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A survey of the part played by Richard Southey in the diamond fields

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RICHARD SOUTHEY

ANNEXATIONIST.

A survey of the part played by Richard Southey in the Diamond Fields' dispute, from the discovery of diamonds until the annexation of Griqualand West in November, 1871.

Thesis submitted for the Degree of Master of Arts in the University of the Witwatersrand, by

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- P R E F A C E -

The connection between Richard Southey and the annexation of the Diamond Fields has often been hinted at. Various historians, such as Professor L. Fouché, Professor Eric Walker and Mr. Agar-Hamilton have made mention of the fact that Southey had played a leading part without giving any details. The purpose of this essay is to supply those details.

The main materials used were the Southey papers, which are in the National Archives, Cape Town. Several important letters have already been printed in Wilmot's "Life and Times of Sir Richard Southey", but that author did not always show their exact bearing on the dispute. As far as possible, I have let the facts speak for themselves, and owing to the nature of the study, have quoted at great length. The modes of citation appear in the Bibliography.

In conclusion, I must thank Mr. Venter of the Archives, and his Staff, who were extremely kind, obliging and patient, and finally Professor L. Fouché, who has been most encouraging over a number of years.

Martin Meredith.

[illegible], October, 1938.

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I N T R O D U C T O R Y .

From the time when van Riebeeck tried to confine the white settlement at the Cape behind a hedge till the middle of the 19th century, expansion at the Cape has usually been in spite of an unwilling Government. And in 1852 and 1854 the British Government definitely forsook that interest which she was willy nilly forced to have in Trans Orangia. It was a time when colonies were regarded as useless encumberances and mill-stones round the collective neck of the British tax payer.

But from about 1858 onwards there was a noticeable change in British Colonial policy. The thesis of the Colonial office in England found its antithesis in the expansionists at the Cape, and together they synthesised the new policy of British interest North of the Orange. Briefly, what was happening was this: Britain had decided that her colonies must pay for themselves; and as deadlocks between Home Government, Governor and Cape Parliament had proved Responsible Government was a very necessary adjunct to any successful carrying out of such an idea. But whereas Responsible Government was introduced into the majority of colonies at an early date, the position at the Cape was considerably more complicated. The relations between the comparatively weak Dutch Republics and the native tribes were a constant menace to the peace and security of the colony. It was realised that no resulting conflagration could ever be effectively localised. It became necessary in the eyes of the Colonial office to shift the spheres of control in order to be able to exercise some measure of restraint north of the Orange. Schemes of Union or federation were already being mooted.

The expansionist school had a different viewpoint. They did

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not envisage the expansion of British control with a view to its ultimate withdrawal. It, on the other hand, saw its interests as well as that of Britain inextricably entangled with events in Trans Orangia. For them the "Road to the North" was no mere dramatic or sentimental gesture; it was sound economics.

The two opposing ideas had, however, the same result. And we see Britain advancing into the interior by successive stages of annexation. First Basutoland, then Griqualand West, then the Transvaal. A veritable "Drang noch Norden" on a small scale.

It was natural in the circumstances that Southey should have been the focal point of thetwo new ideas. Southey himself was an expansionist. From his papers we learn that he was a bitter opponent of the Republics and more than once put forward schemes whereby native tribes could be used with advantage against them. Nor did he see any evil in say, quelling the Orange Free State by the Basuto nation in alliance with Great Britain. But we cannot call him a negrophilist. Southey was always mouthing pious phrases about the native being squeezed out of his rights by the Boers, or sententious phrases of natives being allowed to remain in possession of their lands - a notion based on ordinary principles of justice. But unfortunately the Colonial Secretary as Lieutenant Governor gave the lie direct to his own preaching. When he was at the head of Griqualand West the natives were to lose what little land had been left to them.

Southey was interested in British expansion in South Africa for business reasons. Reasons which received renewed stimulus from the discovery of diamonds - a discovery which from the very start moved Southey profoundly. The pro-native sympathies of his superiors were therefore used as a veil to

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screen their own perceptions and his own utterings as a cloak over his more material aims.

It is perhaps not surprising that the events connected with the Diamond Fields should have been of an unsatisfactory character. In the first instance we find a group of whites taking with them into the interior, their ideas of private ownership of land, contract and general conceptions of European Law, to find themselves living side by side with a people whose conception of all these things was different. The obvious result of such circumstances must be that the rules laid down for mutual recognition are usually unilateral and have the binding force of law only while the Europeans choose to regard them as such. Rules were then constantly falling into disuse and the necessity of formally abolishing them was never recognised. There was, therefore, a fruitful storehouse of obsolete legislation which could be used by the unscrupulous. Theory was continually contradicted by fact, and the spirit of the law was often in conflict with its letter.

One such glaring example was the controversy which raged round the ownership of the Diamond Fields. The dispute may be divided into two parts. Firstly, we have the claim of the Orange Free State to the Campbell Lands, which lying to the West of the Vaal River they claimed to have bought from Henry Harvey in 1861, and also to the land bounded by the Vetberg line and a line drawn from Ramah to David's Graf thence to Platberg at the junction of the Riet and Modder rivers. Here the Free State claim wasbased upon the actual settlement and the exercise of jurisdiction stretching over some period. It rested also on the complete collapse of the Griqua Treaty States of Dr. Philip. The process

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of Free State settlement was akin to the type usually found on frontiers - irregular, incapable of documentary evidence and a process whereby the European farmers progressively possessed themselves of the best lands. Arnot revived against this the claims of the Griqua Chiefs to a "territorial sovereignty which had almost crumbled away". 1) His argument was based on the treaties of 1834 and 1843 which the British Government had made with Andries Waterboer and Adam Kok respectively. These treaties recognised them as independent chiefs and gave them a measure of territorial sovereignty.

Later Brand shifted his ground somewhat and brought in the Bloemfontein Convention. The Bloemfontein Convention was among other things the negation of Sir Harry Smith's Orange River sovereignty. His proclamation in 1848 was a well meaning measure. It, therefore, occasions no surprise to find that it was misunderstood. It was not meant to be a measure for the aggrandisement of British territory, but rather a move to procure stable government, peace and order across the Orange. Perhaps Sir Harry alone appreciated all its subtleties. However, Southey's views are worth attention as he was the Governor's secretary at the time. The territory reverted in 1854 to the Status Quo and the Boers, while continuing to recognise the sovereignty of the native chiefs, proceeded to displace their people from their lands. A process which was no novelty. And the displacement would have gone on without occasioning any great comment had diamonds not been discovered. Immediately after this discovery, lands which before were ofno value, became important in the eyes of the depression worried Cape, and measures

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1) de Kiewiet. British Colonial Policy.

which had been allowed to lapse were once more discovered.

"What urged the British Government to interfere in this matter was that up to the discovery of diamonds, the Free State had been content with the Vetberg Line, south of the Vaal, but after that the two Republics began to move. A mock conference was held at a place called "Nooitgedacht", from which Waterboer departed in disgust and then the President of the Free State issued a proclamation seizing his ground north of the Vaal. It was this movement, and this attempt to enclose all the British subjects there that forced the Government to act. Had the Orange Free State been willing to remain quiet the Government of this Colony would probably not at that time done what it did." 1).

The second part of the dispute concerned the Transvaal's claim to the lands between the Vaal and Harts Rivers. Their claim was based upon certain treaties which the Transvaal maintained they had made with the native chiefs of that part - notably with one Mahura.

Arnot wanting British protection for his land jobbing, saw now a greater prize; Southey, an excuse as well as an incentive and the dispute for the wealth and consequent power which lay in the Diamond Fields was hidden behind a screen of legal quibbles, specious reasoning and hypocritical

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1) Southey in House of Assembly Friday June 7th, 1872.
Cape Argus June 13th 1872.
See also Southey to Cole - 7:12:1870. L.B. 8-142.

utterances about the welfare of the native races.

In the following pages an attempt has been made to give a dispassionate and impartial account of the part which Southey played in this controversy. The annexation of the Diamond Fields has been variously described as " the culmination of the gradual growth in the Colonial Office of the determination to reverse the policy of the convention" and as an act which "followed quite logically upon the disallowance of the Transvaal proclamation of 1858". This is true, but Southey by industry, by his indefatigable work, undoubtedly contributed a great deal towards that consummation. Hay and Barkly were largely under Southey's thumb while Southey often informed himself from a source which was as interested as himself - David Arnot. And the Colonial Office in turn relied entirely on the biased judgment of the Capetown dispatches.

In the correspondence so fully quoted we will see how they rather like an arch conspirator, throwing out hints to Arnot, giving Sir Henry Barkly his lesson or goading on an apathetic population to pass resolutions and petitions in favour of British intervention.

C H A P T E R I.

