

opinion that if the public revenue was properly managed, the proceeds of the sale of waste lands and audit rents could be applied to immigration and public works without any re-issue of the paper money being necessary. An important consideration resulting from the withdrawal of the paper currency and which Ebdon had been agitating for since 1825 would be the subsequent closure of the government bank which he maintained had been rendered useless by the establishment of private banks in the colony "with large paid-up capitals, amply sufficient for the security and convenience of the public".²⁰ Outside the council, the majority of the Cape Town merchants, some of them directors of the Cape of Good Hope Bank, disagreed with Ebdon's reasoning, contending that the government paper money was of advantage to the colony, as long as it was exchangeable for treasury bills.²¹ The South African Commercial Advertiser supported Ebdon by stating that present and future colonists were and would be "deeply indebted to Mr. Ebdon for the energy and perseverance with which he fought single-handed, the battle of principle versus mystification, on a very important subject".²²

In September 1840 the governor forwarded to the secretary of state the resolutions introduced into the Legislative Council by the secretary to government and Ebdon's dissent from the resolutions on the paper currency issue.²³ In reply, the governor was informed that the Lords of the Treasury had seen no grounds for altering their view on the

20 Dissentient, 11.9.1840, LCA 2, pp. 208-215.

21 South African Commercial Advertiser, 29.8.1840: Memorial Currency.

22 ibid., 9.9.1840.

23 Napier - Russell, 16.9.1840, GH 23/13, No. 62.

subject of the currency as previously communicated to the colonial government and remained adamant that no re-issue of notes was to be made for public works or any other purpose until such time as arrangements were under way to liquidate the paper debt.²⁴ On receiving this information, the governor submitted the decision of the treasury to the executive officials on whose recommendations a series of resolutions was drawn up and laid before the Legislative Council by the governor for adoption on 3 July 1841. Since the colonial government considered it inexpedient, on account of the unfavourable state of the colony's revenue, to carry out the instructions of the British government to liquidate the paper debt, it was proposed to cancel out of the total amount of paper currency in the colony calculated at £172,698 the sum of £76,382, which consisted of repayments and outstanding debts to the Long Loan Fund, and to issue debentures charged upon the colonial revenue and bearing interest at five per cent being disposed of by public tender. It was further proposed to raise the sum of £32,105 by issuing debentures, which amount would be deposited in the colonial treasury as a fund for securing the convertibility of a new paper issue. All the unofficial members of the council were opposed to the government's measures with the exception of Ebdon, who stated that he had no objection to funding the debt. He was, however, opposed to the scheme of issuing debentures to the sum of £32,105 for securing the con-

24 Trevelyan - Stephen, 29.12.1840 (Enclosure with Russell - Napier, 1.1.1841), LCA 12, No. 17.

vertibility of a new paper issue, being of the opinion that the "borrowing of money by the Government in order to enable them to become Bankers and to issue notes convertible into specie on demand at the Colonial Treasury would be detrimental to the public and attended with danger to the Government". He accordingly proposed a new set of resolutions aimed at the total withdrawal of the government paper money. He advocated that the sum of £133,650 be redeemed by means of debentures bearing interest at five per cent and that the remaining amount of paper currency amounting to £39,049 be redeemed by the appropriation of all repayments to the Long Loan Fund of which £26,762 had already been lodged in the government bank. He also recommended that the government bank be abolished, rendering a saving to the colony of £2000 a year. As the resolutions of Ebdon were not seconded and those of the government were lost by one vote, Ebdon decided that in consequence of the two sets of resolutions differing only in relation to details and being anxious that the instructions of the secretary of state be implemented, he would vote in favour of the government's proposals on condition that a few modifications were made.²⁵ The governor acceded to Ebdon's suggestion and the resolutions were modified so as to empower the colonial government to raise the proposed sum of debentures either in the colony or in Britain. When the government's resolutions as amended were again proposed on

25 Minutes, 3.7.1841, LCA 2, pp. 258-264; Cape Town Mail, 17.7.1841: Legislative Council; Ebdon - Russell, 21.7.1841, GH 28/17, No. 84.

7 July, Ebden voted for the measure which secured a majority vote.²⁶ Still convinced that his proposals were more in accord with the instructions on the paper currency issued by the British government, Ebden addressed the secretary of state on the defects of the colonial government's proposals and enclosed a copy of the resolutions which he had presented to the council.²⁷ Ebden's scheme was rejected by the British government in favour of the resolutions adopted by the council.²⁸ By the time sanction for implementing the resolutions aimed at liquidating the paper debt reached the Cape, the colony had obtained the services of one of the ablest administrators in the person of John Montagu, secretary to government. On instructions from the governor, Montagu drew up a memorandum on the state of the colony's finances, in which he recommended the employment of certain funds, arrear taxes and arrear land rents to discharge the debt. Ebden was the only unofficial member of the council who voiced his support for Montagu's scheme, which within two and a half years made it possible for the paper debt to be liquidated.²⁹

Montagu was the prime mover behind attempts to systematise the imposition and collection of stamp duties in the colony. On his initiative a board of officers was appointed to enquire into the possible modification of existing stamp duties. From the report submitted by the board to the governor originated the bill "for regulating

26 Minutes, 7.7.1841, LCA 2, pp. 267-272; Cape Town Mail, 17.7.1841: Legislative Council.

27 Ebden - Russell, 21.7.1841, GH 28/17, No. 84.

28 Cape Town Mail, 15.7.1843: Legislative Council.

29 ibid., 18.11.1843: Legislative Council; Breitenbach, 'The Development of the Secretaryship', p. 196.

the duties upon Stamps" introduced by Montagu in the Legislative Council on 16 December 1844. The monied interest of the colony was affected by the bill in terms of which all bills and promissory notes were to bear a stamp, as also were insurance policies and receipts for premium; all joint-stock companies consisting of more than six members were to provide for stamps on their deeds of co-partnership. It was inevitable that Ebden should have opposed the bill but on this occasion he did not stand alone, being supported by all the unofficial members of the council and the public in general. On 6 January 1845 a public meeting was held in Cape Town at which the bill was denounced. Ebden was requested to present the resolutions adopted at the meeting to the Legislative Council.³⁰ On 27 January, the day appointed for the second reading of the bill, Ebden presented nine petitions against the Stamp Bill. In a three hour speech, Montagu defended the intentions of the government in proposing the bill. He criticised Ebden whom he accused of political inconsistency, since on a former occasion he had suggested a revision of the stamp duties. Finally, Montagu stated that the bill was to be withdrawn on account of widespread opposition to its implementation. Admitting that he had been in favour of a revision of the stamp duties but not to the extent proposed by the government, Ebden remarked that the mode of appointing a committee confined to officers of the government instead of a committee of the council to enquire into a matter affecting

30 Breitenbach, pp. 207-210.

the interests of the people was unconstitutional.³¹

Every year the Legislative Council was required to take into consideration the estimates of revenue and expenditure of the colony which had been drawn up by the Executive Council. The procedure of submitting the estimates to the Legislative Council was a mere formality, since amendments proposed by the unofficial members could be defeated by the official members who were in the majority. If any member of the Legislative Council dissented from the passing of the estimates, he was entitled to record his reasons for dissent in the minutes and to request the governor to forward the minutes to the secretary of state to whom the estimates had to be submitted for sanctioning.³²

Ebden took full advantage of this right and led the struggle by the unofficial members in objecting to certain items of expenditure proposed by the official members. From 1839 Ebden, on several occasions during the debates on the appropriation ordinance, recorded his dissent against the charging of certain pensions upon the colonial revenue. He was of the opinion that only those who had had a long service in the civil service or who had been incapacitated during the execution of their duties in the colony should be eligible for pensions. The granting of pensions to any other category of persons was considered by Ebden as unjust and a burden on the revenue.³³ Although these protests went unheeded by the authorities, his repeated efforts to shed

31 South African Commercial Advertiser, 29.1.1845: Stamp Act; Cape Town Mail, 1.2.1845: Legislative Council.

32 M.A.S. Grundlingh, 'The Legislative Council of the Cape of Good Hope, 1834-1853' (Unpublished M.A. thesis, University of Stellenbosch, 1937), pp. 106, 113.

33 Minutes, 20.2.1839, 13.5.1840, LCA 2, pp. 108, 202-203.

light on injustices by the government were in keeping with his line of policy in the Legislative Council of protecting the interests of the general public.³⁴

On 18 May 1842, the governor having laid before the council the estimates for 1843, Ebden moved that the estimates should be published "for the information of the public" prior to being submitted for the consideration of the council, but his motion was lost.³⁵ The opposition which he encountered towards his proposal strengthened his determination to press his demands. On 25 May, when the estimates were presented to be finally passed, he moved that the appropriation ordinance should not be passed but that a day be appointed for the second reading prior to having been published in the Cape of Good Hope Government Gazette. This motion was also lost and the estimates were passed.³⁶ Supported by Michiel van Breda, Ebden recorded a lengthy dissent in the minutes of the council, in which he drew attention to the fact that the appropriation ordinance, just as any other ordinance, was subject to the rules of the council, which stipulated that no law could be enacted unless having been published in draft form three weeks previous to enactment. He stated that the non-publication of the estimates deprived the public of "the benefits of discussion and the rights of petition secured to them by the Royal Instructions".³⁷ Ebden's dissent was forwarded to the secretary of state by the governor together with the

34 Grundlingh, p. 109; Minutes, 27.6.1844, LCA 2, pp. 547-548.

35 Minutes, 18.5.1842, LCA 2, pp. 292-293; Cape Town Mail, 21.5.1842: Legislative Council.

36 Minutes, 25.5.1842, LCA 2, p. 297.

37 Dissident, LCA 2, pp. 298-300.

estimates, but by the time the following year's estimates were laid before the council on 21 June 1843, no communication had been received from the British authorities, which led the governor to remark that until receiving instructions to the contrary, he would pursue no course different from that which had been usually adopted on the estimates.³⁸ On learning of the governor's decision, Ebdon, in an effort to subject the estimates to public scrutiny through the local press in which the debates of the council were published, questioned various items of revenue and expenditure. This had the effect of drawing out the opinions of the executive on subjects such as the Liberated African Fund, the judicial establishment of the colony and the state of the revenue applicable to the promotion of immigration and public works. Described as holding "his post staunchly as a representative of the people", Ebdon, once again supported by Van Breda, entered a dissent in the minutes of the council, reiterating the objections raised the previous year against the passing of the appropriation ordinance without its having been published.³⁹ In reply to the objections, the secretary of state stated that in view of obviating in future any such agitation as initiated by Ebdon, a radical change was to be made in the instructions issued to the governor by omitting the clause which required the publication of draft ordinances before their enactment.⁴⁰

38 Napier - Stanley, 1.7.1842, GH 23/14, No. 126; Cape Town Mail, 3.6.1843: Legislative Council.

39 Cape Town Mail, 10.6.1843, 24.6.1843, 8.7.1843, 17.7.1843, 22.7.1843: Legislative Council.

40 Stanley - Maitland, 24.12.1843, GH 1/159, No. 2, pp. 158-171.

During the discussion on the estimates held on 3 September 1845, Ebden enquired of the secretary to government whether the report was true that the lieutenant-governor of the eastern districts had resigned from his post. Having been informed that the report was correct, Ebden gave notice of his intention to move the erasure from the estimates of the whole of the expenditure for that department, stating that the eastern districts no longer required the appointment of a lieutenant-governor and recommending that a better form of administration be adopted. On 7 October Ebden presented his motion which was supported by the unofficial members. The official members prevented the motion from being voted upon, since the question of continuing the office was under the consideration of the British government.⁴¹ On 10 November a meeting was held in Grahamstown for the purpose of petitioning the British government against the abolition of the office of the lieutenant-governor. Indignation was expressed that the Legislative Council sitting in Cape Town without a representative from the eastern province should suggest a measure calculated to be prejudicial to the interests of the eastern districts. The lieutenant-governor was regarded as an independent form of government by the eastern province colonists who resented the endeavour by the Legislative Council to monopolise all the power of the colony. Ebden in particular lost ground, his stance as "the individual, par excellence, who claimed to be the advocate and representative of the Eastern Districts" being ridiculed by several

41 Cape Town Mail, 6.9.1845, 16.10.1845: Legislative Council.

speakers at the public meeting.⁴²

Ebden rallied from this attack, and the following year was once again championed as representing the views of a large section of the community. During the discussions on the estimates in October 1846, Ebden opposed the allowance of subsidies to tribal chiefs and salaries to colonial agents beyond the border of the colony, in particular the salary allocated to the British resident in Griqualand. He stated that the British government should be financially liable for the relevant appointments. Emerging from the discussion arose the subject of the emigrant farmers (trekkers) who Ebden considered had been unjustly dealt with, being victims of injury and oppression and finally having been driven from the colony by misrepresentation. This stand was diametrically opposed to the point of view taken by the government which was adamant that the emigration had taken place because of the emancipation of the slaves.⁴³ Ebden's reasoning was shared by the Dutch colonists who acclaimed his reaction to official policy.⁴⁴

Ebden had taken a firm stand on the eastern frontier question during the years 1835 - 1838. The destruction and suffering which the sixth frontier war, 1834 - 1835, caused over a wide front on the frontier found utterance in the western province. In February 1835 Ebden was one of a group of prominent Cape Town residents who formed themselves into a committee called "The Cape Town Com-

42 South African Commercial Advertiser, 22.11.1845: Public Meeting.

43 Cape Town Mail, 14.11.1846: Legislative Council.

44 Zuid-Afrikaan, 2.12.1846: Leading article.

mittee for the Relief of the Destitute Sufferers in the Eastern Districts, by the Caffer Invasion". The object of the committee was to collect funds for the purchase of clothing and foodstuffs for those who had been affected by the war.⁴⁵ The governor, Sir Benjamin D'Urban, and his chief of staff, Lt.-Col. H. Smith, with the assistance of burgher commandos and soldiers, were successful in driving the Xhosa back and in so doing ended the war. The new frontier policy of annexing the territory between the Keiskamma and the Kei Rivers as the Province of Queen Adelaide found favour among the colonists.⁴⁶ On 15 June Ebdon and fifty other residents of Cape Town applied for permission to hold a public meeting to consider presenting an address to the governor which would express the satisfaction felt by the colonists for the measures adopted in the interests of the security of the eastern frontier.⁴⁷ At the meeting held on 30 June Ebdon moved a resolution which expressed gratitude to the governor for the manner in which he had handled the situation on the frontier.⁴⁸ Under philanthropic influence and pressure from Dr. John Philip, superintendent of the London Missionary Society in South Africa, the secretary of state, Lord Glenelg, admonished D'Urban, laying the blame for the unrest on the colonists and the colonial government. Glenelg demanded that the conquered territory be evacuated and returned to