The two chief actors in the drama which followed the discovery of diamonds and was to result in Britain taking a renewed and more active part in the interior of South Africa were Southey and Arnot. 1). Certainly, one of the queerest combinations to be found in a country whose political history abounds in artificial partnership.

Their close relationship dates from 1860. In November of that year 2) Arnot had written to Southey, asking him to use his influence in getting him into the Civil Service. His wife's health necessitated a move nearer the coast. To this Southey replied that he would do all he could,3) and from that date a regular correspondence was kept up about seeds, land and the Free State. Soon after, Arnot conceived the idea of getting British control over the lands of the Griquas as he felt that the value of the land in which he was speculating would thus be considerably enhanced.

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1) Richard Southey began his public career at the Cape in 1834, by equipping at his own expense the "Albany Mounted Sharp Shooters" in which he served as a Lieutenant at the beginning of the Kaffir War of that year. After the war he was appointed as one of the Magistrates in the territory between the Kei and Keiskama Rivers as part of the D'Urban's abortive settlement. Upon the reversal of this scheme he remained out of employment until Sir Harry Smith became Governor. He then became Secretary to the High Commissioner - a post which he held until 1850. In 1848 he had been President of War Tribute Commissions across the Orange River and from 1850 to 1858 he was resident Magistrate of Swellendam with two gaps - when he acted as Colonial Secretary in 1852 and later as Secretary to the Lieutenant Governor of Grahamstown. He was then promoted to the post of Auditor General but he held this for a very short time and from 1860 to 1862 once more acted as Colonial Secretary. From 1862-4 he was Treasurer General and in 1864 became Colonial Secretary, which post he held at the time of the Diamond Fields Dispute.
Arnot according to Nicholson "Fifty Years in South Africa" (a singularly abusive book) was somewhat coloured - a result of an affair between Justice Menzies and a coloured woman. He became legal agent for various tribes, notably the Griquas and the Batlapin. He was also Southey's Agent at Colesberg.(Land Question - Arnot & Orpen. P.113).
2) Arnot to Southey 21-11-1860.
3) 29-11-1860 C.O. Semi-official 1860-1862.

We must now digress slightly. Adam Kok about the year 1860, began to find his Philippolis Reserve decidedly uncomfortable since the pressure of Europeans was becoming greater and greater. 1) He therefore decided to sell his lands to the Free State and migrate to Nomansland. With Harvey, his agent, and his whole council he journeyed to his confidential adviser Arnot, at Colesberg. 2) The latter gentleman drew up a Power of Attorney in favour of Henry Harvey, authorising him to act as Agent and to sell "such grounds as may be found to belong to the Griqua Government." The Power was made in the name of Adam Kok, Chief of the Griquas of the town and district of Philippolis.3

Now in 1857, Cornelis Kok had found the task of Government too onerous and had made over his lands (that is the Campbell lands) to Adam Kok. It would appear that Harvey had no idea of where the Campbell lands were, 4) "but in order to draw the Free State to a speedy purchase he threw in for good measure the lands of the late Cornelis Kok". Arnot of

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1) Agar-Hamilton - "The Road to the North" P. 39.

2) Arnot & Orpen -"Land Question". P. 78.

3) G. 21. of A. to V. & P. 1871.

4) Cambridge History of British Empire Volume VIII Page 432

course says otherwise, maintaining that there was collusion between President Pretorius and Mr. Harvey. 1). We may, however, dismiss this in the light of Harvey's later remarks.2). Whatever the position is, Adam Kok signed a receipt for the purchase price, 3) and shortly afterwards published - at the instigation of Arnot - a denial of his ever having sanctioned the sale of the Campbell lands.4) as a reply to the Orange Free State proclamation claiming Cornelis Kok's lands on both sides of the Vaal.5).

Arnot now proceeded to espouse the cause of Nicholas Waterboer and claimed for him the Campbell lands. He did this by invoking (a)The treaty of 1834 between Sir Benjamin D'Urban and Andries Waterboer 6). (b) The Articles of a Union between the Griqua chiefs Andries Waterboer and Adam Kok in 1838 and (c) a treaty between Andries Waterboer and Mafura in 1843. This gave him a triangular bit of territory bounded on the south by the Orange River from Kheis to Ramah, and on the east by a line between Ramah and Platberg on the Vaal, and on the north by a line from the northern point of the Langeberg to the village of Boetsap7)

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1) ~~THEREWAS~~ Arnot & Orpen - "Land Question" P. 79.

2) Agar-Hamilton - "Road to the North" P. 39.

3) Lindley - "Adamantia" P. 90 and ff.
Agar-Hamilton fixes the final payment on the 20th June 1867.

4) G.21. 1871. P.13 A. to V & P 1871 - 459.

5) Mr. Agar-Hamilton asks the pertinent question as to why the Free State did not sue Adam Kok who was alive until 1875.

6) This lapsed in 1853 with the death of A. Waterboer.
De Kiewiet - British Colonial Policy - p. 83. n.30.

7) "Road to the North" p. 40.

As early as 1864, President Brand was willing that the problem should be solved by Arbitration but refused to allow his claim to the sotth of the Vaal to be discussed. Arnot, therefore, went to work to erect "a wall of flesh"1) against the Free State by founding Albania (1866) which was on the verge of failure when the great discovery of 1867 changed the whole outlook.

We will leave the Free State for a moment to take a quick glance at the position of the Transvaal. Here Arnot claimed a boundary line for the Batlapin (whose agent he was) from Platberg up the Makwassi spruit to the sources of the Harts and the Molopo Rivers.2). These claims if successful would keep the road to the interior open.

The stage was set.

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1) "Road to the North" p. 42.

2) B.B.B. p. 81.

C H A P T E R. II.

The correspondence between Southey and Arnot now no longer dealt with seeds and such like, but took on a more sinister complexion. On the 24th of January 1868, 1) Southey wrote to Arnot a letter of fundamental importance.

"I have received your note of the 9th instant, on the subject of the rumours about relative to an intention on the part of Her Majesty's Government to resume possession of the Orange Free State, and expressing your opinion that the chiefs Waterboer and Mahura would gladly fall in with a scheme by means of which they would be taken under the wing of England.

I will put your letter in the hands of H.E. the Governor - but so far as I know - H. M.'s Government have no intention to adopt such sweeping measures as the newspapers talk of - Something however in the way of a move in the right direction is in contemplation, particulars of which will doubtless soon appear in the Orange Free State papers."

There are two important points about this letter. In the first place it contains the germ of what was to be Southey's policy in the months to come. Waterboer to become a British subject and the British to expand northwards. A scheme whereby the Republics would be checked and British control of the interior re-established. In those lean years, Southey must more than once have cast covetous eyes upon the prospect of an increased revenue with its source in the diamond fields.

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1) L.B. 4 - 300.

The second point to notice is the difference in spirit from a letter written on the 22nd of April 1866. 1). "It is a pity that any dispute should have arisen between the Free State and Waterboer about the land between the lower Vaal and Orange Rivers; but I do not see how either this government or the Imperial Government can interfere, unless both the Free State and Waterboer ask us to arbitrate. The Home Government or this Government might say that in its opinion, Waterboer's claim is right, but that would not compel the Free State to adopt the same view."

We will see that Southey's doubts as to how to act were soon resolved, and that once the course of action was decided upon he was to show a singular tenacity of purpose and was not to stop before the consummation of his desires.

Arnot was becoming very impatient and maintained that it was time the British Government helped Waterboer against Brand. He proceeded in a very sarcastic vein to suggest that Waterboer should take all his medals and certificates of good character and "polish up his trophies and prizes and send them to the British Museum" - for all the good they did. 2).

In the meantime the "Star of Africa" had made its appearance and Arnot wrote about " .....Pniel, in Waterboer's territory but claimed, disputed and occupied by Free State Boers(fully three miles beyond their proper boundary) a crying shame and disgrace."3) And once more he spoke of Waterboer's willingness to come under British protection, i.e. the territories on the south and east sideof the Vaal.

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1) L.B. 3 - 244.

2) Arnot to Southey 1/2/1868.

3) Arnot to Southey 23-5-1868.

But the British Government was being coy and Arnot's voice passionately pleading his cause almost rose to a shriek. "T. Chief and I feel anxious to know how matters are going on between the British Government and the Orange Free State - Oh! how I do wish that the Imperial Government would put promptly an end to the existence of that wretched state.... For my part, I shall be glad for more reasons than one - I know the Chief will be ready to offer Alcania for certainty with (the) hearty consent of its people and his (land) on the south and east of the Vaal ., to which he will satisfactorily prove his rights and claim, to the jurisdiction of the British Government on most easy and favourable conditions." 1).