45 South African Commercial Advertiser, 11.2.1835, 4.3.1835: Cape Town Committee.

46 C.F.J. Muller, Die Britse owerheid en die Groot Trek (Johannesburg, 1963), p. 121.

47 McDonald, etc. - Bell, 15.6.1835, CO 3977, No. 23.

48 Zuid-Afrikaan, 3.7.1835: Public Meeting.



John Bardwell Ebdon, circa 1861
(Photograph in the possession of the
Cape Town Chamber of Commerce)

the indigenous tribes. A lieutenant-governor for the eastern province in the person of Captain Andries Stockenström was appointed, who was to be responsible for concluding separate treaties with the tribal chiefs.⁴⁹ News of Glenelg's decision having reached the Cape, Ebden and forty-two other Cape Town residents requested the governor for permission to hold a public meeting to discuss the question of petitioning the British government for a "Commission of Inquiry on the spot" to investigate the causes of the war and the allegations levelled at the colonists by the secretary of state, which were regarded as "degrading to their national reputation and destructive of their most vital interest".⁵⁰ Ebden not only officiated as chairman at the public meeting held on 19 November 1836, but he was also responsible for the compilation of a petition which was sent to the British parliament in an effort to represent correctly the hardships of the eastern province colonists and to annul the views propagated by the philanthropists on the innocence of the indigenous tribes. Ebden argued that 2000 - 3000 of the farming community in the eastern border areas had been forced to leave the colony, which would not have been necessary if D'Urban's policy had been sanctioned by the British government. The main aim of the petition was to request that a thorough investigation be conducted into the causes of the war.⁵¹ Ebden's efforts and those of his collaborators were unsuccessful. Lord

49 G.E. Cory, The Rise of South Africa, III (Cape Town, 1928), pp. 277-281.

50 Still, etc. - D'Urban, 27.10.1836, CO 3985, No. 23.

51 South African Commercial Advertiser, 17.12.1836: Copy of the petition.

Glenelg saw no need for the appointment of the proposed commission of inquiry on grounds of the expense likely to be incurred and the extent of the anticipated report.⁵²

Determined to counter the injustice levelled at the colonists, Ebdon in December 1837 was one of a group of sixteen who promised financial assistance towards the publishing of an analysis supported by official documents which would justify "the conduct of the successive Governments, and the people of the Colony of the Cape of Good Hope, towards the Native Tribes of South Africa, more especially towards the Caffres".⁵³ This undertaking was a direct result of D'Urban's attempt to alter the attitude of the secretary of state. By means of documentary proof, the governor set out to demonstrate that his system could lay claim to success. To surmount the problem of copying documents, he appointed Donald Moodie, a former protector of slaves, who was instructed to collect and arrange all documents relating to the treatment of tribes beyond the boundaries of the colony by government and local officials and by the colonists as well as the treatment of the colonists by the indigenous tribes.⁵⁴ At a meeting of the subscribers to the fund for printing and publishing the colonial records held on 11 May 1838, it was brought to light that Moodie had discontinued his work in January. Ebdon, together with the other subscribers, took the initiative by insisting that the work be recommenced. On

52 Glenelg - D'Urban, 11.7.1836, GH 1/110, No. 1629, pp. 45-50.

53 Zuid-Afrikaan, 8.12.1837: Advertisement.

54 Theal, History of South Africa from the foundation of the European settlement, p. 60.

moving a resolution to request the newly appointed governor, Sir George Napier, to resume the work, Ebden laid stress on the importance of the work which was "calculated to repel the obloquy by calumny and misrepresentation".⁵⁵ The editor of the South African Commercial Advertiser, John Fairbairn, who was a son-in-law of Dr. Philip, did everything in his power to wreck the project and, in particular, hurled abuse at Ebden who was accused of stirring up public opinion against the British government by his speeches at the meetings held on 19 November 1836 and 11 May 1838. The matter went to such lengths that Ebden sued Fairbairn for libel. The court gave a verdict in favour of Ebden, and Fairbairn had to pay £20 damages.⁵⁶ The work proceeded in spite of opposition, and in June 1838 the appearance of Part 1 of The Records was announced.⁵⁷

During the discussion on the estimates in May 1840, Ebden broached the subject of immigration. He moved that a board be appointed to collect statistical information of all waste lands in the colony and to carry into effect the provisions contained in the instructions of the secretary of state, Lord John Russell, to the Land and Emigration Commissioners. Napier opposed Ebden's resolution, stating that until such time as he had received instructions from the secretary of state he would object to the proposed immigration scheme.⁵⁸ The instructions to which Ebden

55 Zuid-Afrikaan, 18.5.1838: Report.

56 South African Commercial Advertiser, 23.5.1838, 26.5.1838, 30.5.1838, 29.8.1838.

57 H.C. Botha, 'Die rol van Christoffel J. Brand in Suid-Afrika, 1820-1854' (Unpublished M.A. thesis, University of South Africa, 1973), p. 119.

58 South African Commercial Advertiser, 20.5.1840: Legislative Council.

alluded had been issued in January 1840 and were based on the theory of Edward Gibbon Wakefield who, in the 1830's, had advocated that crown lands in the colonies be sold and the proceeds funded for promoting emigration from Britain to the colonies.⁵⁹ Not content to allow the matter to rest here, Ebden was instrumental in the convening of a public meeting on 1 July 1840 to consider ways and means of supplying the colony with labourers and mechanics. The Cape was open to progress, both in trade and agriculture, and for this a better quality of labourer was necessary with interest in his own and in his employer's advancement, unlike the coloured labour that was available. Officiating as chairman at the meeting, Ebden stressed the need for labour as being essential for the economic development and prosperity of the colony. He forwarded to the secretary to government, Col. J. Bell, the resolutions proposed at the meeting and a copy of a memorial, the original of which was eventually to be submitted for transmission to the secretary of state. The memorial expressed satisfaction with the scheme of the secretary of state and recommended that £12,000 could be spared annually from the land revenues for assisted immigration. It was further proposed that a commission be appointed by the governor to collect information on the various points mentioned in the memorial.⁶⁰ On forwarding the memorial and resolutions

59 H.M. Robertson, 'The Cape of Good Hope and "Systematic Colonization"', South African Journal of Economics, Vol. 5, No. 4, December 1937, pp. 369, 372.

60 Ebden - Bell, 18.7.1840, CO 424, No. 199; E. Hengherr, 'Emancipation and after: a study of Cape slavery and the issues arising from it, 1830-1843' (Unpublished M.A. thesis, University of Cape Town, 1953), p. 101.

to the secretary of state, Napier advised against the proposals. His main argument was that it would be impossible to defray the cost of conveying immigrants to the Cape out of the land sales, and that the money for introducing immigrants would therefore have to be taken from the general revenue of the colony which could not sustain so heavy an expenditure.⁶¹ The secretary of state was forced to admit the strength of the governor's arguments and accordingly refused to sanction the proposal, given momentum by Ebden, that the proceeds of land revenues be appropriated to the introduction of British labourers.⁶² On 11 October 1841 Ebden moved in the council that the governor's despatch to the secretary of state reporting on the memorial relative to immigration and the disposal of crown lands be laid on the table.⁶³ Greatly shocked to find that the governor had not given his approval to the scheme, Ebden accused Napier of acting contrary to public opinion and predicted that the agitation for a systematic scheme of colonisation would continue.⁶⁴ A public meeting was held in Grahamstown on 30 October to protest against the governor's unsympathetic attitude, but Napier's decision not to approve of the immigration scheme remained unchanged.⁶⁵ Ebden was set on keeping the agitation alive.

61 Napier - Russell, 15.3.1841, GH 23/13, No. 19, pp. 121-126.

62 Russell - Napier, 26.6.1841, GH 1/143, No. 187, pp. 40-45.

63 Minutes, 11.10.1841, LCA 2, p. 276.

64 Cape Town Mail, 6.11.1841: Legislative Council.

65 Robertson, 'The Cape of Good Hope', p. 378.

He moved a series of resolutions in the Legislative Council on 26 March 1842 which re-affirmed the need for introducing British labour into the colony at the public expense. The motion was defeated by the whole executive and two unofficial members voting against it on grounds of the want of money. Ebden's reasoning that a means of carrying the resolutions into effect by taxation, reduction or the borrowing of money under the guarantee of the land or general revenue of the colony found no favour within the council.⁶⁶ Outside the council, Ebden's effort to promote immigration from Britain was supported by the South African Commercial Advertiser which criticised the objection levelled at Ebden's motion and which stated that the finances of the colony had not been properly administered, a fact which Ebden had repeatedly voiced during his attempts to have various items of expenditure struck from the estimates.⁶⁷

Since no support was forthcoming from the colonial government, Ebden and his son, Advocate John Watts Ebden, convened a public meeting on 15 August 1842 to form an association called the "Cape of Good Hope Immigration Association for the introduction of British labourers". A committee of ten members including Ebden and his son was appointed to carry into effect the object of the meeting. It was proposed to finance the scheme by raising a fund by public subscription so as to be able to offer a free passage to prospective immigrants.⁶⁸ Of the activities of the association nothing is known, but during 1842 and 1843 at

66 Cape Town Mail, 2.4.1842, 9.4.1842: Legislative Council.

67 South African Commercial Advertiser, 6.4.1842: British Laborers.

68 Cape Town Mail, 27.8.1842: Emigration - Public Meeting.

least nine immigrant ships departed from Britain to the Cape, carrying from fifty to one hundred passengers each. Instead of being the labourers and domestics the colony wanted, these immigrants were discharged soldiers or people with no definite trade.⁶⁹ During the discussion on the estimates in the council on 13 June 1843, Ebden moved against the appropriation by the colonial government of £8016 10s 1d towards the financing of the introduction of 1360 negroes from St. Helena. He proposed that the sum of £3600 subscribed by the public to defray the cost of the introduction be expended on offering a free passage to British labourers. The motion was lost.⁷⁰

In March 1844 Sir Peregrine Maitland replaced Napier as governor and lost no time in commencing a plan for promoting European immigration. His plan for appropriating £10,000 from the 1845 revenues was unanimously assented to by the Legislative Council. Ebden stated his conviction that the proposal would be "hailed with gratitude by the public generally".⁷¹ On 5 May 1845 Maitland laid before the council a despatch from the secretary of state, approving of the immigration scheme in broad outline, but also enclosing a report from the Colonial Land and Emigration Commissioners relative to certain points in the scheme of which they disapproved. Ebden moved for the appointment of a committee to report on the Land Board's modified plan, which proposal was assented to. On 7 May

69 Hengherr, 'Emancipation and after', p. 105.

70 Minutes, 13.6.1843, LCA 2, pp. 376-379.

71 Cape Town Mail, 29.6.1844, 3.8.1844: Legislative Council.

the committee, which consisted of four members inclusive of Ebden, submitted their report which recommended giving the modified plan a trial and advised that 1,000 statute adults be introduced under the scheme.⁷² In 1846, 556 immigrants were sent to the colony, being the ultimate fulfilment of Ebden's tireless struggle to promote European immigration.⁷³

Ebden was the main defender of the rights and privileges of the Legislative Council, being particularly alert to any infringement of the position of the unofficial members. The members of the council had to be re-appointed on the appointment of each new governor owing to the fact that the letters patent and instructions issued to one governor were revoked by those issued to his successor. Some very important alterations were made in the appointment of the unofficial members by the instructions issued to Napier. In terms of the sixth clause, the unofficial members were to hold their places during pleasure and not, as previously, for life. Further, there was to be no debate unless proposed by the governor. Formerly, up to a certain period in each session, any member could bring in a bill. The governor had the right to veto the passing of the bill but was required to record his reasons for dissent which were transmitted to the British government.⁷⁴ Being aware that these changes lowered the status of the unofficial members, Ebden led

72 Minutes, 5.5.1845, 7.5.1845, LCA 2, pp. 607, 609; Cape Town Mail, 10.5.1845: Legislative Council.

73 Robertson, 'The Cape of Good Hope', p. 383.

74 Extracts from Instructions, LCA 2, pp. 47, 50; South African Commercial Advertiser, 10.2.1838: Legislative Council.

his colleagues in entering a dissent in the minutes. He was opposed to the fact that the unofficial members had not been reappointed during good behaviour and residence in the colony as in terms of the letters patent issued to D'Urban but during her Majesty's pleasure. Ebden further stated that, by withholding from the members of the council the right to propose or originate a law or ordinance, the efficiency of the council would be impaired and the public would lose confidence in the institution as a free form of government.⁷⁵ He was not merely satisfied to enter a protest in the minutes but, supported by the other unofficial members, he addressed a petition to the secretary of state, requesting that he and his colleagues might hold their appointments under the same instructions given to D'Urban and reiterating the reasons stated in the dissent.⁷⁶ In reply, the secretary of state, Lord Glenelg, informed Napier that the alterations complained of in the petition had been made erroneously. Consequently, new instructions were issued and Napier was instructed by Glenelg to inform the Legislative Council and, in particular, the unofficial members that the British government had no intention of curtailing privileges previously enjoyed. One point was not conceded; Glenelg stated that the unofficial members would hold their appointments "during the pleasure of the Queen" and not as requested "during good behaviour and residence within this Settlement".⁷⁷ The stipulation was a serious

75 Dissentient, 21.2.1838, LCA 2, pp. 75-77.

76 Ebden, etc. - Secretary of State, 15.2.1838, GH 28/13, No. 14.

77 Glenelg - Napier, 8.8.1838, LCA 10, No. 54.

curtailment of the independence of the unofficial members whose security on the council was diminished, since it was now possible for the governor to remove any of them should they make themselves too objectionable by opposing the measures of the government.⁷⁸ Defeated on this score, Ebdon lodged no further complaint. On 24 August 1841, at a public meeting held to petition the British government for a representative legislative assembly, the question was again brought to the fore. In reply to a question posed by Advocate C. Brand as to what measures had been taken by the unofficial members to obtain redress for the curtailment of privileges, Ebdon stated that Napier's interpretation of his instructions for dissolving the council which had existed under D'Urban's instructions and the re-appointment of the council in terms of the new instructions had been influenced by a person whom Ebdon did not wish to name. Judge William Menzies, seeing in Ebdon's allusion a reference to himself and taking exception to the remarks made at the public meeting, requested Napier to take steps against Ebdon. Ebdon refused to retract his statement and in no way allowed Napier's threat to represent his conduct as a member of the Legislative Council to the British government to alter his line of action. He entered into a lengthy polemic with Napier and Menzies relating to the constitution of the Legislative Council, and on 10 January 1842 addressed a letter to the secretary of state, enclosing a published pamphlet containing all the correspondence which had ensued

78 Grundlingh, 'The Legislative Council', p. 61.

between Napier, Menzies and himself and requested that a decision be taken whether the first or original unofficial members of the council held their appointments during good behaviour and residence within the colony or during pleasure.⁷⁹ Ebden's efforts were in vain. The secretary of state agreed with the interpretation given by Menzies of the governor's instructions and refuted Ebden's claim to hold his position in the council under any other terms than during pleasure.⁸⁰

The dispute between Ebden and Menzies took on greater dimensions towards the middle of 1842 when the rights and privileges of the council were again challenged. During the debate on the estimates on 23 May 1842, Ebden moved that a committee be appointed to enquire into and report upon the convict establishment on Robben Island.⁸¹ The resolution was unanimously approved and a committee of which Ebden was chairman was appointed. On 23 July, the committee resolved to take the evidence of Sir John Wylde, G. Kekewich and Menzies, judges of the Supreme Court, on points connected with the inquiry under review.⁸² In his capacity as chairman, Ebden wrote to the judges, forwarding the resolution of 23 July and requesting them to give evidence.⁸³ The judges forwarded their reply to Ebden, addressing him not as chairman of the committee but as

79 Report of the Proceedings at a Public Meeting held in the Commercial Hall, Cape Town, on the 24th August 1841, to petition the Home Government for a Representative Legislative Assembly (Cape Town, 1841), pp. 12, 38-61 (S.A.L. AC 342.68 CAP); Ebden - Stanley, 10.1.1842, GH 28/18, No. 38, pp. 200-203.