Impulsive as ever, President Pretorius extended the Transvaal's boundaries to Lake Ngami and Kuruman on the West and to Delagoa Bay on the East. 2). A vague dramatic gesture which caused Southey to pen a letter to Sir George Barrow, in which he put forth his political ideas. The Republics, he said, were absorbing the country of many native tribes who were friendly to the Government. This process, if allowed to go on, would seriously interfere with the Colony's interior trade. "I always foresaw trouble as the result of Sir Geo. Clerk's doings, and told you at the time that it was a step in the wrong direction." 3). A sentiment with which Arnot was in hearty agreement.

/Pretorius ...

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1) Arnot to Southey /12/1868.

2) Staats Courant, 29th April, 1868.

3) "Road to the North" P.45.

Pretorius withdrew his claim but tried by negotiating with Mahura, of the Batlapin, to gain control of the diggings between the Vaal and Harts Rivers. We have seen the line which Arnot was claiming. He was agent for Mahura, who upon realising that part of his lands were being claimed by Arnot for Waterboer was justifiably annoyed and appointed Theodor Doms as agent, but Doms was unable to come to any arrangement with the Republic.

In April 1870 1) Southey was still not very sure what action the Home Government or even the Colonial Government, would countenance. Arnot wanted to become a sort of Commissioner representing the Cape Government at the Fields. But Southey did not fully understand Arnot's intentions and in any case doubted "if H.E. would allow officers of this Government to become Commissioners unless the Orange Free State Government were parties to the thing, and I fancy they will not be - however, it will be time enough to give an opinion when we know what it is intended to do." 2). This reads strangely when we think of Campbell the Magistrate. There was talk at thebeginning of August 1870 of a conference to be held between the President of the Free State and Waterboer on the subject of the Diamond Fields. Southey wanted to send a representative of the Colony to this meeting, but "not having received any intimation from Waterboer or the Free State Government that such a meeting was contemplated, I do not see that we can well move in it." 3).

/ The ...

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1) Southey to J. van der Riet. 23rd April ~~1871~~ 1870. L.B. 7 - 136.

2) Ibid.

3) ~~XXXXX~~ Southey to Arnot 8th August 1870. L.B. 7 - 233.

"The large number of British subjects now at the Diggings gives us a certain interest in what takes place with regard to boundaries and I shall be glad to hear, if there is such a conference what takes place." 1a).

The meeting took place indue course at Mooitgedacht and asfar as we are concerned, was remarkable for one thing. That was a letter written by Arnot to President Brand. Arnot's letters are a magnificent index to his character. He always addressed Richard Southey in the tone of a rather obsequious butler, but it was in a different tone that confident in the support of the Colonial Secretary, he wrote to Brand on August the 24th 1870. 1). "Sir:- I am authorised by the Chief, Nicolas Waterboer, with the advice and consent of his Raad, to put to you, as representing the Government of the Orange Free State the following substantive question, which you will be pleased to answer distinctly and pointedly. The question is this:- In the event of the present meeting, which proposes to have for its immediate object the ascertaining of the grounds on which the Chief Waterboer claims the country (North of the Vaal River) as an integral portion of the territory belonging to the nations of Griqualand West being proceeded with, and brought to a close (the evidence of the members of the Raad being admitted), will the Government of the Orange Free State promise and undertake to submit the matters and boundaries in dispute South of that River to the arbitration and final decision of the successor of Sir P. E. Wodehouse ....and to proceed with such arbitration as speedily as the said Governor can make it convenient after his arrival to enter upon the work.

The Chief and Council will feel obliged by an early reply.

/ It. ...

1a). Southey to Arnot . L.B. 7-233.
1) Adamantia P. 115.

It is worthwhile remarking that Lindley saw clearly the connection between Southey and Arnot evidenced by this letter. It is not surprising, however, that nothing came of this meeting.

The Colonial Secretary had been giving the whole matter very considerable thought. It appeared to him that Arnot had worked out a very strong case for Waterboer. But besides this, he felt, and one cannot escape this fact, he felt with great conviction that the Free State had a case which rested on very shaky foundations.

Probably the fullest statement on the position, giving his own private views on the question is to befound in the following letter, which because of its importance will be quoted at very great length. 1).

"It seems to me that in your letter to the Orange Free State Government (copy of which you forwarded to Sir P. Wodehouse) you have made out a very strong case for Waterboer; and if the Free State has no other claim than that arising from the alleged purchase of Cornelius Kok's possessions from Harvey 2) as Adam Kok's agent they would have a weak one. As regards the sovereignty of H. Majesty declared by Sir Harry Smith and afterwards withdrawn, that cannot affect Waterboer as he was not included by Sir Harry Smith, ~~nor~~ nor in any way a party to either transaction 3) .... Waterboer is too weak to enforce his rights against that State (Free State) and the chances are that, if a rupture had occurred before the advent of the diggers his (Waterboer's) country would / have ...

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1) Southey to Arnot 12th Sept. 1870. L.B. 7 - 314.
Also Arnot to Southey 1st Sept. 1870.
" Arnot to Southey 3rd Oct. 1870. L.B. 8 - 28.

2) Supra p. 8.

3) Memorandum. Wilmot(appendix.)

~~The Times~~ "Life and Times of Southey"

have been before this absorbed by the State (Free State) or perhaps divided between it and the Transvaal. Now, if diamonds continue to be found in large quantities. there will be a large influx of all nations of peoples who will probably pay little respect to the rights of Natives who are not strong enough to enforce their own rights. Already the diggers are talking of forming an independent Republic, and are encouraged apparently by both the Free State and Transvaal Governments.

Under all these circumstances would it not be better for Waterboer and his people to seek to be received as British Subjects, 1) as has been done in the case of the Basutos. I do not know that H. M. Government would accede to such an application, but possibly they would. If that were done, then the boundaries of his country could not be invaded, but his own sovereign rights would cease." (The idea was that he should continue as being Chief Magistrate . Southey promises to give his best attention to the matter if and when he receives Waterboer's petition to the Queen).

Southey then proceeds to ask for [illegible]ation on the following points :

(1) Were the diggers, as a bod[illegible] rous of British Supremacy, and would they co-operate with a movement to bring about such a state of affairs.

(2) Was all the information given by Arnot respecting the boundary claimed by Waterboer from David's Graf to Platberg in the treaty between Waterboer and Kok? The latter's boundaries are described as from Ramah to David's Graf, West; South up the Orange River from Ramah to Cornet Spruit: North, to Modder River; and Waterboer's from Ramah to Kies, West; and North to Platberg. In many other documents the line between Ramah and David's Graf is alluded to and admitted on all hands to be the boundary between Waterboer and Kok; but all are silent about the further line to Platberg, and nothing seems to be said anywhere as to Waterboer's line from David's Graf."

/(3) ...

1) On the 25th August, Waterboer in a Public Notice. "...I should immediately humbly petition Her Majesty the Queen to take the circumstances of my country into Her gracious consideration. Land Question: p. 113.

(3) When did Waterboer establish a Field Cornetcy near Pniel on the left bank of the Vaal River?

(4) When was the Missionary at Pniel first established and from whom was permission obtained? If from Waterboer, were there any written documents! 1)

"The weakest part of Waterboer's case appears to me to be with regard to the line from David's Graf to Platberg. I understand from you, that during Major Warden's time, he issued certificates for farms between that line and the Vaal River, and that, since our withdrawal from the country, the Free State has granted land or issued certificates. Was it North or South of the Riet River. Also, as regards the grants of the Free State, have they granted on both sides of the Riet River? How is the country between the Vaal and the lines claimed by Waterboer now occupied?" Among other things he wanted to know if there were any of Waterboer's people there, and if so were they there before Sir Harry Smith proclaimed the Sovereignty, and did they remain there afterwards. He wanted all the information Arnot could possibly give. Major Warden had assumed the country along the Vaal River, both above and below Platberg, to have been at the time available for disposal by the High Commissioner or the Sovereignty Government, as he suggested that a tract of land ten miles above and ten miles below Platberg along the River should be allowed to contain natives who had disposed of their land to Boers. Southey, therefore, wanted to know if these natives were Waterboer's people, and what lands they had disposed of.

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1) "If you can get evidence that it was Waterboer that allowed the Berlin Mission to be formed at Pniel; do.... Now is the time to get our witnesses etc., all together, so set to work and do not let the Free State beat us".

To Arnot 26th June, 1872. L.B. 10-52.

There was going to be an executive Council meeting to consider what should be done now that Waterboer had publicly notified his inability, under the altered circumstances to keep order "and the Free State does not apparently assume any right of jurisdiction within the country over which the diggings have spread themselves. The result of this meeting may be the issue of a proclamation setting forth the state of the case, and the (appointment?) of two or more magistrates under the Imperial Act 26 and 27 Victoria 1) giving them jurisdiction over British subjects within certain limits to be described in their commissions". (He promises to send Waterboer all the relevant documents and information, 'as it will be necessary to include a large share of his uninhabited territory within the limits of the jurisdiction to be granted". He hastens to assure Waterboer - through Arnot - that their jurisdiction will be limited to British subjects and a source of strength to Waterboer. - It certainly was to Arnot !).