80 Stanley - Napier, 18.6.1842, GH 1/148, No. 108, pp. 75-81.

81 Cape Town Mail, 11.6.1842: Legislative Council.

82 Minutes of Meetings of Robben Island Committee, 23.7.1842, LCA 32.

83 Ebden - Wylde, 28.7.1842 (Enclosure with Wylde, etc. - Napier, 2.8.1842), LCA 13, No. 17.

"Unofficial member of the Legislative Council of the Colony of the Cape of Good Hope", and stating that they would submit his letter and the enclosed resolution to the governor together with the necessary observations.⁸⁴

Ebden regarded this procedure as "uncourteous and disrespectful" towards the committee and refused to receive the judges' letter.⁸⁵ Proceeding as stated to Ebden, the judges addressed a letter to the governor in which they expressed their views on the constitution of the council.

Quoting from the governor's commission, the royal instructions and the standing rules and orders of the council, the judges came to the conclusion that the Robben Island Committee had been illegally constituted. According to their opinion the only committees authorised were those of the whole council on bills which necessitated a quorum of seven members. They also contended that the council had no constitutional right to compel anyone to give evidence, and that therefore no committee of the council possessed that right. In conclusion they indirectly slighted Ebden by stating that to avoid clashes between the Legislative Council and the judges of the Supreme Court, all communications between the council and the judges should take place through the governor as the head of the executive government.⁸⁶ Ebden was completely taken by surprise when the judges' letter was read to the council on 3 August.

84 Wylde, etc. - Ebden, 29.7.1842 (Enclosure with Wylde, etc. - Napier, 2.8.1842), LCA 13, No. 17.

85 Ebden - Wylde, etc., 30.7.1842 (Enclosure with Wylde, etc. - Napier, 2.8.1842), LCA 13, No. 17.

86 Wylde, etc. - Napier, 2.8.1842, LCA 13, No. 17.

He soon rallied and moved a series of resolutions on 13 August which were intended as a rider to and to form part of the resolutions proposed by Advocate H. Cloete who, having referred to numerous rules and orders of the council, stated in opposition to the judges that the council possessed the power of appointing committees or sub-committees to enquire into any matter and to examine any witnesses brought before them. On moving his resolutions, Ebden focussed attention on the extra-judicial opinion and interference with the legislature on the part of the judges which he considered as unconstitutional. When the two series of resolutions were put to the vote, those proposed by Cloete were lost by one vote while Ebden's resolutions were lost by three votes.⁸⁷ On the suggestion of Porter, the whole problem was submitted to the secretary of state for a final decision.⁸⁸ The judges' action which appeared to be a veiled attack on Ebden as the main spokesman against any interference with the rights and privileges of the council, exposed the defects of the council and gave rise to a fresh agitation by the press for a more representative form of government.⁸⁹

The appointment of subsequent committees was influenced by the conflict. On 6 June 1843 the governor not only appointed a committee to report upon the respective liabilities of the colonial government and the Cape Town Municipality, but also appointed the chairman instead of leaving

87 Minutes, 10.8.1842, 13.8.1842, LCA 2, pp. 305-317, 322-323.

88 Napier - Stanley, 30.11.1842, GH 23/14, No. 228.

89 Grundlingh, 'The Legislative Council', p. 123.

the committee after it had been appointed by the council to appoint its own chairman, as had been the practice during preceding years. Ebden recorded his dissent to the governor's procedure, pointing out that "the course pursued, both as to the appointment of the Committee and the Chairman is against all principle and inconsistent with the practice and precedents of this Council".⁹⁰ The report of the law officer of the crown on the controversy between the judges and the Legislative Council was laid before the council on 16 October 1843.⁹¹ Evading the main question as to the legal standing of committees of inquiry, the opinion was expressed that the council did not possess the right by itself or by its committees to compel the attendance of witnesses for examination.⁹² Ebden was dissatisfied with this judgement and when the revised rules and orders were considered on 31 May 1844 and those relating to witnesses were expunged, he moved that a committee be appointed to report on the advisability of obtaining for the council "some mode of requiring as of right, the attendance of such witnesses as it may from time to time be necessary to examine".⁹³ Although this motion was carried unanimously, it bore no results, since the council never acquired the right to compel witnesses to attend and give evidence.⁹⁴ Ebden's independence in defending the rights of the council was no match for the

90 Dissentient, 6.6.1843, LCA 2, pp. 373-374.

91 Minutes, 16.10.1843, LCA 2, p. 404.

92 Pollock - Stanley, 3.7.1843 (Enclosure with Stanley - Napier, 28.7.1843), GH 1/155, No. 285, pp. 167-172.

93 Minutes, 31.5.1844, LCA 2, pp. 505-506.

94 Grundlingh, 'The Legislative Council', p. 124.

official majority which constituted the council.

Ebden was disillusioned, as were the majority of the Cape colonists, at the ineffectiveness of the Legislative Council. As an advocate of constitutional freedom, he had associated himself with the many attempts made by the colonists to obtain a representative form of government for the colony. In July 1826 he was a signatory to a petition from the residents of Cape Town who requested Lieutenant-Governor Bourke to permit them to elect representatives to fill vacancies on the Burgher Senate.⁹⁵ The Burgher Senate, which was created in January 1796, consisted of a president and four members. At the end of every year one retired, when a list of four names was supplied to the governor from which to select a successor. The governor also appointed one of the members to act as president during the ensuing year.⁹⁶ The request of the residents, which was a direct outcome of the resignation of two of the burgher senators and the president as a protest against the government's slave policy, was refused. A petition was then forwarded to the British parliament, requesting a representative assembly, which was also refused.⁹⁷

On the recommendations of the report of the Commissioners of Inquiry who had been appointed by the British government in January 1823 to examine and report upon all details of the colonial administration, the Burgher Senate

95 Muntingh, etc. - Bourke, 15.7.1826, CO 3932, No. 589.

96 Theal, History of South Africa, 1795-1834, p. 82.

97 H.J. Lochner, 'Die Raad van Advies' (Unpublished M.A. thesis, University of Stellenbosch, 1936), pp. 122-124.

and all boards of landdrost and heemraden were abolished, as from 1 January 1828. The loss of these institutions took from the people a share in local government which was greatly valued. To compensate for the abolition of the popular boards, the secretary of state deprived two of the official members of their seats in the Council of Advice which was constituted on 2 May 1825 and instructed the acting governor to nominate two colonists for his approval who would fill the vacancies.⁹⁸ The colonists were not satisfied with this concession, since the Council of Advice had little power against the secretary of state or the governor, who could pass legislation without consulting the council. In May 1828 Ebdon and seventy-nine residents of Cape Town requested permission to hold a public meeting to petition the British government for a legislative house of assembly.⁹⁹ At the meeting which was held on 14 June, Ebdon was appointed to serve on a committee of ten which was responsible for drawing up the petition.¹⁰⁰ The British government refused to grant a representative form of government to the Cape. It was argued that the coloured races were not in a position to protect themselves against a white-dominated legislature, that the colonists were spread over a wide expanse of area which would render representative government less effective and finally it was feared that a direct confrontation

98 Theal, History, pp. 334-335.

99 Van den Berg, etc. - Bourke, 22.5.1828, CO 3938, No. 530.

100 Colonist, 17.6.1828: Public Meeting.

between the English and Dutch sections of the community would result if the request was acceded to.¹⁰¹ The struggle was not abandoned. On 16 July 1831 a public meeting was held in Cape Town to discuss the wine trade, commerce, agriculture, taxes and the need for a legislative assembly. As the first speaker at the meeting, Ebdon condemned the British authorities for not allowing the colony to manage its own affairs. He was convinced that the colonists were not only "capable of understanding and rightly appreciating the principles of sound policy and good Government" but were also capable of administering their internal affairs. A petition to the King-in-Council, which requested that the administration of the colony be entrusted to a governor appointed by the crown, an executive council chosen by the governor with the approval of the crown and a legislative assembly composed entirely of representatives elected by the colonists, was drawn up.¹⁰² On forwarding the petition to the secretary of state, the governor, Sir Lowry Cole, advised against the granting of a representative government to the Cape on the grounds that the interests of the indigenous tribes and the slaves who were not yet liberated would be jeopardised by the introduction of a body of self-governing colonists.¹⁰³ In view of these philanthropic considerations, the request was once again refused. On the abolition of slavery in all

101 G.W. Eybers, Select Constitutional Documents illustrating South African History, 1795-1910 (London, 1918), pp. 31-32.

102 Proceedings of a Public Meeting held in Cape Town, on the 16th July 1831, pp. 4-5, 32.

103 Cole - Goderich, 6.1.1832, GH 23/10, No. 3.

British colonies in 1834, the main stumbling block to the granting of a more liberal form of constitution was removed.¹⁰⁴ The constitution implemented by D'Urban in 1834, which abolished the Council of Advice and established two separate councils, the Legislative and Executive Councils, proved a failure partly due to faults inherent in the system which Ebdon on numerous occasions exposed, and partly because the colony quickly outgrew this form of government. The ineffectiveness of the Legislative Council and, in particular, the restraint placed upon the unofficial members was summed up by Napier, who, in the council, told Ebdon "that he might just as well spare his breath in discussing a question as matters of importance were settled before they were brought up there".¹⁰⁵

On 15 August 1836 the "Municipal Boards Ordinance" was issued, which provided for the establishment of elected municipal boards. A separate ordinance was published on 3 March 1840, creating a municipal board for Cape Town, and the first municipal elections took place on 6 May. Having experienced representative local government, the colonists, under the leadership of Ebdon, renewed their efforts to obtain a representative central government.¹⁰⁶ At a public meeting held on 24 August 1841, to discuss a representative legislative assembly, Ebdon expressed the opinion that no reason could be given for not granting the colonists, who numbered 180,000, a share in the government. He stated

104 Lochner, 'Die Raad van Advies', pp. 137, 139.

105 Theal, History of South Africa from the foundation of the European settlement, p. 232.

106 Botha, 'Die rol van Christoffel J. Brand', pp. 141-142.

that the right to manage their own affairs was a "birth-right, Justice, - we ask no more, and less we cannot take without compromising our independence as national and intelligent men". Ebden was appointed to a committee of three members who were responsible for forwarding a petition based on the resolutions proposed at the meeting to the governor for submission to the Queen-in-Council. The committee was also required to forward copies of the petition to the Earl of Clarendon and Lord John Russell, who were respectively to be requested to lay the petition before the House of Lords and the House of Commons. The petition mentioned the origin of the Cape colonists who regarded free institutions as their natural right. Details were given of the various forms of government practised under the British administration, and it was emphasised that all the inhabitants of the colony were free and equal. As in the 1831 petition, a form of government consisting of a governor appointed by the crown, an executive also appointed by the crown and a legislative assembly comprising representatives elected by the colonists was requested.¹⁰⁷ On receiving the petition, the governor informed Ebden and the other two committee members that he would give his full support to the request, since he was in agreement with the opinions expressed by the petitioners.¹⁰⁸ The petition, accompanied by a recommendation from the governor, was submitted to the secretary of state.¹⁰⁹ In July 1842 Ebden was informed that the governor had received a reply from

107 Report of the Proceedings at a Public Meeting ...
24th August 1841, pp. 5, 14-15, 29-31.

108 Craig - Ebden, etc., 13.12.1841, CO 5305, p. 321.

109 B.P.P., No. 400 (Napier - Stanley, 20.12.1841), pp. 1-3.

the secretary of state, who had put forward various obstacles to the granting of a representative form of government. In order to overcome the difficulties presented, the governor requested that the petitioners consider various questions, eleven in all, which were calculated to obtain a precise indication of the plan of government proposed to be instituted.¹¹⁰ In reply, Ebden and nineteen residents of Cape Town requested the governor for permission to hold a public meeting on 24 September to discuss the various questions raised.¹¹¹ The meeting, which was held under the chairmanship of Ebden, was characterised by a tone of discouragement. To infuse hope into the proceedings, Ebden stated that he had in no way altered his opinion on the soundness of a representative government for the colony and that he anticipated in a short space of time the request would be acceded to by the British government which had admitted "the abstract justice of the principle".¹¹² No discussion took place, since it was decided to appoint a committee of twenty-four inclusive of Ebden, to reply to the questions mooted by the governor.¹¹³

Nothing more was heard of the activities of the committee, and the matter fell into abeyance until 1846 when the newly appointed secretary of state, Earl Grey, reopened the subject on 2 November by requesting the governor

110 Craig - Ebden, etc., 25.7.1842, CO 5305, pp. 438-442.

111 Ebden, etc. - Craig, 6.9.1842, CO 4012, No. 99.

112 Cape Town Mail, 1.10.1842: Representative Legislative Assembly.

113 South African Commercial Advertiser, 28.9.1842: Legislative Assembly.

to report upon Lord Stanley's reply to the request of the colonists for representative government. In consequence of this communication, William Porter was instructed to compile a memorandum which was submitted to the members of the Executive Council for their individual comments.¹¹⁴ Porter was then instructed to draft a representative government constitution, taking all the suggestions made into consideration.¹¹⁵ The draft, which was completed in June 1848, was approved by the governor and the secretary of state, but before any decision could be taken on its implementation, the colony was plunged into the anti-convict crisis.¹¹⁶ As a result of this crisis, Ebdon, on 10 July 1849, resigned his seat on the Legislative Council which he had held continuously since 1834.¹¹⁷ After September 1849 he disappeared for a period of four years from the political and public scene, having lost popular support because of his decision to take a moderate stand on the convict question. In terms of the Constitution Ordinance which was ratified by an order-in-council dated 11 March 1853, the Cape was granted a parliament consisting of elective upper and lower houses.¹¹⁸ Ebdon returned to the political arena, being elected one of the eight members

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- 114 L. du Toit Retief, 'Die totstandkoming van die konstitusie van 1853' (Unpublished M.A. thesis, University of Stellenbosch, 1933), pp. 70, 107, 111.
115 J.R. Putzel, 'William Porter and Constitutional Issues at the Cape, 1839-1873' (Unpublished M.A. thesis, University of Cape Town, 1942), p. 18.
116 Botha, 'Die rol van Christoffel J. Brand', p. 153.
117 Montagu - Ebdon, 11.7.1849, CO 4936, p. 35.
118 J.L. McCracken, The Cape Parliament, 1854-1910 (Oxford, 1967), pp. 17, 32.

for the western Cape to hold seats in the upper house or Legislative Council.¹¹⁹ He retained his seat for five years, 1854 - 1858, during which time he contributed his experience as a political and public leader to a form of government for which he had striven since 1826.

119 South African Commercial Advertiser and Cape Town Mail, 2.1.1854: Election of John Bardwell Ebdon, Esquire; Cape of Good Hope Government Gazette, 14.3.1854: Proclamation.

CHAPTER 6

ANTI-CONVICT CRISES, 1842 - 1849

It is not as a merchant, banker or politician that Ebdon is best remembered but as leader of the anti-convict agitation movement which gained momentum at the Cape on 31 May 1849 when the Anti-Convict Association was formed. He was the foremost agitator against the Cape being made a penal settlement, a question which was officially raised for the first time in 1841. In May 1840 and February 1841 J.H. van Reenen, a former captain in the Bengal army who had settled at the Cape, addressed the secretary of state, Lord John Russell, proposing that the colony's sheep and cattle thieves be sent to St. Helena and Ascension instead of to Robben Island. He also proposed that Robben Island should serve as a penal colony for a number of juvenile offenders from Parkhurst Penitentiary, who could later be taken into service by the colonists.¹ Russell welcomed Van Reenen's proposals, which he submitted to Napier with the request that the governor should report on the possibility of a number of juvenile delinquents being received at the Cape.² Richard Wolfe, the commandant stationed at Robben Island, who was ordered by Napier to report on the proposals of Van Reenen, approved of the idea of introducing juvenile delinquents, and recommended that fifty be sent to Robben Island. He was, however, opposed to the

1 Cape Town Mail, 16.7.1842, Supplement: Van Renen (sic) - Russell, 30.5.1840, 20.2.1841.

2 Russell - Napier, 29.4.1841, GH 1/142, No. 171, pp. 76-77.

proposal to send the colony's sheep and cattle thieves to St. Helena and Ascension, which he reported would prove impractical. Napier did not favour the introduction of convict labour, since he held the view that such labour would have detrimental effects on the colony.³ The new secretary of state, Lord Stanley, ignored Napier's advice and acted on the recommendations of Wolfe by informing the governor that the British government had decided to send fifty juvenile delinquents from Parkhurst to Robben Island.⁴

In the Legislative Council on 25 May 1842 Ebdon mentioned that the governor had informed him that a despatch had been received from the secretary of state on the introduction of juvenile offenders into the colony. He requested the governor to lay the despatch before the council so as to test public opinion on the matter. Although not mentioning Van Reenen by name, Ebdon hinted at the representations which had been made to the British government which, if implemented, he expected would "have the effect of diffusing poison among the rising generation of this place and by the demoralization of the laboring classes, prove destructive to the best interests of the colony". After the correspondence had been read, Ebdon stated that he was convinced that the colonists would resist the proposal of receiving juvenile offenders. Porter held a contrary view to Ebdon, being of the opinion that the colonists were too short-sighted to protest against

3 B.P.P., No. 16 (Wolfe - Acting Secretary to Government, 25.9.1841; Napier - Russell, 23.10.1841), pp. 3-6.

4 Stanley - Napier, 10.3.1842, GH 1/146, No. 50, pp. 15-17.

the introduction of convicts.⁵ Ebden's judgement of public opinion proved to be correct. On 4 July a public meeting over which he presided as chairman was convened to petition the Queen against the proposed introduction of juvenile offenders as apprenticed labourers into the colony. The tone of the meeting was decidedly opposed to the introduction of the intended labour force, and a committee of four, which included Ebden, was appointed to compile a petition which expressed the opinion of the meeting. On closing the proceedings, Ebden thanked the gathering for responding to his appeal made in the Legislative Council.⁶ Commenting on the meeting, the local press commended Ebden for having broached the subject so that timely action could be taken by the colonists.⁷ The petition drawn up by Ebden and the other members of the committee drew the Queen's attention to the fact that immigrants had only been received into the colony on the production of credentials proving their good character. It was further argued that the juvenile criminals from Britain would have an adverse effect upon the heterogeneous coloured races found within the borders of the colony. Dissatisfaction was expressed that a policy affecting the domestic and personal interests of the colonists had been dealt with without reference to the Executive or Legislative Councils and in direct opposition to the report of the governor. The Queen was requested not to permit the

5 Cape Town Mail, 25.6.1842: Legislative Council.

6 ibid., 16.7.1842: Public Meeting.

7 South African Commercial Advertiser, 6.7.1842: Juvenile Delinquents.

colony to become a penal settlement for any description of criminal and was informed that the colonists had pledged themselves not to employ or receive criminals into their establishments. The petition was widely acclaimed and numerous signed by the residents of Cape Town and of the outlying districts of Stellenbosch, Paarl and Beaufort (present day Beaufort West).⁸ The commissioners and wardmasters of the Municipality of Cape Town addressed a copy of the petition to the Queen separately. The ministers of religion of Cape Town, the agricultural society of Swellendam and the residents of Uitenhage were all motivated by Ebden's appeal and sent petitions against the introduction of juvenile delinquents to the governor for transmission to the secretary of state.⁹ In March 1843 Ebden was informed that the Queen was pleased to accept the petitions transmitted to her during the previous year and that the British government had decided to abandon the project of sending criminals to the Cape.¹⁰ Ebden's action had brought to the notice of the colonists an infringement of their rights which they had resisted under his leadership. Ebden's awareness of the consequences arising from the mingling of criminals with the colonial population stemmed from his intimate knowledge of society in New South Wales which had served as a penal settlement from 1788. His son, C.H. Ebden, who in 1848 had been

8 Ebden, etc. - The Queen, undated, GH 28/19, No. 165.

9 B.P.P. No. 16 (Hough, etc. - The Queen, undated; Reitz - Napier, 8.8.1842; Van Breda, etc. - The Queen, undated; Inhabitants of Uitenhage - Stanley, undated), pp. 11-12, 14-16.

10 South African Commercial Advertiser, 15.3.1843: Craig - Ebden, etc., 8.3.1843.

nominated to represent the Port Philip district in the Legislative Council of New South Wales, frequently sent him papers published in Melbourne and Sydney which Ebden made available to the editors of the local Cape press. In January 1838 a lengthy article appeared in the press, being a reprint from the Sydney Herald relating to the near murder of Ebden's son by several of his convict employees who had been sent to the colony under the system of transportation.¹¹

The British government was not deterred for ever from transforming the Cape into a penal settlement. The proposed construction of a breakwater in Table Bay gave the home authorities an opportunity in 1846 to offer convict labour to the Cape.¹² In April the secretary of state, W.E. Gladstone, enquired of Maitland whether the proposal would be acceptable to the colonists. So as to counter any opposition to direct contact between the colonists and the convicts, Gladstone suggested that the convicts be housed in hulks in Table Bay. He was particularly cautious, promising that if the establishment of the proposed hulks was unacceptable to the colonists, he would abandon the scheme.¹³ The question of employing convicts on the breakwater was raised in the Legislative Council in August. Ebden was the most outspoken

11 South African Commercial Advertiser, 31.1.1838: Society in N.S. Wales; A.F. Hattersley, The Convict Crisis and the growth of Unity (Pietermaritzburg, 1965), p. 129.

12 J.F. Gobreghts, 'Die Anti-Bandiete-Agitasie aan die Kaap' (Unpublished M.A. thesis, University of Stellenbosch, 1937), p. 21.

13 B.P.P., No. 16 (Gladstone - Maitland, 29.4.1846), p. 37.

of the unofficial members on the subject. He stated that the public was opposed to the introduction of convicts unless the British government could affirm that the convicts would not be let loose upon the colony. If the security could not be given, the benefits accrued to the Cape from the erection of the breakwater would, in the opinion of Ebdon, be counterbalanced by the unfavourable effects of a criminal population. He was supported by the other unofficial members and by the commissioners and wardmasters of the Cape Town Municipality.¹⁴ In September Maitland requested the secretary of state to send 300 convicts to the Cape to commence work on the breakwater. The frontier war of 1846 delayed the proposal, but once peace had been restored, Sir Henry Smith, Maitland's successor, again broached the subject by requesting the British government in May 1848 to send 600 convicts to the Cape. No immediate response was obtained from the British authorities and, as a result of the anti-convict movement among the colonists which was set in motion by Ebdon, the scheme was rendered impractical.¹⁵

In 1846 a liberal ministry came to power in Britain, having Lord John Russell as premier and Earl Grey as the secretary of state for war and the colonies. As was required of all former colonial ministers, Grey had to come to terms with the problem of convict transportation. He was of the opinion that the British colonies should receive reform and eventually assimilate into the colonial society

14 Cape Town Mail, 29.8.1846: Legislative Council.

15 Gobreghts, 'Die Anti-Bandiete-Agitasie', pp. 22-23.

English convicts under sentence of transportation as a form of compensation towards the mother country's financial outlay in the respective colonies.¹⁶ In September 1847 Grey informed the Cape governor that all military convicts sentenced to transportation in the colony of Mauritius would be transferred to the Cape. In 1848 and 1849 Grey extended his scheme by including military convicts from Hong Kong, the East Indies and Ceylon, who were to be sent to the Cape. He was not only determined that the Cape should receive military convicts but also intended to convert the colony into a penal settlement for the reception of convicts termed ticket-of-leave men. On 7 August 1848 Grey sent a circular despatch to Smith, presenting to the governor the offer of ticket-of-leave men. These were convicts who had served a period of separate confinement either in Britain, Gibraltar or Bermuda, and who were then finally to be allowed to compete in the ordinary labour market in any of the colonies to which they had been assigned. The convicts were to be dispersed among the population although confined to certain districts. Smith was informed that the convicts were required to pay their passage fare, which money could be expended by the colony in the promotion of an aided immigration scheme to meet the demand for labour. At this stage, Grey did not plan to impose the scheme upon the Cape colonists against their judgement, since he expressly stated that if the colonists were prepared to accept ticket-of-leave convicts, he would include the Cape among the

16 ibid., pp. 25-27.

places to which such convicts could be sent.¹⁷

The successive potato crop failures in Ireland during the years 1845 - 1849 resulted in a famine in that country which had far reaching repercussions for the convict question at the Cape. Many people were forced to steal food for which offence they could be sentenced to transportation. The famine had a further effect as far as creating an atmosphere for political unrest was concerned. The British government was quick to intervene, suppressing the uprising and taking the leaders and insurgents captive, many of whom, such as John Mitchel, were sentenced to transportation. In 1848 the Irish convict question became critical. Grey was at a loss as to how to cope with the ever increasing number of Irish convicts in the face of the British prisons being filled to capacity and the maximum number of prisoners serving out sentences on Gibraltar and Bermuda. He eventually came to the conclusion that the Cape should receive a number of Irish convicts. In a private communication to Smith dated 6 and 7 August 1848, Grey informed the governor of his decision to send to the Cape a number of Irish convicts who had already served a term on Bermuda and who were eligible for tickets-of-leave.¹⁸ On 8 November Smith convened the Legislative Council to make known the contents of the despatches received from the secretary of state on the introduction of convicts into the colony. He first drew the attention of the council to the

17 B.P.P., No. 16 (Grey - Cape Governor, 10.9.1847; Grey - Smith, 28.9.1848; Grey - Smith, 2.3.1849; Grey - Smith, 7.8.1848), pp. 23, 38-41.