And the limits of their jurisdiction was to be a line running from Platberg to Ramah via David's Graf, down the Orange River to its junction with the Vaal, across the Vaal in a straight line to Griqua Town, thence by a straight line in a Northerly direction to the southern boundary of the Transvaal and along the boundary to the Vaal River and down the River to opposite Platberg. (across surely).

The diggers he had heard were entering into treaties with the natives living near the Harts River (i.e. where it joins with the Vaal). He was afraid that Waterboer might be stripped of all authority so that "something must be done sharp".

He now turns his attention to the Transvaal's claims, and desires further information about her boundaries especially with

/ regard ...

1) Punishment Act.

regard to the proclamation extending her territory to the Limpopo, thence to Lake Ngami and on the West to Langeburg. Southey also wanted to know more about the "old document" in which the right bank of the Vaal was ceded to Pretorius' father.

And finally "Let me know as soon as you can what the feelings of the diggers are as to our coming in among them."

A consideration of the letter as a whole must inevitably lead one to certain conclusions. In the first place, it is obvious that Southey has already taken sides. The whole tone of the letter points to extreme partisanship. But, two aspects should be definitely stressed. Firstly, Southey has already made up his mind that the Free State can and ~~should~~ shall be outwitted, before having heard their case, and secondly, he is relying to a large measure on the information which Arnot was to give him. Arnot, as we have every reason to believe was not averse to an occasional twisting of a fact, and, as those letters, which we have already had occasion to quote, show him to be, a bitter and personal opponent of the Republics, and also chief holder in a concession to dig for diamonds (Nov.10.1870). 1)

Southey, however, raises several points in the letter which are worth some attention. He mentions the sale of the Campbell lands as constituting a weak claim. But there are certain facts

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1) Griqualand Land Court.

connected with it which should be remembered. It will be remembered that when Cornelis Kok retired in 1857, he made over the Campbell lands to Adam Kok who then began to govern them. In 1861 Adam Kok met Waterboer at Vetberg with the object of exchanging the Campbell lands for Albania. The territory proved barren so Adam Kok, refusing to exchange any part of the Campbell lands for it, ordered title deeds to be issued to all the late Cornelis Kok's people, giving them full right to sell and dispose of their lands. And Waterboer at that time made no protest. 1) At the time of the sale - Lindley maintains directly after - Adam Kok began to give certain parts of the Campbell lands to Waterboer - who on the 1st September 1863 put forward his first claim to the lands on the South bank of the Vaal. This was definitely instigated by Arnot. 2) In short, there was hardly one satisf[illegible]aspec. to the sale, with the exception of the satisfaction [illegible]n Adam Kok must have felt when he signed the receipt for the purchase price.

The position as regards the Sovereignty has been dealt with by both de Kiewiet and Mr. A[illegible]ar-Hamilton. But attention must be drawn to the passage in the letter under review - "if a rupture had occurred before the advent of the diggers, etc." That is the whole point. Before the discovery of diamonds, Britain and the Colonial Government were frankly not interested in the Griquas. Sir George had openly encouraged the alienation of Griqua territory, and even the importunities of David Arnot could not wring more from Southey than a doubting promise to do his best. The discovery of diamonds, however, changed the complexion of the controversy. ...

1) Adamantia p. 90.

2) A & P 1871. P. 21.

versey. Had diamonds not been discovered, it is more than likely that the impact of the Republics upon the Griquas would have run the ordinary course of all such impacts - the alienation of their lands and their consequent reduction to a state of servants- a state of affairs which has always come about wherever a white civilisation has come into contact with a more backward civilisation. But now, the question of slavery loomed upon the horizon, and the Colonial office was worried about the rights of natives.

One would feel more respect for these philanthropic outpourings, such magnificent sentiments on paper, were they ever really put into practice.

CHAPTER III.

After the failure of the meeting at Nooitgedacht to settle anything Brand proclaimed Free State sovereignty over the Campbell lands and sent O.J. Truter as Free State representative to Phiel. This action was immediately interpreted at the Colonial office as an attempt to "aggrandize the republics at the expense of the surrounding native tribes."

It will be remembered that on the 12th September 1) Southey wrote to Arnot "under all these circumstances would it not be better for Waterboer and his people to seek to be received as British Subjects .....?"

That reads strangely with the following reference to Brand's proclamation. 2). "The High Commissioner will to-day address a letter 3) to Mr. Brand asking him for evidence of his rights, on the grounds that Waterboer is in communication with us and requesting Her Majesty to take him and his country over. (I will send you a copy of the letter for private information). You will readily understand that so long as Waterboer remains a separate and

/ independent ...

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1) Supra P.17.

2) To Arnot 15 Sept. 1870. L.B. 7-332.

3) A. to V&P 1871 P.450.
...as I am in communication with the Griqua Chief Waterboer on the subject of lands claimed by him, and over which he and his people appear to be desirous that H.M. the Queen should exercise sovereignty, I shall be glad if you will furnish me with any proofs your Government may possess respecting said purchase from Mr. H. Harvey, and of his authority to sell in the name of Adam Kok, as well as of Adam Kok's title to such lands....

independent Government we cannot interfere between him and the Orange Free State ..... I am therefore strongly of the opinion that Waterboer's only chance is to ask H.M. to take over him and his country as British."

It would appear then, that Waterboer was not as desirous of British citizenship as has always been believed, and that Arnot was now experiencing the delightful sensation of the "wooer being wooed." And a stickler for the truth might conceivably find that the High Commissioner's letter contained a manifest untruth. 1)

With regard to the petitions for annexation which the text books tell us came pouring in - the following is illuminating. 2) Southey writes that it would be desirable for the diggers to express a desire for jurisdiction to be exercised by Britain and "if you can influence a move in that direction, you had better do so, and let there be no delay about it." ..... "It seems to me that there is an arrangement between Brand and Pretorius that the one shall take the Campbell lands and the other all above them; and I expect soon to see Pretorius' Proclamation taking possession of all land between the Vaal and Harts Rivers." He, therefore, suggests that Arnot should use his influence in order to get up petitions from the "independent natives lying about the Campbell lands" and between the Diggers and the Transvaal. 3)

So keen was Southey on these petitions which would appear to be spontaneous manifestations of public opinion in favour of British rule, that he wrote to Henry Hutton a very propagandist type of letter, 4) in which he assures the recipient that neither the Free State nor Transvaal could produce very strong claims (he still had not seen them), while the British had all along admitted

/his .....

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1). The excuse to interfere was, therefore, manufactured by Southey.

2). Southey to Arnot, 15th September, 1870. L.M.7-333.

3). Ibid.

4). Southey to Henry Hutton, 15th September, 1870. L.M.7-330.

his rights to those lands where diamonds had now been found. He suggests that the Diggers should ask the British Government to step in "If you can further this idea, we might do <u>something</u> that would answer the purpose until we could get a decision from home. "If the diamond diggers either by a general petition or through their committee were to ask the British to step in they might possibly manage under an Imperial Act of Parliament. The Free State he wrote did not pretend to exercise jurisdiction over the diggings, Waterboer said he could not, the Transvaal never had, exercised any jurisdiction. After speaking about "the alleged recent discovery" of a document transferring certain lands between the Vaal and Harts rivers he ends up "if the Free State (States?) prefer this Government to that of the Free State or Transvaal or Waterboer, they had better say so at once and ask us to step in." Nothing short of annexation would satisfy Southey now. 1)

"I think Port Elizabeth might well take the lead in such a matter and you and Blaine and Christian might easily arrange for similar moves ..... in the other districts."

"I am looking out for what the diggers will say about it, but fancy they will hail our move with pleasure. If so, they should petition too - <u>nothing like petitions</u>. If we annex Griqualand we shall have the Free State almost surrounded by the Colony. Basutoland, Natal and Griqualand."

Southey had great faith in his method. "Waterboer, I fancy, will shortly petition the Queen to take him and his country over; but it will be no easy matter to induce the Home Authorities to consent to do so. If therefore, the people of this Colony are desirous of having the Diamond Fields and the rest of Waterboer's country annexed, it might be well to take some public action in the support of such a move. 2). And on

/ the ...

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1) To Hon. W. Fleming 30 Sept. 1870. L.B. 8-25.