18 Gobreghts, 'Die Anti-Bandiete-Agitasie', pp. 33-35.

disturbed state of Ireland and to the decision taken by the British government to create the Cape, as a temporary measure, a penal settlement for Irish political convicts. Smith regarded Grey's communication as a command and requested the council to assist him "in the arrangement to be made for assisting Her Majesty's Government in their present difficulty". He then informed the council of Grey's circular despatch on ticket-of-leave convicts and emphatically stated that the proposed extension of the arrangement to the Cape would not be forced upon the colonists if the type of labour force was considered unsuitable. He further stated his preparedness to receive suggestions from the public on the subject. Ebdon, of all the unofficial members, put up the boldest resistance to the first notice of Grey's plans. He spoke out against both the offer of ticket-of-leave men and the introduction of Irish political convicts. With regard to the latter category of convicts, Ebdon was not supported by all the unofficial members, some of whom considered that the colonists would accept Irish political convicts on account of their intellectual development. In his speech in the council, Ebdon referred to the attitude adopted by the colonists in 1842 against convict immigration and stated his conviction that Cape public opinion could not have altered so as to accept the present schemes under review. He voiced his own feelings of regret if the Cape should become a penal settlement and expressed the hope "that nothing of the kind will take place without the feeling of the public being consulted in the matter, for it is one in which the most vital interests of the community are

deeply involved". He proposed that public opinion be tested by way of public meetings. Ebden's opposition to both schemes proposed by Grey greatly annoyed the governor who warned him that the system of consultation should not be carried too far "or some of us may possibly subject ourselves to the same pains and penalties which these gentlemen of Ireland have incurred and a passage for us be found in some other colony". Smith reminded the council that it was the duty of the Cape to aid in relieving Britain, which had paid £1,200,000 to cover the cost of the seventh frontier war.¹⁹

Ebden's stand in the council had the effect of rousing the colonists to action. On 18 November a well attended public meeting was held in the Commercial Exchange under his chairmanship. After having given an explanation of the subject to be discussed, Ebden read a series of resolutions aimed at preventing the reception at the Cape of either ticket-of-leave or Irish political convicts. His predictions on the public's attitude was once again proved correct, the resolutions being unanimously passed.²⁰ The resolutions, which were forwarded to the governor by Ebden, gave the following reasons as to why convicts of any description were not acceptable to the colonists. The vast extent and thinly populated nature of the Cape made it impossible to institute and maintain an efficient police force; the convicts would harm the morale of both the colonial and indigenous peoples and the Cape, if proclaimed

19 Cape Town Mail, 11.11.1848: Legislative Council.

20 ibid., 25.11.1848: Public Meetings - Convicts.

a penal settlement, would be unable to attract free immigrants. It was stated that the opinion conveyed in a petition to the Queen in 1842 on the action to be taken by the colonists not to employ or receive into their establishments any category of convicts would be applied if the proposed plan to convert the colony into a penal settlement was put into effect. It was decided at the meeting to address a petition to Grey based on the resolutions and a petition to the Queen, requesting her to revoke any order which might have been issued permitting Irish convicts to be transported to the Cape. It was also agreed that, in the event of any convicts arriving at the Cape before the displeasure of the colonists had been made known to the British government, the governor be requested to detain the convicts on Robben Island until their removal had been authorised by the imperial authorities. Ebdon, John Fairbairn, W. Gadney, T. Ansdell and R.W. Eaton were appointed by the meeting as a committee to give effect to the resolutions.²¹ The petitions addressed to the Queen and to the secretary of state were forwarded by Smith to Grey.²² The agitation subsequently subsided; Ebdon and the colonists believed that Grey would reverse his decision after having received the petitions.

The initial calm did not continue for long. On 21 March 1849 a report which consisted partly of an extract from an English newspaper appeared in the local press, stating that a vessel had been chartered to convey to the Cape convicts

21 Ebdon - Smith, 21.11.1848, CO 527; Ebdon, etc. - Smith, 18.11.1848, CO 4037, No. 8.

22 B.P.P., No. 16 (Smith - Grey, 19.12.1848), p. 19.

who, on their arrival, would be treated as free immigrants.²³ Perturbed by the report, the commissioners of the Cape Town Municipality enquired of the governor as to the truth of the statement. Smith had no alternative but to confirm the report, having received a second private despatch from Grey, informing him that a number of ticket-of-leave men had been sent to the Cape.²⁴ Guided by Ebden, the colonists were mobilised into action. On 5 April the formal signing of a protest was commenced which pledged the signatories not to employ or receive any of the convicts ordered by the secretary of state to be sent to the Cape. The protest also called on the governor to exercise his discretionary power by prohibiting the landing of the convicts and by conveying to the Queen the indignation felt by the colonists about the breach of faith on the part of Grey.²⁵ On transmitting the protest to Smith, Ebden requested the governor to state the course which he intended to adopt should the convicts arrive at the Cape. In reply, Smith informed Ebden that until he had received official communications on the subject, he was not prepared to commit himself as to the procedure he would follow. With such an urgent matter pressing and the Legislative Council not being in session until June, Ebden, supported by two of the other unofficial members, H. Ross and H. Cloete, on 18 April requested the governor to convene an extraordinary meeting of the council. The governor refused to grant the request and stated that the

23 South African Commercial Advertiser, 21.3.1849:
Leading article.

24 ibid., 7.4.1849: Leading article; B.P.P., No. 16
(Grey - Smith, 21.12.1848), p. 40.

25 South African Commercial Advertiser, 11.4.1849:
Leading article.

GEENE BANDIETEN!!!

VERBOD.

Wy, Ondergeteekenden, Kolonisten en Ingezetenen van de *Kaap de Goede Hoop*, **VERKLAREN ONS BY DEZEN, EN BELOVEN PLEGTIG AAN DEN ANDEREN**, dat wy geene der **OFERTUIGDE MISDADIGERS**, die onder Vonnis van Transportatie naar deze Kolonie worden gezonden, in onze Etablissementen of Huizen zullen gebruiken, ontvangen, of toelaten; of wetens met of voor hun zullen arbeiden, noch ook eenige omgang of verkeer met hen zullen hebben,—en dat wy **ALLEN OMGANG ZULLEN AFSNYDEN**, en **ONZE HULP en ONDERSTEUNING ONTHOUDEN ZULLEN** aan een iegelyk, die zyne hulp in het landen en onderhouden van, of in het werk verschaffen aan, zoodanige Overtuigde Misdadigers zal verleenen.

NO CONVICTS!!

PLEDGE.

We, the Undersigned, Colonists and Inhabitants of the Cape of Good Hope, hereby **SOLEMNLY DECLARE, and PLEDGE OUR FAITH TO EACH OTHER**, that we will not employ, or knowingly admit into our Establishments or Houses, work with or for, or associate with, any **CONVICTED FELON or FELONS** sent to this Colony under Sentence of Transportation, and that we will **DISCOURTAGE and DROP CONNECTION WITH** any Person who may assist in landing, supporting, or employing such convicted Felons.

Protest which pledged the signatories not to employ
or receive convicts

(A 535, II, Cape Archives Depot)

executive government was capable of carrying on the government.²⁶

Ebden was not put off by the rebuff of the governor, but continued his efforts to prevent the colony becoming a penal settlement, being instrumental in convening a public meeting held on 19 May. Although the local English and Dutch press recognised Ebden's leadership of the anti-convict agitation, he was eyed with suspicion by a section of the colonists as being unfit to lead a popular movement on account of his membership of the Legislative Council, which by this time had completely lost credibility. On the day of the proposed meeting a letter from a member of the public appeared in the press, disapproving of the proposal to nominate Ebden as chairman of the meeting, since he held a seat in the council.²⁷ The "Great Public Meeting", as it became known and which was held on the Grand Parade, was the largest gathering at that time to have assembled in Cape Town, being attended by between 5000 and 6000 persons. The object of the meeting was to consider what steps were to be taken to prevent the debarkation of the convicts sent to the Cape from Bermuda, and further to oppose any other project for converting the colony into a penal settlement. Ebden, who was called to the chair, delivered a strongly-worded introductory speech which immediately gained him personal support and support for the cause, the crowd continually interjecting with loud acclaim. He stated that

26 ibid., 21.4.1849: The Convicts.

27 Cape Town Mail, 19.5.1849: The Meeting and its chairman.

the colony would not submit to the degradation of being made a penal settlement. Regarding the question as a matter of life and death, Ebden rejected rebellion or any other unlawful act and stated his confidence that the aim in view could be achieved by constitutional means. He appealed to the gathering as fathers of families, as christians, as citizens and free and independent men to resist and repel the unjust act of the secretary of state. Identifying himself with the popular belief propagated by the press, Ebden inferred that the secretary of state would not have conceived his plan had he not obtained prior encouragement from the Cape authorities. Advocate John Watts Ebden, in a later speech delivered at the same meeting, mentioned John Montagu by name as being the possible source of inspiration for the move made by Grey to convert the Cape into a penal settlement. Ebden ended his introductory speech by warning the agricultural community not to be deceived that convict labour was cheap labour. Drawing from references to conditions in Van Diemen's Land, he stated that convict labour was highly unprofitable. A series of nine resolutions, giving reasons why convicts should not be allowed to disembark at the Cape was proposed and un-animously adopted. At the close of the meeting "the thanks of the immense assemblage were awarded, in a parting 'hurra', to Mr. Ebden, for the excellent manner in which, under his management, the business of this memorable meeting had been conducted".²⁸

On 25 May Ebden, accompanied by H.E. Rutherford, a

28 ibid., 26.5.1849: Great Public Meeting. The Convicts.

merchant, and H.C. Jarvis, merchant and president of the Board of Commissioners of the Cape Town Municipality, met the governor by appointment and presented to him a petition based on the resolutions adopted at the public meeting of 19 May. Having received the petition, Smith stated that he was prepared to meet the wishes of the colonists as far as it was consistent with his duty to the Queen. On the request that he should prevent the debarkation of the convicts at the Cape, Smith declined to say positively what his course would be, since he was not yet aware of his imperative or discretionary powers in terms of the order-in-council pertaining to the transportation of convicts to the Cape. He promised to transmit the petition to the British government and at the same time expressed the hope that Grey, who had considered the Cape eligible for a representative form of government, would alter his plan of converting the Cape into a penal colony.²⁹ In his capacity as chairman of the public meeting, Ebden addressed a circular to various community leaders in the outlying districts of Somerset West, Swellendam and Zuurbraak, enclosing a copy of the petition for signature by the inhabitants of the respective regions.³⁰ At the time the petition was handed to Smith by the deputation, it bore 4188 signatures, but by July the number had increased to 7258, the additional signatures being forwarded to the governor on separate rolls.³¹ In addition to the Cape Town petition and in response to Ebden's appeal,

29 South African Commercial Advertiser, 26.5.1849:
Leading article.

30 Circular, 21.5.1849, A 535, II.

31 B.P.P., No. 1138 (Inhabitants of the Cape - Smith, undated), pp. 28-29; South African Commercial Advertiser, 16.6.1849.

numerous other separate petitions from religious institutions, local authorities and rural and town communities throughout the colony were sent to the governor against the Cape becoming a penal settlement. One of the decisions agreed upon at the public meeting was that if any surcharge was made by the British government for expenses incurred by prohibiting the debarkation of the convicts, the colonists would indemnify the governor. Subscription lists explaining the purpose of the Guarantee Fund were distributed throughout the colony, signed by Ebden who personally contributed generously to the fund by donating £100. The request to indemnify the governor was favourably received. Cape Town guaranteed a sum of £3,350, and substantial amounts were promised by communities throughout the colony.³²

Until now there had been no central body which could give guidance to the unanimous resistance movement. Ebden, acutely aware of the power which concerted public opinion could wield, helped to establish a body to co-ordinate the agitation. On 31 May a meeting was held in the Commercial Exchange when it was resolved that a committee to be called the Cape Town Anti-Convict Committee be formed. The committee consisted of Ebden and thirty-seven other prominent Cape Town residents, including Ebden's son, Advocate J.W. Ebden. On 7 June Ebden was nominated chairman of the committee which, from 16 June, became known as the Anti-Convict Association.³³ The association which now organised

32 Gobreghts, 'Die Anti-Bandiete-Agitasie', p. 87.

33 Minutes, 31.5.1849, 7.6.1849, 16.6.1849, A 535, I.

and led the agitation had a limited membership initially, but its influence so expanded that it became the most powerful unofficial organisation to have existed until then within the British empire.³⁴ Originally the activities of the association rested mainly on Ebden as chairman, assisted by Thomas Sutherland, treasurer, and John Saunders, secretary, but as the organisation expanded, a number of special and standing committees were appointed. In addition to his duties as chairman, Ebden acted on one of the standing committees known as the committee of correspondence to which he and four other members were elected on 27 June. Responsibility for the general correspondence of the association and the propagation of the cause of the colonists within and without the colony were the duties devolving on this committee.³⁵ At a general meeting of the association held on 14 June, it was proposed to present a petition to the governor, requesting that measures be taken and, if necessary, a law passed, to prevent the landing of the convicts. At a subsequent meeting held on 15 June, the petition was signed by the members and a resolution taken that Ebden should present the petition to the governor at the sitting of the Legislative Council which was to be held that day.³⁶

The meeting of the council was anticipated with great excitement by the colonists. In the absence of the governor, who was unable to attend the meeting due to ill health, Montagu presided over the proceedings. After the minute

34 Cory, *The Rise of South Africa*, V, p. 196.

35 Minutes, 27.6.1849, A 535, I.

36 Minutes, 14.6.1849, 15.6.1849, A 535, I.

had been read detailing the principal measures which were to be submitted to the council during the session, the all-absorbing subject of the convict question was brought up for discussion which continued for five hours. Porter opened the discussion by presenting a petition from the commissioners of the Cape Town Municipality, calling upon the legislature to arm the governor with sufficient power to prevent the landing of the convicts when they arrived. Ebden, as the mouth-piece of the Anti-Convict Association in the council, presented the petition prepared by the association and another petition from the residents of Philipton in the district of Stockenstrom against the introduction of convicts into the colony. Being of the opinion that the council should record some expression of its views on the measures proposed by the secretary of state, Ebden moved a series of resolutions. He urged the members, both official and unofficial, to speak out on the subject, being calculated to force the unofficial members to indicate their attitude towards the convict question. The three resolutions proposed were to the effect that the introduction of convicts would be "pernicious and destructive to the character and prospects" of the community, that to force the measure upon the colonists would alienate them from the British throne and government and finally, that, since the secretary of state had committed a breach of faith by ordering convicts to be sent to the Cape before ascertaining public opinion - as had been his plan originally - the governor would be justified in not permitting the convicts to be landed. Ebden's resolutions were

seconded by Hamilton Ross, but before further discussion could ensue a message arrived from Government House announcing the receipt of despatches from Grey on the convict question and containing two orders-in-council proclaiming the Cape a penal settlement.