2) To Hon. W. Fleming. 22 Sept., 1870. L.B. 8. 3.

the same day he turned to Arnot to exhort him to more action. Arnot must get Waterboer to petition the Queen to receive him as a British Subject - and the same applied to all the chiefs etc., living around Waterboer's country and theTransvaal. (Govt. proclamations were already in print.) The British Government and people would, he knew be definitely against it but "in my opinion it is the only chance Waterboer has of preventing himself and people from being either absorbed and made serfs or driven away." While still hammering away at the fact that the Diggers should pass resolutions, he once again remarks "No time should be lost in sending up Waterboer's petition, if he intends to do it; and all else that is done should be done quickly." 1)

The variety of his interests in the Diamond Fields istruly amazing. In the same monthas the above-quoted correspondence , i.e. September, he attended meetings a wrote letters to various people to institute suitable communications and news of transport from Port Elizabeth to the Diamond Fields. "A Railway would be the right thing of course ....2). By December he had accepted a tender for mails, etc. 3).

The Diggers, however, did not seem to appreciate Southey's kind solicitude after their welfare and we find him assuring a Mr. Bowker of KingWilliam's Town 4) that the Government was not interfering in the Diamond Fields to injure the Diggers but to protect them. The real reason was of course, his fear that the Republics had found in the diamond fields a weapon of terrific efficacy; a weapon by which they could place an economic stranglehold on the British expansion to the North. He then saw a

/ positive ...

1) To Arnot 22 Sept., 1870. L.B. 8 - 4.

2) To H. Boles 24th Sept., 1870. L.B. 8 - 5.See also L.B.7-306.

3) To Campbell 29-12-70. L.B. 8-172.

4) 28 Sept., 1870. L.B. 8-13.

positive good in British possessions of the Diamond Fields at a time of falling revenue and rising expenditure; he saw an opportunity for Britain to reverse the policy of Sir George Clerk which had been anathema to him. On the negative side he saw that "we cannot allow those two states to seize and divide the country between them, and thereafter dictate their own terms to "Foreigners" as our own people will be called, besides closing up the route to the interior." 1).

The following paragraph is important. "Waterboer offers to make over to H. M.'s Government, all his rights to the present known Diamond Fields. But as his right there is in dispute with the Free State we should by accepting the offer, only take over the dispute. Now, I fancy, he will petition Her Majesty to take his country and people, as we have done in the case of the Basutos; and if that be acceded to, the question of boundaries can be settled fairly by arbitration or otherwise. 2). This letter sounds rather ironic when we remember how he was pushing Waterboer forward and that his idea of a fair arbitration or otherwise consisted in Britain being her own judge. It is justifiable to assume that had Southey been sincere in his desire for the protection of Waterboer's "rights" that he would not have stipulated the handing over of Waterboer's territory as a condition to his taking sides.

With the example of Basutoland fresh in their memories, Southey realised that the Imperial Government would not be overkeen. In his own words "but if they fancy that the people of this colony will do as with Basutoland, try to make it an Imperial measure and say it is no child of theirs, they on their part may

/ say ...

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1) Southey to J. A. Bowker 28 Sept.1870 L.B.8-13.
And Southey to M. Unger 30 Sept. 1870 L.B. 8-17.
To Julyan 3 Oct. 1870 ~~2~~ L.B.8-33.

2) 28th Sept. 1870.
Also Southey to Fry 1st Oct. 1870 L.B. 8-26.

say "we don't want it .....The Griqua country is the key to the Insay "we don't want it .....The Griqua cand the large trade we canterior. Once allow that to be closed carry on might be lost to us." 1). draft petition for Waterboer which he sent to him through Arnot whom he informed of the difficulty which was going to be experienced in persuading H. M's Government to consent to an extension of territory. He also asked for more facts about the Transvaal, as he had to be fully informed before Barkly's arrival. 2) In other words, that gentleman upon his arrival in South Africa would be presented with a statement of the controversy as seen through Arnot's eyes.

By October of 1870 the Cape was exporting diamonds at the rate of £25,000 per month. There were, according to Southey over 5000 people at the Diggings, and more were going from all parts of the country, leaving farms and other occupations. A report had it "that a large number of American Irish are coming, and intend to establish a Fenian Republic (Southey underlined in his agitation) at the Fields! I sincerely trust that we shall escape such a misfortune." 3).

Mr. Brand was now talking about being able to produce correspondence between Waterboer, Adam Kok and Cornelis Kok to show that Cornelis Kok was independent, and Southey was anxious to know if that were possible, and if there was any record at Griquatown to prove the reverse, i.e. Waterboer was superior in authority. 4). In this connection it is of interest to quote a letter which was written by Southey and given great weight by Lindley in his Adamantia. It is dated 1st May 1848, and addressed to Mr. Cornelis

/ Kok ...

1) To Barry. 30th Sept. 1870. L.B. 8 - 21.

2) To Arnot 3rd Oct. 1870.

3) To Julyan 3. Oct. 1870.

4) Southey to Grant. 24th Oct. 1870. L.B. 8-60.

Kok, Chief of Griquas, Campbell Town.

"Sir, - I have the honour, by direction of the H. C. to acknowledge the receipt of your memorial praying to be recognised as a Native Chief, in connection with the Colony; and to acquaint you that His Excellency has been pleased to accede to your prayer, and has given directions to Major Warden to have the boundary of your territory properly defined by a Land Commission which will soon enter upon its duties.

I have the honour to be, sir,

"Your most obedient, humble servant

Richard Southey."

It is not much use as evidence, but is on a par with much that Southey and Arnot produced.

The Colonial Secretary was at the beginningof October really annoyed with Grahamstown. "I do not see the people of Grahamstown taking any notice of the Diamond Field's movement. The Free State and Transvaal will do all they can to keep what they have seized and unless this Colony urges the Home Authorities to annex what Waterboer and other Natives are willing to let us have, it is not improbable that they may hesitate to extend our limits. Griqualand is of more importance to the Colony just now than Basutoland; so perhaps you may be willing to annex some hundreds of square miles of diamonds." 1) Southey was certainly an efficient master of his team.

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1) Southey to Minto. 8th Oct. 1870. L.B. 8 - 41.

C H A P T E R . IV.

In 1856, President Hoffman and the Raad asked Adam Kok to fix and declare a line between himself and Waterboer and Cornelis Kok, Adam Kok sent in a report, which Boshoff sent to Sir George Grey 13th June 1856. 1). Southey gave this report much study, as the marginal notes on the copy and the following letter both show. In this letter Southey gives his full views on another aspect of the Free State's case.

"Adam Kok in the report which Boshoff caused to be published says nothing about a line between <u>himself</u> and the other two, but that, by request of the Free State, and with concurrence of Waterboer and C. Kok and Jan Bloem, he fixes and declares a line between Waterboer and Cornelis Kok!

The two things are very different. Hoffman's request was tantamount to requesting Adam Kok to declare his own boundaries when they adjoined Waterboer and Cornelis Kok which Adam Kok might legitimately do, i.e. lay down what he considered his own boundaries; but he reported that he had done quite a different thing, and the Free State published the report, and to my mind annulled, as far as it concerned them, what Adam Kok had done, for they at once assumed that Adam Kok had defined a boundary between Waterboer and the <u>Free State</u> not between Waterboer and Cornelis Kok; and on paper, seized all the land North of the Vetberg line, which according to Adam Kok was Cornelis Kok's, not Free State property: and it was even stated in Adam Kok's report that 1600 yards on each side of the line should not be sold by either Waterboer or Cornelis Kok but be preserved for a common passage.

/ The ...

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1) Southey to Arnot. 29 Oct. 1870. L.B. 8-74.
Also a copy of the report with Southey's remarks in letters received by Southey 1870.

The Free State claim the Vetberg line by virtue of what Adam Kok did; but Adam Kok did not define a boundary between Griquas and Free State, but between Waterboer and Cornelis Kok. According to Adam Kok then,and admitted by the Free State .... the land South of the Vetberg line was Waterboer's and North of it Cornelis Kok's; it is worthy of note that the Vetberg line eastward terminated at a beacon of Adam Kok's; and you mark that beacon as just outside of the line drawn from Ramah to David's Grave.