In connection with the instructions from Grey, Smith stated that his commands were imperative and that he had no alternative than to obey the British government by receiving 300 ticketed exiles. He remarked that the convicts were not ordinary convicts, but generally men convicted of minor crimes occasioned by the famine in Ireland, and gave the assurance that no more convicts would be sent to the Cape. On hearing the contents of the governor's minute, Ebden started up and exclaimed "Sir I have been petrified, horror-struck, dismayed, disgusted and disappointed, at the communications which have just been made". He requested the governor not to promulgate the orders-in-council, since the colonists were unanimously against the convicts being landed and also called on the secretary to government to lay before the council all correspondence between the British and Cape governments since 1842 on the convict question. Montagu took this opportunity to refute the allegations which had been made by Ebden and his son at the public meeting of 19 May. Anticipating Ebden's demand, Montagu had obtained the governor's permission to lay before the council all the relevant despatches from which it was proved that he had had no share in devising or executing Grey's convict scheme. Ebden denied any intention on his or his son's part to accuse the secretary to government, maintaining that they had aired a popular

opinion so as to elicit the truth.³⁷ It is possible that Ebden had used this tactic to obtain the required permission to peruse the correspondence dealing with the transportation of convicts to the Cape, but there is no doubt that he had tried to discredit Montagu. Ebden had differed on many occasions from Montagu's proposals introduced into the council and in particular, Ebden's successful opposition to the Stamp Bill in 1845 gave rise to a train of negative thinking which led to an increase of Montagu's unpopularity at the Cape.³⁸ The governor considered Ebden's charges against Montagu in a very serious light. He forwarded a copy of Montagu's speech refuting Ebden's accusation to the secretary of state, adding that he had not heard any rumour concerning Montagu's complicity in the transportation scheme until the day the rumour had been circulated by Ebden and his son.³⁹ Porter eventually swayed the discussion in the direction of Ebden's resolutions. While he regarded the Cape as ill-suited for a penal settlement, he could not vote in favour of the resolutions, contending that the governor was not in a legal position to prevent the debarkation of the convicts as called for by Ebden. Porter accused Ebden of having his mind so poisoned by Grey's proceedings that he disbelieved the assurance that no more convicts would be sent to the Cape. Ebden could not be deterred from his course and, amid cheers from the crowded gallery, stated that the council might as well be postponed sine die. He and his

37 Minutes, 15.6.1849, LCA 3, pp. 385-395; Cape Town Mail, 16.6.1849, 23.6.1849: Legislative Council.

38 Breitenbach, 'The Development of the Secretaryship', p. 211.

39 Smith - Grey, 25.6.1849, GH 23/19, No. 101.

unofficial colleagues would not participate in the proceedings until the wishes of the public had been met. The official members all shared the same opinion as expressed by Porter, and when Ebden's resolutions were put to the vote they were lost, the five official members voting against and the three unofficial members voting for the proposals. Anxious that the council should voice an opinion on the convict crisis, Ebden proposed a less drastic resolution which expressed the opinion that the plan for introducing convicts would be injurious to the welfare and interests of the colony, being opposed to the wishes of the people and a move calculated to estrange the feelings of the colonists from the British government. Montagu tried to dissuade the council from putting Ebden's revised resolution to the vote by stating that Smith's latest despatch to Grey, dated 24 May, demonstrated that the governor was opposed to the plan of making the colony a penal settlement and that consequently the adoption of Ebden's resolution would be unnecessary. After the despatch in question had been read, Ebden expressed satisfaction at the stance adopted by the governor, but still held the view that his resolution be put to the vote. He eventually achieved his aim, since the resolution was subsequently carried, the secretary to government and treasurer-general alone voting against it.⁴⁰ Ebden was honoured at a joint meeting of the commissioners and wardmasters of the Cape Town Municipality held on 18 June, when a resolution thanking him for his "energetic, and independent

40 Cape Town Mail, 23.6.1849: Legislative Council.

exertions ... in the Legislative Council, against this Colony being made a Penal Settlement" was proposed and unanimously carried.⁴¹

Not having been successful in gaining support in the council for his proposal to request the governor to suspend the publication and operation of the orders-in-council, Ebden raised the question at a general meeting of the Anti-Convict Association held on 16 June.⁴² The resolution was unanimously carried, and a deputation consisting of a number of members of the association led by Ebden met the governor on 18 June to present him with an address based on the resolution. Before Ebden read the address, he appealed to the governor as the guardian of the colonists' rights to protect them "in the hour of peril and danger", their confidence in the British government having been destroyed by Grey's breach of faith. In reply, the governor stated that he was bound to obey the orders of the British government, but assured the deputation that he would not turn the convicts loose on the colony without sufficient work opportunities having been acquired for them.⁴³ Having received no satisfaction from the governor, Ebden and the Anti-Convict Association adopted an antipathetic attitude towards the local government. On 22 June an "Address of the Anti-Convict Association to the People of the Cape of Good Hope", signed by Ebden, appeared in the local press. The address commenced by giving details

41 South African Commercial Advertiser, 20.6.1849: Resolutions Passed at Joint Meeting of the Commissioners and Wardmasters.

42 Minutes, 16.6.1849, A 535, I.

43 South African Commercial Advertiser, 20.6.1849: Deputation of the Anti Convict Association.

of the evils which would arise if convicts were permitted into the colony. To avert the danger, it was proposed to petition the Queen, both Houses of Parliament and the people of Britain for the orders-in-council to be revoked. A public meeting was organised to be held in Cape Town on 4 July, at which the petitions were to be submitted for approval and subsequently distributed throughout the colony for signature. The address further advised the colonists to assist in furthering the aims of the Anti-Convict Association by signing a new pledge aimed at ostracising economically and socially anyone who assisted in landing the convicts.⁴⁴ In terms of this pledge, Ebden, as chairman of the Cape of Good Hope Bank, issued a statement that no business transactions would be conducted with anyone who employed convict labour or who had anything to do with the convicts expected to arrive aboard the Neptune. Other banks and insurance companies followed suit by issuing similar notices.⁴⁵

At a meeting of the Anti-Convict Association held on 27 June, a resolution was adopted to encourage the residents of all the towns and villages throughout the colony to form local anti-convict associations to co-operate with the parent association in Cape Town.⁴⁶ The appeal was met and local associations sprang up in all the major centres of the colony. In some instances, established associations offered to become media of communication between the Anti-

44 ibid., 23.6.1849: Address.

45 Cape Town Mail, 30.6.1849: Advertisements.

46 Minutes, 27.6.1849, A 535, I.

CONVICTED FELONS.

CONVICTED FELONS.

A PUBLIC MEETING of the Inhabitants of CAPE TOWN AND ITS VICINITY, will be held in the Commercial Exchange, Cape Town, on **WEDNESDAY,**
The 4th of JULY, next,

at 10 o'Clock in the Forenoon, to Petition HER MAJESTY the QUEEN and BOTH HOUSES of PARLIAMENT, to rescind the Order in Council, whereby this COLONY is made a PENAL SETTLEMENT.

N.B. The Proceedings will be held in both languages, Dutch and English.

☞ All parties whom this Notice may reach are earnestly requested to attend.

By order of the Anti-Convict Association,
J. B. EBDEN, Chairman.
Cape Town, 20th June 1849.

OVERTUIGDE MISDADIGERS.

EENE PUBLIEKE BYEENKOMST van den Ingezetenen van de Kaapstad en hare nabijheid zal in de Koopmans Beurs, Kaapstad, worden gehouden, op **WOENSDAG,**
Den 4den JULY aanst.,
TEN 10 URE 's MORGENS,

ten einde eene Petitie aan Hare Majesteit de Koningin en aan beide Huizen van het Parlement te ontwerpen, ter vernietiging van de Order in Rade, waardoor deze Kolonie eene Strafplaats wordt gemaakt.

N.B. De verrigtingen zullen in beide talen geschieden, Hollandsch en Engelsch.

☞ Alle personen wien deze Kennisgeving moge bereiken worden ernstiglyk verzocht dezelve by te wonen.

Op last van het Anti-Bandieten Genootschap,
J. B. EBDEN, Voorzitter.
Kaapstad, 20 Juny 1849.

Notice convening the public meeting of 4 July 1849
(A 535, I, Cape Archives Depot)

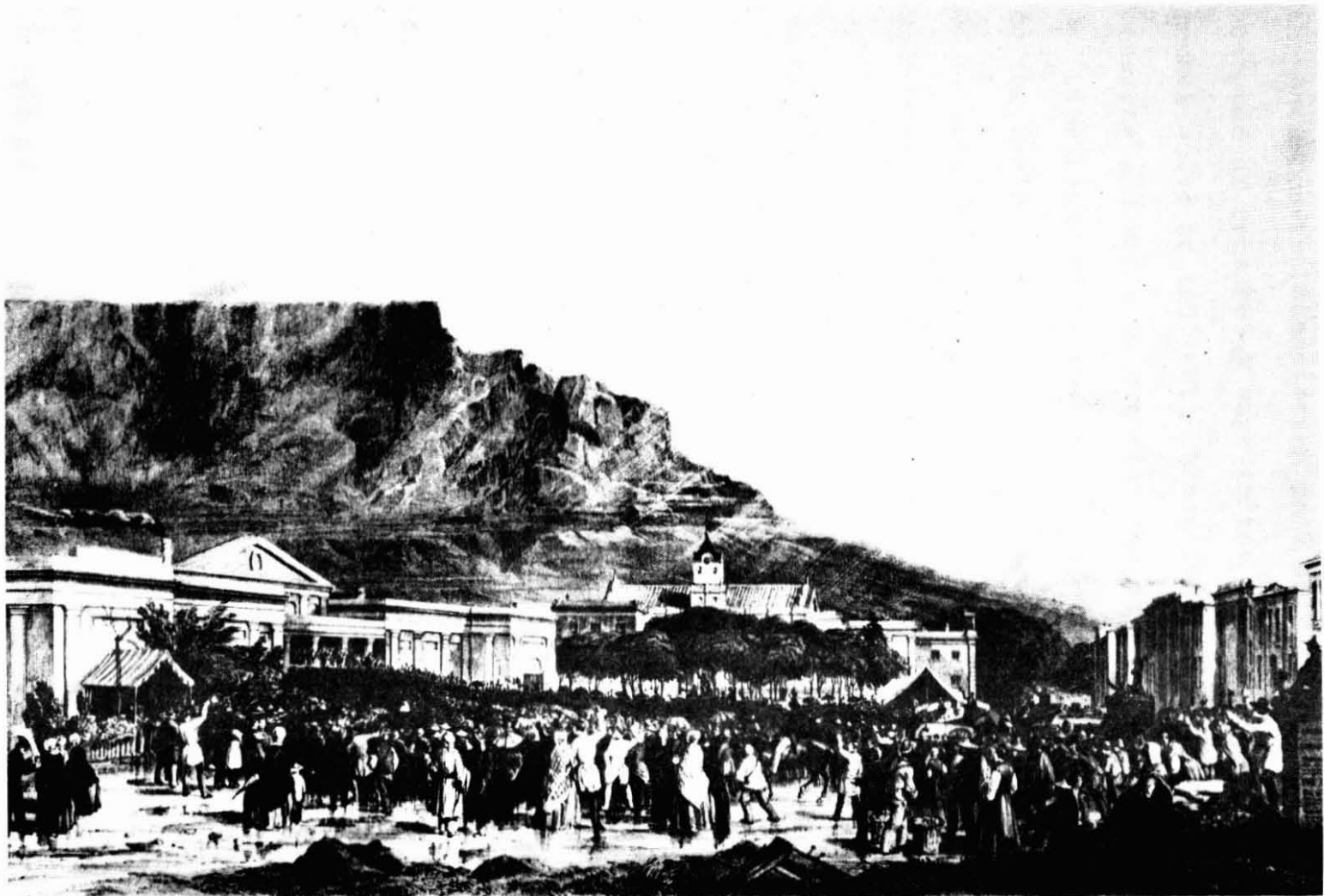
Convict Association and the local residents. Stating his association's willingness to further the aims of the Anti-Convict Association, the secretary of the Fort Beaufort Conservative Association took the opportunity to express gratitude to Ebden for his "extraordinary exertions in defence of the colony being made a penal settlement both in your capacity as a member of the Council and as President of the Anti-Convict Association".⁴⁷ Although receiving widespread support, an element of opposition towards Ebden and the Anti-Convict Association became evident after the decision to apply the pledge more stringently. Robert Godlonton, editor of the Grahamstown Journal and a supporter of Smith, became opposed to the subsequent actions of Ebden and his colleagues. Godlonton had at first approved of the agitation, but being convinced that the original principles had been prostituted by a political faction, he determined to resist the movement at the risk of all he possessed. Communicating with Richard Southey, private secretary to the governor, Godlonton remarked that "the clamour against Sir Harry is alike senseless and heartless". As a favour for his stand, Godlonton received official information from Southey concerning the agitation for inclusion in the Journal. The attitude of many in the eastern province towards the anti-convict agitation changed from one of sympathy to one of hostility.⁴⁸

47 Secretary, Fort Beaufort Conservative Association - Ebden, 29.6.1849, A 535, II.

48 B.A. le Cordeur, 'Robert Godlonton as architect of frontier opinion, 1850-1857' Archives Year Book for South African History 1959, II, pp. 18-19, 76; Godlonton - Southey, 3.7.1849, A 611/5.

In Cape Town antipathy towards the local government was gaining momentum. On 4 July the widely publicised public meeting was held on the Grand Parade, proving to be more numerously attended than the meeting of 19 May, and being representative not only of the residents of Cape Town but also of the farmers from the neighbouring districts. Ebden, who was called by acclamation to the chair, opened the proceedings by stating that the convict question was not one of party politics, but a matter involving the advancement of the colony's prosperity. He admitted that a rift had formed between the government and the people and expressed his personal regret that the governor had refused to accede to the request of the colonists. Alluding to Smith's refusal to disobey instructions from the secretary of state and to use his own discretion by prohibiting the debarkation of the convicts, Ebden criticised the governor by stating that perhaps "what is commendable in the soldier is criminal in the Governor". He was even more critical of the governor's advisers, contending that "all the odium" should rest on them. On closing his speech, Ebden urged the colonists to unite in a last appeal to the Queen and both Houses of Parliament to revoke the orders-in-council. One of the speakers at the meeting, Dr. A.N.E. Changuion, a Cape educationist, censured the unofficial members of the Legislative Council for retaining their seats and called on them to resign and to have nothing to do with the government. Ebden in particular was criticised for not having resigned.⁴⁹ In

49 Cape Town Mail, 7.7.1849; Gobreghts, 'Die Anti-Bandiete-Agitasie', pp. 91-93.



Painting of the public meeting of 4 July 1849 by T.W. Bowler
(Elliott Collection, E 4169, Cape Archives Depot)

furtherance of this appeal, a resolution was adopted by the Anti-Convict Association on 9 July that any person who accepted or retained a seat in the council as an unofficial member would be indirectly assisting in the introduction of convicts and would come within the scope of the pledge.⁵⁰

The Legislative Council was to meet on 10 July but due to the death of P.V. van der Byl on 5 July, the resignation of H. Ross on 6 July owing to ill health and the unfilled seat occasioned by the resignation of W.M. Harries in July 1848, all three unofficial members, there were three vacant seats in the council. The governor, who was aware of the movement aimed at preventing the seats being filled, issued a notice on 9 July that financial assistance would be given to those who on account of their loyalty to the government were exposed to loss and inconvenience arising from the application of the pledge. The governor was successful in obtaining three colonists who were prepared to disregard public opinion. Jacob Letterstedt, a merchant and consul for Norway and Sweden, Pieter Laurens Cloete and Abraham de Smidt, two prominent landowners, were appointed in the places of Harries, Van der Byl and Ross respectively, making it possible for the council to meet on the appointed date.⁵¹ The Cape Town public showed great interest in the activities of the council on 10 July. The public gallery in the council chamber was fully occupied by a noisy audience, which continually interrupted the proceedings. Outside the council chamber a large crowd had

50 Minutes, 9.7.1849, A 535, I.

51 Smith - Grey, 24.7.1849, GH 23/19, No. 123.

gathered, their excitement reaching fever pitch when about half an hour before the council commenced, Ebden's son, Alfred, made his appearance bearing a letter from his father, tendering his resignation as an unofficial member. On leaving the council chambers after the council had adjourned, the three newly appointed unofficial members were mobbed by the crowd "amidst the most astounding uproar". Ebden, who happened to be walking in the Heerengracht at the time of the commotion was given a far different reception. He was loudly cheered, forced into a chair and carried shoulder-high by the "multitude, who proceeded amidst most enthusiastic and continuous cheering, to carry him to the Exchange, where he was placed on the steps". Here Ebden addressed a gathering of more than 3000 persons, thanking them for their support and encouraging them to continue their exertions in the cause, but stressing the point that only constitutional means be employed to obtain their goal. He then urged the crowd to disperse, so as not to give their opponents an opportunity of charging them with riotous conduct. The crowd did not follow Ebden's advice. That night, effigies of the three unpopular members of the Legislative Council were burnt on the parade and the residences of De Smidt and Letterstedt and the business premises of Letterstedt, all situated in Cape Town, were damaged.⁵²

The attitude of the governor towards Ebden's resignation from the Legislative Council gave the supporters of

52 Cape of Good Hope Observer, 10.7.1849: The Fracas at the Legislative Council, pp. 450-451.

the anti-convict agitation further grounds for complaint. As reason for resigning from the council he stated that, since the British government and the local executive government had overruled the wishes of the people and the unofficial members of the council on the convict question, the council had been brought into total disrepute. He received no reply from the governor in connection with his resignation, but instead a government notice was issued, merely stating that the governor had been pleased to receive it. A few days earlier a government notice had been issued, in which the governor had praised the services of Hamilton Ross, who had attributed his resignation to ill health.⁵³ Smith's action was interpreted as an affront to Ebden and the cause for which he stood.⁵⁴ Ebden's resignation from the Legislative Council and his subsequent resignation from the harbour board won him the designation "man of the people".⁵⁵ He was so identified with the objective of the colonists that it was suggested by the public that he be sent to England to present their grievances to the Queen in person.⁵⁶ Godlonton had a different opinion of Ebden, whom he regarded as "discreditable ... nefarious ... unEnglish and disgraceful".⁵⁷

After the public meeting of 4 July Ebden, as chairman of the Anti-Convict Association, conducted an extensive correspondence with the governor. During the period

53 ibid., 17.7.1849: Resignations, pp. 460-461; Smith - Grey, 24.7.1849, GH 23/19, No. 123.

54 South African Commercial Advertiser, 14.7.1849.

55 Minutes, 14.7.1849, CHB 1, p. 158; Cape Town Mail, 28.7.1849: The "Adderley".

56 South African Commercial Advertiser, 30.7.1849: Original Correspondence.

57 Godlonton - Southey, 17.7.1849, A 611/5.

9 July until 31 August, six communications were forwarded to the governor, urging him by various arguments to decline receiving or taking charge of the convict ship. Smith would not yield to the demands, and on 1 September he stated that the Neptune would ride at anchor in Simonstown under the orders of the admiral or a senior naval officer until further instructions were received from the secretary of state.⁵⁸ As a last resort to force the governor to come to terms, a resolution was passed at a meeting of the association on 4 September, proposing that no contracts were to be entered into for the supply of the military, naval or civil departments until the orders-in-council had been rescinded. Ebden supported the resolution, which he stated "should be adopted and universally acted upon" so as to embarrass the government.⁵⁹ Ebden's image as a popular leader culminated at this stage of the agitation. On 11 September the German-born portrait painter, Wilhelm Heinrich Franz Ludwig Langschmidt, presented a portrait of Ebden to the association as a token of esteem for the rôle which he had played in the interests of the colony. As a further gesture "to show the satisfaction they entertained for Mr. Ebden's patriotic conduct", certain members of the German community supplied a frame for the portrait, which measured 5 feet by 5 feet. The portrait, described as being a striking likeness, portrayed Ebden as the defiant defender of the cause, having one hand on the

58 B.P.P., No. 1138 (Inhabitants of Cape Town - Smith, 9.7.1849; Ebden, etc. - Smith, 17.7.1849; Government Notice, 25.7.1849; Ebden - Smith, 7.8.1849), pp. 60-62, 82-83; Zuid-Afrikaan, 6.8.1849, 3.9.1849: Original Correspondence.

59 Cape Town Mail, 8.9.1849: Anti Convict Association.

pledge and, in the other hand, holding a scroll on which was written an extract from one of his anti-convict speeches. At the unveiling of the portrait, an additional honour was conferred on Ebden when it was suggested and agreed upon to hang the portrait alongside that of Johan Anthoniszoon van Riebeeck, the Cape's first commander, in the town house in Greenmarket Square. In a speech acknowledging the honour paid him, Ebden referred to the hanging of his portrait beside that of Van Riebeeck as being emblematic of the harmony achieved between the Dutch and English colonists in the convict crisis. He expressed the hope that co-operation between the two sections of the community would long continue to exist. Ebden declined to take all the credit, stating that he was indebted to the energetic exertions of his "highly talented friend" and to the co-operation of his fellow colonists for the distinguished mark which had been awarded to him. Although not mentioning a name, Ebden was referring to John Fairbairn who was the author of the numerous addresses signed by Ebden and forwarded to the governor. During his speech, Ebden revealed the deep hurt which he had suffered by the governor's slight, mentioning that until late he had "ever experienced from every Governor of the Colony the most marked courtesy and attention".⁶⁰

The long-expected and much-dreaded convict ship, the Neptune, arrived in Simon's Bay on the evening of 19 September, having 282 convicts on board. On receiving the news in Cape Town, a committee of observation consisting of four members of the association proceeded to Simonstown

60 ibid., 15.9.1849: Anti Convict Association.

the same night, to ensure that no provisions were supplied to the convict ship.⁶¹ At a public meeting held on 21 September Ebden stated that, having received confirmation from the committee of observation that the principal shopkeepers at Simonstown were all in agreement not to supply the ship, and after he and Fairbairn had personally investigated the situation at that place, the day after the Neptune had arrived, a decision had been taken that it would be a violation of the pledge to supply the naval department with supplies until the ship had been sent away. Since the governor showed no signs of changing his view that the convict ship would ride at anchor until instructions had been received from the secretary of state, Ebden laid before the meeting a letter proposed to be sent to Smith in which it was stated that the pledge to drop connection with any person who assisted or supported convicted criminals was to be put into immediate operation by the colonists. The governor was further informed that all departments of the government connected with supplying the ship would come within the bounds of the pledge.⁶² Before a reply had been received from the governor to the latest ultimatum, a meeting of the Anti-Convict Association was held on 22 September to consider the manner in which the pledge was to be carried out. On opening the proceedings, Ebden stated that he was of the opinion that individuals or departments should not be particularised, since the pledge included every person or department which assisted in landing, employing or

61 ibid., 22.9.1849: Arrival of the Neptune.

62 Zuid-Afrikaan, 24.9.1849: Public Meeting.

supporting the convicts. After indicating his own personal viewpoint, Ebden laid the question open for general discussion. It soon became evident that the members of the association who, until now, had been united in their resistance against the introduction of convicts, were divided as to the way in which the pledge should be applied. Several of the members agreed with the views expressed by Ebden, while others insisted upon applying the pledge to all civil servants irrespective of whether or not they were connected with the convicts. Thomas Sutherland, one of the most ardent supporters of a total implementation of the pledge, called on Ebden to alter his views, advising him "to throw aside all personal considerations, to cease to consider whether doing so will interfere with private feelings and affections". A complete split was at this stage averted by Fairbairn, who drew attention to the fact that Ebden's speech had been merely introductory, and by Ebden himself who gave the assurance that whatever course was decided upon he would adhere to. Ebden urged the members to preserve union and cordiality in their proceedings. Since unanimity could not be reached for a full scale application of the pledge and in response to Ebden's appeal for unity, a resolution was unanimously passed, fully approving of the step to apply the pledge to the naval department while the Neptune remained in Simon's Bay.⁶³

On 24 September a public meeting, presided over by Ebden, was held to discuss the governor's reply to the

63 Cape Town Mail, 25.9.1849: Anti Convict Association.

communication of 21 September. The gathering showed signs of restiveness, being dissatisfied with the governor's argument that the demands made were impossible for him to accede to on legal grounds, that the intended application of the pledge was taking matters too far and that, if the need arose, he would take steps to counter the movement. Ebdon attempted to calm the crowd, urging them "to act with the greatest care and circumspection". Although the governor had adopted a strong line of action, he showed signs of reconciliation, stating that he was prepared to make allowances for the leaders of the Anti-Convict Association as "our best men are not unfrequently the most excited". The governor also warned against excesses on the part of the colonists, which he stated might hinder his plans to have the Neptune eventually sent away from the Cape. Agreeing with the governor's appeal for restraint, Ebdon impressed upon the gathering the seriousness of the matter under consideration and expressed the hope that after mature deliberation, a moderate course of action would be decided upon. He made no further comments on the communication, being of the opinion that the committee of correspondence should be entrusted with the task of drafting a reply to the governor. Although the crowd was generally opposed to any delay, a resolution was passed, adjourning the meeting until 29 September, so as to give the committee an opportunity to draft the reply. In consequence of a rumour which was circulating that the governor had stated that he would not land the convicts under any circumstances, two members of the association, R.W. Eaton and E.J. Jerram, met Smith on 26 September to verify the

correctness of the statement. The governor confirmed the report, and informed the deputation that it was impossible to conceive that the secretary of state would order the convicts to be landed after having received his correspondence on the subject in which he had commented "that he will not be the Governor of a Penal Colony and that the whole people are pledged not to receive one amongst them".⁶⁴

On 28 September, a meeting of the Anti-Convict Association was held to prepare for the public meeting proposed to be convened the following day. The proceedings of the meeting were characterised by a division of the members into two opposing groups. The written communication from the governor presented to the public meeting of 24 September and his statement to the deputation which had conferred with him on 26 September caused the split within the ranks of the association. One group, later referred to as the "moderates" and led by Ebdon, were satisfied that the governor had done everything possible to avert the danger of the colony becoming a penal settlement and considered that as Smith had warned against excesses which might have disastrous results, the agitation be suspended and the pledge confined to those who assisted in landing, supporting or employing convicts when landed. An ultra faction, comprising Fairbairn and a majority of the members of the association, supported a stringent application of the pledge towards the governor and all government departments involved in conveying supplies to the convict ship while anchored in Simon's Bay. This group distrusted the secretary of state and were convinced that

64 ibid., 29.9.1849.

the Neptune would not be ordered to leave the Cape unless the colonists forced the authorities by following a policy aimed at starving the convicts and all those connected with maintaining the ship in Cape waters.⁶⁵

At the commencement of the public meeting held on 29 September, Fairbairn recommended that Ebden be called to the chair, since the meeting was an adjournment of the public meeting of the previous week over which Ebden had presided. The crowd being fully aware of the rift which had formed between the members of the association greeted the announcement with loud shouts of disapproval. Ebden took the chair and immediately commented on the differences that had arisen, but said that such differences need not interfere with the object in view. He alluded to the statement of the governor to the deputation from the association, which he maintained had altered the whole position, and in the light of these changed circumstances, he requested the gathering to give a fair hearing to the opinions held by both sections of the association. From the outset of the proceedings, the crowd supported the policy of the "ultras" and rejected the reasoning of Ebden, who had lost his appeal as a popular leader. The speeches of G.W. Prince, Dr. John Adamson, H.E. Rutherford and J. Stein, members of the association who supported Ebden, were ended abruptly "amid the laughter and contemptuous exclamations of the excited assemblage". Ebden's initial calm at the commencement of the meeting broke down as the support which he had requested the gathering to give him did not materialise.

65 Minutes, 28.9.1849, A 535, I.

During the heated discussions, he lost the impartiality required of a chairman and continually interrupted the speeches delivered by members of the ultra faction, who condemned the "moderates" for having, as they believed, abandoned the cause.⁶⁶ The "ultras", supported by the mass, would settle for nothing less than that the governor should send the convict ship to another destination.