I have always been puzzled to know how the Free State, according to their own notions acquired the territory North of the VETBERG line. Clearly, when Adam Kok professed to fix the Vetberg line as separating the territories of Waterboer and C. Kok, the Griquas of Griqualand West according to Adam Kok's views, possessed lands east of the Vaal River and North of the Vetberg line. Adam Kok professed to consider that land Cornelis Kok's not Waterboer's. Admit that and what then? Cornelis Kok was not a Free State subject and never afterwards became one. Nor does the Free State allege, as far as I can see, that it ever purchased the land from Cornelis Kok. Adam Kok does not define the limits of C. Kok's lands North of the Vetberg line; and in absence of proof to the contrary, we are I think justified in considering that he at least considered the lands West of the line from Ramah via David's Graf to Platberg to belong to the Griquas and that, therefore, he defined C. Kok's boundaries to be on the East from the Eastern extremity of the Vetberg line on the hill where his beacon stood along the Ramah and Platberg line to Platberg, although he does not say so. In his treaty with Waterboer, he fixes the Eastern boundary of Griqualand West by the line (from) Ramah

/ to ...

to Platberg; and all he does in the Vetberg line matter is to run a line from the Vaal River to a certain point on the Ramah and Platberg line to divide Western Griqualand East of the Vaal River into two portions. Nothing was done by him ... when he defined the Vetberg line, which in any way affected the Free State. If Adam Kok had done what Hoffman contemplated viz, defined a boundary between himself and the Griquas of West Griqualand, and by such a line had taken for himself any portion or all of the land, which for the reasons I have stated above, I think he intended to assign to C. Kok, the Free State might have had some grounds for considering ..... that lands so taken by Adam Kok belonged to it, because, being outside the inalienable limits it would according to Sir H. Smith's reading of his treaty with Adam Kok, have belonged to the Sovereignty and from it have passed to the Free State.

I think this is what Hoffman meant to have got done; but he had been superseded by Boshoff, a comparative stranger to the country and its politics and antecedents, and Hoffman's object was not accomplished.

During the existence of the Sovereignty there was a great deal of correspondence between Adam Kok and the High Commissioner about lands, boundaries and the correct interpretation of the agreement between Kok and Sir H. Smith. Kok held that all he didby that agreement was to give up his claim to a share of quitrent as guaranteed to him by Sir P. Maitland in consideration of an annual payment of £300; and that all the undisposed of lands in the alienable territory still belonged to him and might be disposed of as he thought fit; and that alienable land seemed, according to his ideas, to have no Northern limits. Sir Harry Smith on the other hand held that for the £300 a year, Adam Kok not only relinghished the quitrents but also any claim

/ of ...

of him and his people to lands in the Alienable Territory, all of which became vested in the Queen in h r Sovereignty possessions; and unless my memory is defective Sir Harry (Smith) did not recognise A. Kok to have at any time possessed lands North of the Modder River. Unfortunately the letter Book of the High Commissioner for the period is missing, or I would, I am sure, be able to find much correspondence about it.

Sir H. Smith's interpretation of the Agreement was, what he intended it to be at the time it was entered into; not, perhaps, exactly what a stranger would say of it with only the document itself to guide him.

If, under all these circumstances, the Free State could have induced Adam Kok to strike out a bold line, say the Vetberg line, between himself and Waterboer, and to have held his tongue about Cornelis Kok, the Free State might have said "North of the Vetberg line, and East of the Vaal River is ours, it having passed from Kok to the Sovereignty and then to the Free State." "As, however, that was not done, it became needful for the Free State to show how it acquired the land which Adam Kok assigned to Cornelis Kok; and, as it took possession before the transaction with Harvey in 1861, that transaction cannot be held to have conveyed it. Up to the present time, all the proof adduced by the Free State in support of its claim to the lands East of the Vaal River are first. That Sir Harry Smith proclaimed H. M's Sovereignty over all the country between the Orange and Vaal Rivers.

Second that Major Warden had granted certificates for three farms (or 2½) within the limits claimed by Waterboer. 1)

/Third ...

1) 29 according to the O. F. S. "Road to the North". p. 90.

Third. That the Free State Government, has by resolutions and public notices laid claim to the land; and

Fourth. That it has appropriated it, and it is now occupied by Free State farmers.

As regards Sir H. Smith's Proclamation, it expressly stated that it was only soversignty that was to be assumed, and all persons were guaranteed in their property; but, apart from that H. M. did not confer her rights of sovereignty on the Free State. The Sovereignty extended over Adam Kok, Moshesh and others, all of whom, when her Sovereignty was withdrawn became independent chiefs, andnot subject to the Free State. If therefore, our Sovereignty extended over Waterboer's territory East of the Vaal (which I do not think it did) that ceased when we withdrew, and Waterboer's rights were as they had been before the sovereignty was proclaimed.

And the other three proofs (?) are of course no proofs at all of lawfully acquired rights.

It is not much to be wondered at that, under such circimstances, the Free State objected to the submit (submission?) to arbitration, questions involving rights to the lands East of the Vaal River; but, as might is right when a strong government determines to make it so over a weak Government, Waterboer will never be able to maintain his claim or indeed to hold his own South of the Vetberg line, and the newly formed southern boundary of the Campbell

/ land. ...

land. The only chance for him and the natives generally to be able to keep possession of their lands will be by H. Majesty taking them over. The Boer States when they take Native territory, take the land as property, and not the people, except as servants - they must go elsewhere. We on the other hand, uphold the ABORIGINES' rights of property, and only govern and tax them to pay the expenses of Government." 1).

The slipshod fashion in which the Free State dealt with the Griquas is really amazing. The sale of Griqua lands by Harvey in 1857 is one example. The report of Adam Kok just discussed, is another. It must be admitted that the copy of the report in the Southey papers shows evidence of the most painstaking study, xxxxxxxxx, while Boshoff was addressing a letter to Andries Waterboer after that gentleman had lain with his forefathers for three years! The Vetberg line was definitely and cleverly stated to be a line dividing Cornelis Kok and Waterboer, and would tend rather to prove that there was an independent Griqua State to the North of the line than otherwise. Southey's views as to the claim based on the Sovereignty proclamation of Sir Harry Smith are substantially correct, and Major Warden committed many a blunder. Southey to Atherstone 12.12.1870.L.B.8-150: "Warden blundered in giving certificates for land within Waterboer's boundaries, of which he knew nothing, and believed Boer's accounts that the lands were unoccupied. But as Mr. Agar-Hamilton points out, "The truth is that both parties were trying to impose European theories which did not apply." But in this particular case, the truth does not help us out of the impasse. Finally would it not be correct to read the last paragraph of the letter - referring to Waterboer's becoming ...

1) Index page

coming a British subject - as the important part of the letter, and the rest was to show Waterboer that he had better make up his mind quickly?

The Free State as a matter of fact had no evidence to show that the Vetberg line was a line of theirs. It will be remembered 1500 yards on <u>each</u> side of that line were to be preserved as free passage which neither Waterboer nor C. Kok could alienate. Southey says 1) that "Here at that time the Griquas of Western Griqualand possessed land North of the Vetberg line. Adam Kok assigned that land to Cornelis Kok, and, if it be admitted for argument's sake that Waterboer was a party to that transaction, no land was given by it to the Free State, which however, appropriated it prior to the sale by Harvey" Southey was also trying to find out whether Cornelis Kok had left a son, because if he did, "no brother or nephew could succeed him as chief."2) He was trying to prove that Adam Kok was not independent of Waterboer.

In connection with Waterboer's superiority of chieftanship the following correspondence is of considerable interest. The first extract is from a letter written by Southey to Arnot. He had received some printed copies of the minutes of the Ncoitgedacht conference from Brand.

/ Among ...

1) Southey to D. C. Grant 1-11-1870. L.B. 8-86.

2) Ibid.

Among them, he observed "a letter signed "N. Water Boer Capt," addressed to H. W. Greef on 5th October 1859, about a farm situated in the Divison of Campbell, which Greef wanted; and Waterboer says he is unable to give a satisfactory answer because the farm does not belong to his territory, and is without the limits of his territorial jurisdiction. Do you know anything about that letter?" 1).

Again "I had already drawn Mr. Arnot's attention to that letter as being calculated to throw doubt on the validity of Waterboer's claims." 2).

But Campbell apparently thought otherwise. I believe this document to be genuine, and two more signed precisely in the same way, have been produced, and on my exhibiting them to Mr. Arnot, he changed colour, and said the body of these letters certainly appeared like Waterboer's, but before he became Waterboer's agent he was not acquainted with his signature ..... Arnot said Waterboer authorized him to deny the signature. I don't like the aspect of this transaction, and I have discovered him tripping on several occasions. However, as the decree will not rest upon the validity of this document, I will make no further remark." 3) This letter has an increased importance when we consider its source. Southey replied to this rather lamely.

"I am sorry that any doubts have arisen as to the truth of the assertion that the document signed Water Boer was a

/ forgery. ...

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1) Southey to Arnot 3-11-1870. L.B. 8-93.

2) Southey to D. C. Grant 10-11-1870. L.B. 8-110. It might be as well to remark that Wilmot in his transcription of the letters does not distinguish between the two signatures writing them both as "Waterboer". One was "Water Boer", the other "Waterboer".

3) Campbell to Southey. Wilmot Life of Southey p. 220. 8 June 1871. L.B. 9-35.

forgery. You must not jump at conclusions about it. I cannot see the object of denying the signature if it were genuine. 1) (Southey was never willing to believe contrary evidence.)

In December 1870, 2) Southey wrote asking Arnot to get copies of documents showing that C. Kok was subordinate to Waterboer"as that is a strong point upon which the Free State base their claim." It might not be easy he thought, to upset all the Free State arguments about the lands on the left bank of the Vaal and within the Vetberg line, which were granted by Waterboer from subjects of C. Kok with the consent of himself and his Raad.

"There seems to be no lack of negative evidence against Cornelis Kok's independence of Waterboer; but a little evidence showing that Cornelis Kok worked as a subordi would be useful.

Arnot was meanwhile worrying about what he was go to get out of all this. And Southey informed him that "It would be premature now to say anything about yourself as regards appointments", but if Natal Government could be moved to take over the country his claims would be duly acknowledged - at least he would not suffer injury. 3) (The italics are mine.)

Towards the end of 1870, the appointment of a magistrate

Towards the end of 1870, the appointment of a magistrate

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1). Southey to Chapsell 11th March, 1871.

2). Southey to Arnot, L.B. 6-160.

3). To Arnot, 24th October, 1870. L.B. 6-60.

to the Diamond Fields was about to become a reality and Southey advised Arnot that Mr. Campbell would be leaving in a day or two. He also thought it desirable for Waterboer to confer upon him (Campbell) when he arrived, powers to adjudicate in all cases and over any persons within Waterboer's territories. The British Commission would only apply to British subjects. "Mr. Brand is doing all he can to prevent our appointing Magistrates under the Imperial Act and of course prevent Her Majesty from acceding to Waterboer's desires. We ought therefore to act quickly; and the sooner I get Waterboer's petition the better. 1).

This appointment has met with criticism. In the first place Lindley 2) maintains that the thousands of British diggers were in the Free State under Truter and not in Griqualand and that therefore the appointment of Campbell was not really in accordance with the Punishment Act which applied to territories over which there was no civilised government. There was a civilised government - of sorts - under Truter. But Southey's mouthpiece - the Acting Governor Hay prejudged the question and by appointing Campbell committed himself to the support of Waterboer against the Free State by the use of an Act which was generally regarded as obsolete. Also, the Campbell lands had still to be proved to be native territory. As Sir Henry Barkly himself

/ wrote ...

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1) Southey to Arnot 10-11-1870. L.B. 8-109.

2) Adamantia.

3) Infra p. 48

wrote, "It appeared to me, that the British Government had gone too far to admit of its ceasing to support the cause of either Waterboer or the diggers and it was quite clear that any apparent faltering on our part would only encourage the Free State and Transvaal in upholding their claims." 1).

Southey gave Campbell some advice as to how to conduct himself. He particularly requested him to refrain from clashing with the Free State as Arnot did 2) and suggested that he keep in with the Diggers' Council - he could appoint them as special constables if he so wanted. "You might in many cases probably act as a sort of arbitrator even in cases of a criminal character which in this Colony would involve imprisonment and let the cases be settled by a fine"3) (Does not, of course apply to murder and robbery with violence

The Free State was naturally annoyed at the turn matters had taken. Southey thought they made a mistake in seizing all the country by Proclamation. If they had submitted the dispute to arbitration, and abided the result, we should not have had to move at present. 4) The Colonial Secretary's naivette has a peculiar charm.

Arnot roused Southey's ire by his tactless behaviour towards the Free State. As has been pointed out before, the Griqua Representative had a very nasty and unlikeable characteristic of altering his style of correspondence for the Free State's benefit. The respect with which he treated Southey was once again not shown towards Brand, and Southey, as the following letter will show was exasperated by his lieutenant's behaviour.

"My dear Sir, 5)
I was very sorry to see that you had written on / behalf ...

1) A & P 1871 p. 535. Barkly to Kimberley March 8-1871.
2) See Supra.
3) Southey to Campbell. 29-11-1870. L.B. 8-131.
4) W. Vomes. 29-11-1870. L.B. ~~8131~~.8-131.
5) Southey to Arnot. 24-11-1870. L.B. 8-122.

behalf of Waterboer such a threatening letter to the President of the Orange Free State as you did in the case of Nicholson, and that you had made such use of the High Commissioner's notices and correspondence in such a matter.

The High Commissioner's Notice was issued for the information of British Subjects, and to warn them against being parties to unlawful Acts for depriving the aborigines of their possessions. And the correspondence with the President of the Orange Free State stated that Waterboer's case appeared to be a good one, and the grounds on which the Free State rested not sound; but His Excellency has carefully abstained from any interference except with British subjects and will not do more until the decision of Her Majesty's Government on Waterboer's petition is known. If in the meantime hostilities are got up between the Free State and the Griquas the latter would have to fight their own battles and their case which seems now to be a good one might be seriously injured.

It was injudicious I think to write to Nicholson as you did, and also unnecessary; if he had done anything contrary to law, he should have been proceeded against in the law courts, and not have been written to by the Chief's Political Representative.

There may be people in the Free State who now they see the exact grounds on which the Free State claims rest, would like to see nothing better than to see War between the Griquas and their Government, with a view to a conquest of the territory before H. M's Government's decision is received. I would therefore advise more cautious action on the part of Waterboer. Any aimed aggression by the Free State without cause would damage their case in the eyes of everyone, but if the Griquas give them a fair pretext for War, they will have

/ sympathies ...

sympathies - and your letter to the President is certainly calculated to irritate a Government such as that of the Free State.

I hope nothing will come of it, and would strongly advise a more temperate style of correspondence in future, if need arises for writing at all. "

Arnot was a restless disturber, and revelled in any successful attempt at provoking trouble between the Republics and the British. Southey's clearly preferred more discreet and erotic intrigue.

At the very end of 1870 Southey arrived and found Grant and his Secretary Litton waiting to interview him. 1) They hoped that a personal appeal might take his case, or in any event agree to foreign arbitration. But Southey had already fallen under the influence of the Colonial Secretary, and had virtually accepted Waterboer's case as valid. He came to let Southey do for him as he had been for Hay - "bite ears and bite north", 2) and his letters, as Hay's, were to read much more like attempts to disprove the Free State case, historical and judicial attempts to weigh the matter.

And in February of 1871, Campbell's jurisdiction was extended up to the Harts and Vaal Rivers, beyond Waterboer's claims on the grounds that there existed no civilised government there.

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1) Southey to Campbell, 13th December, 1870. L.S.S-166.
Southey to Arnot, 5th January, 1871. L.S.S-174.

2) De Kiewiet quoting Bodurda.

In November 1870 Pretorius had a meeting with the natives claiming the territory between the Harts and Vaal Rivers. Theodore Domas, the Baralong representative, claimed lands that included the whole diamondiferous area claimed by the Transvaal, on the grounds that Potgieter the Voortrekker leader, had guaranteed those lands to the father of Montsioa , chief of the Baralong. Ludorf, however, a missionary xxxxxxxxxxxxxxxxxxxxxxxx who had been working with the Baralong at Thaba Nchu, produced a document - later proved a forgery - which showed that Montsioa had no rights to land east of the Harts River. Pretorious decided on arbitration. 1).

The role which Southey played in the settlement of the Transvaal claims was considerably smaller than the role which he had played and continued to play in respect of the Free State. We get a good insight into his views in a letter to Campbell 2).

"As regards the settlement of boundaries with the Trans-Vaal ... As I understand the matter the Transvaal's claim rests upon the agreement 3) entered into by a certain Commandant and others ...with a Native chief named Montsioa, by which they say the country between the Harts and Vaal River was ceded by the Chief to them. I am not aware of any other foundation for their claims. All else that they

/ rest ...

1) Bloemhof Blue Book Road to North for full discussion.

2) 23 March 1871 L.B. 8-271.
See also Southey to Arnot 6 April 1871 L.B. 8-304.

3) In 1851.

rest upon appear to be their own subsequent Proclamations

rest upon appear to be their own subsequent Proclamations
etc., which go for nothing in such matters.

According to my reading of that document (agreement between Boers and Montsioa) there is no cession at all in it, except it may be held to cede the superior fountains and pastura[illegible], away from which the natives had been squeezed by the Boers. .....

..... I find that many years ago, when Emigrant Farmers from this Colony came in contact with Moselikatze high up the Vaal River they were driven back by him to the neighbourhood of Thaba 'Nchu, where the chief portion of the Barolong tribe (which formerly occupied country beyond the Vaal) under Motopo had long previously taken up their position and residence. After a while, when strengthened with further immigration from the Colony and Natal, they determined to endeavour to punish Moselikatze and induced Montsioa and other Barolongs from Thaba'Nchu to assist them, under a promise that if successful, they (the Barolongs) should be allowed to re-occupy the country of their fathers. They were successful; and Montsioa and his people took possession of a certain tract of country, and the Boers of certain other tracts; after which the Boers commenced the squeezing process which led to the agreement (now called a CESSION).