Opposed to the views of the majority, Ebden, on 2 October, tendered his resignation as chairman of the association and as a member of the committee of correspondence. He was followed in quick succession by several of Cape Town's leading merchants, T. Ansdell, A. McDonald, H.E. Rutherfoord, G.W. Prince, Wm. Gadney, E.J. Jerram, J. Barry, R.A. Zeederberg Snr. and M. Bergh Snr., who all resigned from the association.⁶⁷ In his letter of resignation, Ebden enumerated his reasons for disagreeing with the intended application of the pledge as proposed by the "ultras". He felt that the governor could be trusted to fulfil his promise not to land the convicts, that it was highly probable that the secretary of state would instruct the vessel to proceed to another destination after having received the governor's communications on the subject, and that to implement the pledge at that stage would do more harm than good for the cause. Ebden was of the opinion that a stringent application of the pledge would not force the governor to send the Neptune away, but conversely he would declare martial law in Cape Town, which would have

66 Cape Town Mail, 6.10.1849: Great Public Meeting.

67 Minutes, 2.10.1849, 9.10.1849, A 535, I; Gobreghts, 'Die Anti-Bandiete-Agitasie', pp. 100-101.

adverse effects on the entire populace. While he disagreed with the policy of the "ultras", he gave the assurance that he would adhere to the pledge if any of the convicts were landed and if the secretary of state persisted in his plans to convert the Cape into a penal settlement.⁶⁸ The Irishman, John Mitchel, held the same view as Ebden. Commenting in his Journal written aboard the Neptune, he stated that the course proposed by the "moderates" was the wiser decision, since he foresaw that because of the ships and troops at the governor's disposal, the starvation policy of the "ultras" would not make it impossible to retain the convict ship in Simon's Bay for a few months or even years.⁶⁹

After his reasons for resigning had been published, the supporters of the "ultras" treated Ebden with open contempt. The Cape Town Mail, which had hailed Ebden as the "man of the people" a few months before, now published venomous attacks on him, questioning his influence in the association. It was spread abroad that Ebden had been given the position of chairman only because of his experience in the Legislative Council and because it had been considered that the title of "Honourable J.B. Ebden" would give an air of respectability to the association in the eyes of those overseas. Ebden's portrait painted by Langschmidt and hung in the town hall was cut and mutilated, being a demonstration of the general hatred felt for the late chairman of the Anti-Convict Association.⁷⁰ The censure became more intense towards the end of October when a rumour circulated

68 African Journal, 1.11.1849: Mr. Ebden's Explanation.

69 J. Mitchel, Jail Journal (Dublin, n.d.), pp. 192-193.

70 Cape Town Mail, 27.10.1849, 3.11.1849.

around Cape Town that he had sold to the government through the agency of a third person a large quantity of wheat, which transaction had amounted to about £1000.⁷¹ Before the rumour was verified, the shareholders of the Equitable Assurance and Trust Company, of which Ebden was chairman, addressed a requisition to the board of directors of the company concerning the ejection of Ebden from the chair and the directorate. Before a meeting could be held to discuss the matter, Ebden sold his shares and stated that he had decided to withdraw from an institution which lent "itself to party feeling and political faction".⁷² At a meeting of the Anti-Convict Association held on 30 October, the question of Ebden's sale of wheat to the government was raised amidst "groans and hisses" from the members present. Thomas Sutherland stated that there could be no doubt of Ebden's betrayal; he had seen wheat brought out of Ebden's stores and taken into the commissariat stores. At the suggestion of Fairbairn, it was decided to communicate with Ebden on the subject and to inform him that his name would be published along with others who had supplied the government with provisions. The directors of the Cape of Good Hope Bank also came under heavy fire from the association for their refusal to request Ebden to resign as a member of the bank's board of directors.⁷³ In reply to the association, Ebden expressed his resentment at the interference in his business affairs, and denied that he

71 Zuid-Afrikaan, 29.10.1849.

72 Cape Town Mail, 27.10.1849, 17.11.1849: Equitable Assurance and Trust Company.

73 South African Commercial Advertiser, 3.11.1849: Anti Convict Association.

had supplied government departments, but admitted that he had sold wheat to Edmund Leahy who had resold the wheat to the government. Reminding the association that he had condemned the resolutions on the stringent application of the pledge as destined to harm the cause, Ebden stated that he "would as readily have sold the wheat to Government, as to any private individual, had any application been made to me by them".⁷⁴ He alleged that Sutherland's remarks at the meeting of the association, accusing him of having sold his country for mere monetary gain, were libellous and that he intended to sue Sutherland for £1000 damages. After Sutherland had replied that the South African Commercial Advertiser had published an incorrect version of his speech, Ebden demanded £500 compensation from the newspaper for "false, scandalous and malicious libel". Fairbairn acknowledged the error and agreed to draw the public's attention to the correct rendering of the speech, after which Ebden did not press charges.⁷⁵ In accordance with the decision of the Anti-Convict Association, Ebden's name was published, together with fourteen other persons in Cape Town and vicinity, who either directly or indirectly supplied government departments.⁷⁶ Ironically, the pledge which Ebden had helped to formulate was now applied to him. In February 1850 boatmen at Port Elizabeth refused to unload the Border Maid because J.B. Ebden & Co.

74 Cape of Good Hope Observer, 6.11.1849: Letter from Mr. Ebden, p. 714.

75 South African Commercial Advertiser, 10.11.1849.

76 Zuid-Afrikaan, 1.11.1849: Anti Convict Association.

had shipped goods on it from Cape Town.⁷⁷

Although Ebden was held in widespread contempt, he was given support by the government-sponsored newspaper, the African Journal, which stated that Ebden had "travelled to the very boundaries of the pledge - so far as it was characterized and marked by Humanity, Reason and Justice". All the local newspapers published Ebden's explanation concerning the sale of wheat, but the African Journal was the only newspaper to publish a letter from Leahy, in which he said that he had given Ebden to understand that he was not buying the wheat on behalf of the government.⁷⁸ Having heard of Ebden's resignation from the Anti-Convict Association, Godlonton remarked to Southey that "Ebden has made a mess of it". In Godlonton's view, Ebden should have retained his seat in the Legislative Council, which body could have rendered service to the colony. He was of the opinion that Ebden had been made "the tool of a faction" and "at length getting frightened at their extravagance he wished to draw back and is then cast aside with contempt and treated with indignity". Recognising that Ebden was a "repentant sinner", Godlonton advised against any harsh treatment being meted out to him.⁷⁹ Ebden's decision to break with the Anti-Convict Association received overseas approval. In a reprint in the local press of an article which appeared in the English newspaper, Morning Herald, he

77 T.E. Kirk, 'Self-government and self-defence in South Africa: the inter-relations between British and Cape Politics, 1846-1854' (Unpublished D.Phil. thesis, Oxford University, 1972), p. 271.

78 African Journal, 1.11.1849: Mr. Ebden's Explanation; Original correspondence.

79 Godlonton - Southey, 5.10.1849, 22.10.1849, A 611/5.

was described as being "an apostate only from the unreasonableness of his associates". The article set forth the argument that Ebden was correct to dissociate himself from the ultra faction after the governor had given proof of his exertions to prevent the Cape from becoming a penal settlement.⁸⁰

Ebden's identification with the agitation was based on religious and social motives. He believed that convicts would lower the moral tone of the Cape society. Among the Victorian middle classes, wealth was associated with respectability. Representing this class at the Cape, Ebden feared any association with a society known to be partly composed of former criminals, which could seriously retard the advancement of his pretensions, which rested not on family relationships but on wealth in the colony. There was also a political motive attached to the agitation from which he recoiled. Grey's conduct provided the interests centred on the Cape Town Municipality with a pretext they could use to win popular support and gain power over the colonial government. Ebden might have yearned for the financial resources of a government dominated by merchants with popular support in the colony, but he stood to gain nothing from a body controlled by local interests; his prospects and those of the other Cape merchants depended on the link with Britain.⁸¹

In February 1850 news reached the Cape that Grey had ordered Smith to despatch the Neptune to Van Diemen's Land.

80 South African Commercial Advertiser, 27.3.1850: The Cape.

81 Kirk, 'Self-government and self-defence in South Africa', pp. 258-259, 320.

On 21 February the convict ship, after five months in Cape waters, sailed out of Simon's Bay amidst much rejoicing and festivities in Cape Town.⁸² The celebrations also marked the end of an era in Ebden's political and public career.

82 Gobreghts, 'Die Anti-Bandiete-Agitasie', pp. 183, 186; Hattersley, Convict Crisis, p. 79.

CONCLUSION

To a greater degree than any other colonist of his day, Ebden promoted the progress and prosperity of South Africa. Regarded as the Cobden of the Cape, his prime aim throughout his career as a businessman, politician and public leader was to advance the principle of free trade.¹ He was an able financier, possessing profound knowledge of currency and finance. The depreciated and inconvertible paper money issued from 1782 until 1832 produced a prolific crop of financial, currency and commercial disasters at the Cape. This situation gave rise in 1825 to one of Ebden's main ambitions; the stabilisation of the colony's finances. Being a practical and shrewd businessman, he advocated the termination of the government's banking monopoly and the establishment of private or joint-stock banks. His pioneering efforts to establish such institutions were thwarted by the British and colonial governments who jealously guarded the interests of the government bank. When, however, in 1837 and 1838 capital flowed into the colony in the form of slave compensation money, a need arose for better banking facilities than those afforded by the government bank. The opportunity had arisen for Ebden, with the support of the Cape merchants, to realise his objective of establishing a joint-stock bank at the Cape, which would not only contri-

1 Richard Cobden (1804-1865), British politician, was a staunch supporter of the free trade movement. As a member of the Anti-Corn Law League formed in 1838, he worked towards the repeal of the corn laws.

bute to the economic well-being of the colony as he had foreseen a decade earlier, but which would prepare the way for the foundation of other banks in South Africa.

As a businessman in politics, Ebden's goal was to further his ambition of bringing stability to the colony's finances and to promote the interests of the free enterprise system. He was successful in having legislation passed which was conducive to the advancement of the Cape of Good Hope Bank and a free trade in money. He was the spokesman of the mercantile community, guarding their interests by opposing measures which, if implemented, would have adversely affected their transactions: for example, the Stamp Bill of 1845. Believing that the colony's finances were not managed correctly by the executive government, Ebden subjected the annual estimates to minute scrutiny, opposing all items of expenditure which he considered should not have been borne by the colonial treasury. By initiating lengthy discussions on the estimates, he aimed at fulfilling a two-fold purpose: firstly, he attempted to bring about change in the appropriation of public money for the general benefit of the colony, and secondly, he was intent on drawing the attention of the colonists to malpractices in government. With the exception of the attorney-general, William Porter, Ebden was the most eloquent speaker in the Legislative Council, especially on financial matters, but as the council lacked authority in executive affairs and the nominated members were always in the minority, Ebden only succeeded in the second objective.

He was independent in outlook and a leader in economic thought at the Cape. A large majority of the Cape merchants did not share his views on the colonial government's decision in 1840 to re-issue a portion of the paper currency. This in no way influenced him into altering his theory which he had expounded from 1825 on the stabilisation of the colony's finances. He consistently advocated the complete and final withdrawal of the paper money, considering that any re-issue by the government would secure to the authorities a monopoly in banking. Ebden's plan for liquidating the paper debt was rejected by the British government, but the fact that he was the only unofficial member of the Legislative Council who approved of the financial reforms of the secretary to government, John Montagu, which eventually led to the paper debt being liquidated, is indicative of his sound understanding of the colony's economic situation.

In politics, Ebden also projected himself as the representative of the people and the defender of the privileges of the Legislative Council. This stand brought him into conflict not only with the governor, especially Sir George Napier, whose arrogance irked him, but also with the other members of the executive and members of the judiciary. Frustrated by the ineffectualness of the unofficial members to bring about real change in the government of the colony, Ebden indulged in impetuous cut and thrust controversies with the official members of the council which obstructed business, bringing the council into widespread contempt. His rôle of representing the

colonists was questioned by both the Dutch and English press which was united in the struggle for representative institutions at the Cape and which took every opportunity to disparage the council and its members. Ebdon too openly admitted that the council had no real power and associated himself with the many attempts made by the colonists to impress upon the British government the need for constitutional reform which was more constructive than his efforts to obtain redress for the colonists' grievances in a council dominated by the executive government.

The press, which influenced public opinion either for or against Ebdon, was not consistent in its support or criticism, but alternated its view of him from situation to situation in line with the particular newspaper's policy and reading public. The South African Commercial Advertiser supported him in his protestations to obtain concessions for the merchants while the Zuid-Afrikaan criticised him for these same protestations when they militated against the interests of the landowners and agriculturalists. He was backed by the Zuid-Afrikaan for his stand during the years 1836 - 1838 against the secretary of state, Lord Glenelg, who attributed the unrest on the eastern frontier to the colonists and the colonial government, but the South African Commercial Advertiser condemned him for the attitude which he adopted towards the British government. Until 1849 it was seldom that unanimity of opinion on Ebdon was shared by all sections of the press media, the two instances cited being characteristic of the general trend. During the anti-convict agitation the situation altered, since all the

leading Cape Town newspapers were united in advocating determined defiance of the colonial government and recognised Ebden as leader of the movement. These same newspapers later combined in attacking him for what they commonly regarded as deserting the popular cause. During his leadership of the agitation, Ebden alluded to the co-operation which had been achieved between the English and Dutch colonists. He had always worked towards this objective which he regarded as being in the interests of the colony.

Although not always agreeing with Ebden's views, the local merchants respected him for his integrity and leadership qualities. The honour conferred on him of being elected the first president of the newly constituted Chamber of Commerce in 1861, a position which he held until his death in 1873, indicates the high regard in which he was held by his colleagues for his contribution to the commercial development of the colony. Individually and as a leader of the merchants, Ebden opposed and queried every restrictive measure imposed by the authorities on free trade. He was fearless in his struggles, believing in continual protests as a means of realising his ends. It was by this strategy that the several concessions granted by the British and colonial governments to the wine trade were obtained. By convening meetings and drawing out public opinion on important issues of the day, Ebden organised the colonists into passive resistance against infringements of their rights and into bringing to the attention of the authorities the need for advancement and improvement in the

economic, political and social conditions of the colony.

As a conservative, Ebden would only employ constitutional methods for gaining his objectives and retreated from all violence. During the anti-convict agitation he repeatedly warned the colonists against impetuous behaviour, eventually resigning as leader of the agitation when it became evident that a moderate line of policy was unacceptable to the mass and several of the other leaders. It was imperative for Ebden as a merchant that stability be maintained in the colony for the promotion of commerce. He proved his claim to consistency of action in the public interest. He broke away from the extreme party in full knowledge that he would fall as a popular idol and allowed himself in the interests of the colony to be assailed as a traitor to the cause.

From the failures that accompanied many of the commercial enterprises on which Ebden and his associates embarked it might be assumed that he acted with undue haste. However, seen in the light that the free enterprise system was being pioneered in South Africa and that most of the schemes were financed with local capital only, this assumption becomes invalid.

Being a deeply religious man, Ebden worked towards the promotion of the church and missionary institutions for the conversion of the indigenous peoples to Christianity. Although his prime interest was to establish a trade link, one of the reasons which he advanced for the British government to establish a settlement at Natal in 1834 was for the purpose of civilising the various tribes through the efforts of missionaries. He was a philanthropist in as

far as he was against slavery, but not to the extent that he adhered to the principle of the "noble savage" as propagated by missionaries such as Dr. John Philip.

During his long career as a merchant, politician and public leader, Ebden made a substantial contribution to the development of South Africa, having played a leading rôle in most public and business affairs of his time. The struggles of the early capitalists in initiating the free enterprise system in South Africa, their successes, failures and the powers which they wielded at the Cape in the first half of the nineteenth century are clearly reflected in the career of John Bardwell Ebden.

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