It would be desirable to ascertain what lands Montsioa and his people took possession of, and what the Boers, after they had succeeded in driving out Moselikatse. So far as I can understand, neither of them were in occupation of that between the Hart and the Vaal, which at that time was, and for a very long period before had been, in the occupation of the tribe of Mahurah and his predecessors. If thisbe true, i.e. that the country was at the time, and for perhaps half

/ s ...

a century before in the possession of and occupied by Mahurah's tribe; that Montsioa was not then, nor had been in occupation thereof; and it was not from the fountains and pasturage that had been squeezed out by the Boers, it cannot in my opinion be held that Montsioa ceded the land to the boers:- it was not his to cede.

It strikes me that you should at the commencement, get, if you can on record

1st The grounds on which the Transvaal claims and what it claims.

2nd When did the Emigrant Boers first cross the Vaal River and drive out Moselekatze.

3rd From what territory did they expel him?

4th Where did Montsioa and his people locate themselves after the flight of Moselikatze.

5th Where are the fountains etc. from which Montsioas people were squeezed by the Boers?

6th When did ~~Mahmahrasoestors~~ Mahurah's ancestors first occupy the country they claimed as theirs by the Treaty of 1842 with Waterboer?

7th Were there any Transvaal Boers in occupation of any portions of that country before the discovery of diamonds? If so, of what part, and where did they first enter into occupation thereof.

8th Did Mahurah or his successor ...object to the Boers coming in there.

.....You will see by the copy of Montsioa's letter to Sir P. Wodehouse that he gives no date when he and the Boers crossed the Vaal River, but he states that it was about 1850, that the Boers began to squeeze him away from his fountains etc. and therefore eight years after the Treaty between Waterboer and Mahurah, and I think you will find, on inquiry, that no Boers crossed the Vaal till after 1842; and that when they did cross, they did so above the line claimed by Mahurah, and never occupied within that line, or ...

or attempted to do so, before the discovery of diamonds, and Pretorius letter to Dom s corroborates that view ... The latter, however, is strong evidence against the Transvaal, for if the country belonged to them, why ask Jantje to cede it!

We intentionally included the territory higher up the Hart and Vaal Rivers than Waterboer's claim extended, and for several reasons.

1st We understood that British Subjects were there, or soon would be, engaged in digging.

2nd We believed it to belong to Natives who were on friendly terms with us, and who through Arnot and Dorris had sought our interference.

3rd The territory was not within the jurisdiction of any civilised state; and therefore even more than Waterboer's fell within the meaning and intention of the Imperial Act. True, Pretorius claimed it as being within his jurisdiction, but we did not admit that: and besides even if it were, he had intimated to us that he was unable to maintain order there.

His Excellency had evidently forgotten some of the above reasons, although he had seen the letter of General Hay to Mr. Pretorius of the 19th September 1870, published with Government Notice No. 379 of 1870 ..... and had himself written the letter to Pretorius of 6th February 1871; but one cannot recollect everything, and it must be particularly difficult for a stranger to carry these details in his memory.

Either Southey was a bad tutor or His Excellency a dull pupil.

In a letter, on 11th March to Sir H. Barkly 1) Southey had ...

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1) Wilmot p. 197.

had written.

"The reason why we extended Campbell's jurisdiction up to the Hart and Vaal Rivers beyond Waterboer's claims were that there existed no civilized government there. The territory was claimed by Pretorius, but owned by Aborigines, who owed no allegiance to him."

Southey's irritation with his senior appears again "I was surprised to find that His Excellency had forgotten all about Mahurahs people and the reasons why we had given Campbell jurisdiction over a portion of the territory and that both His Excellency and Campbell agreed that this was a mistake(!) for I had a good deal of correspondence 1) verbally) with H.E. thereon; and in one of his letters to Pretorius he laid much stress on the fact of the territory above Waterboer's having all along been in the possession of Mahurah's people and that they had never formally been dispossessed of it either by fair means or foul (except perhaps by paper Proclamations) and in all our correspondence with Brand and Pretorius as well as in Despatches home, we have spoken of the territories of Waterboer, and other Aboriginal inhabitants being on friendly terms with us." 2)

Southey was now not content with merely instructing the chief witness, he was now instructing the person who was going to be one of the Judges! So we find him enlarging on his previous letter to Campbell 3) in another 4) in which he gave the following arguments against Pretorius claim.

/ (1) .....

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1). See also Southey to Barkly, 15th March, 1872.

2). Southey to Arnot, 6th April, 1871. L.O. 8-204.

3). Supra p.43.

4). 8th February, 1871. L.O. 8-200.

(1) The document referred to ceded nothing, but merely defined what should be the boundaries of the Baralong people, over whom Montsioa exercised chieftainship.

(2) That Montsioa was not theirs, and never had been chief over the people inhabiting the country between the Hart and Vaal Rivers.

(3) That Mahurah was then , and his successor now is, the chief there.

(4) The Boers never respected or held themselves bound by the agreement with Montsioa, and have since seized upon the lands which by that agreement they admitted to be his.

(5) The Transvaal people have never occupied or attempted to govern it until now. This seems sufficient to dispose of their claim.

Then Barkly went on a trip to the diamond fields, and Southey felt that he should meet Mahurah's Successor so that his people could also become British, as he saw trouble from individual adventures putting up candidates as independent chiefs and so claim land. 1)

An unprepossessing account of affairs at the Diamond Fields is given by Advocate Barry 2) who made a tour through that part of the country. He describes the Free State Government as being powerless to keep law and order. He singles Fruter out for some very scathing remarks and maintains, in contradistinction to most historians, that he was totally unfitted for his post. Among several instances, the following is deserving of mention. The diggers had been showing scant respect for private rights, and one particularly brazen effort had been the robbing of the farm belonging to Messrs Lilien-

/feld ....

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1). Southey to Arnot, 16th February, 1871. L.S. S-226.

2). Barry to Southey, 10th January, 1871.

feld & Hond.

Truter was sent along to restore the peace. This he attempted to do by exhorting the diggers to respect individual rights but assured them, that had he been in their position, he would have done exactly the same thing. In view of the general insecurity prevailing, Barry found ~~xxxx~~ a certain amount of keeness for British annexation.

Meanwhile Arnot had received a copy of extracts from the Land Registry of the Orange Free State which he was going to study and so unravel the manner in which "Major Warden allowed himself to be deceived by the Boers"1) and a week later expressed himself asbeing "sadly disappointed" with the way things were going at the Diamond fields. But consoled himself with the thought that the present confusion would right itself with the visit of Sir Henry Barkly 2).

Southey, as has already been shown was using Arnot as a tool. That Arnot had entered into the whole business for his own ends isbeside the point. This is what Southey thought. It will be remembered that Arnot was looking forward to seeing the Governor at the diggings and it was to that place that the following letter was addressed.

"I was not surprised to hear that Waterboer or Arnot tried to drive a good bargain. The latter had, on several occasions hinted strongly at advantages for himself and others, to be secured when we take over, such as a good salary in an official capacity with Waterboer, etc. etc; but I do not anticipate any real difficulty on that head. Without us they are helpless andwould very soon be swallowed up by the two Republics or the newcomers; and if, by our

/taking ...

1) Arnot to Southey 2-2-1871.

2) Arnot to Southey 9-2-1871.

taking over.

Arnot retains and gets title to the lands Waterboer has given him, he will be a lucky man; and if Waterboer and his subjects retain their lands, or get value for what is disposed of to private individuals, they will also be fortunate. We cannot take all the chestnuts out of the fire, and get none for ourselves after they are out." 1). The underlined portion is an interesting reflection on Southey's earlier protestations of altruistic disinterestedness.

The following is another example of the extent to which Barkly was under Southey's thumb besides containing more arguments against Brand's claims.

2) "I will prepare and forward to you a draft reply to Brand's letter of the 4th instant, but I must first look up a little information, for he has again shifted his ground 3) and I think by so doing so afforded us an opportunity for distinctly denying some of his assertions.

He says that we proclaimed sovereignty over the territory between the Orange River, the Vaal River and the Drakensberg, and by the first Article of the Convention, we transferred that territory to the Delegates of the Orange Free State and therefore their boundaries were the Orange River, Vaal River and Drakensberg. This assertion comes rather late, but it shows how unscrupulous Brand is in his assertions, and renders correspondence very difficult.

/ Why ...

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1) Southey to Sir H. Barkly. 11th March 1871. L.B. 8-252.

2) Southey to Barkly 16th March 1871. L.B. 8.

3) Now claimed by virtue of Orange River Sovereignty.

Why, it may be asked, when they got all that territory from us did they evercall in the High Commissioner to settle boundary disputes between them and Moshesh? Why make the Vetberg line? And why purchase from Adam Kok the Philippolis lands? Or why do many other similar things since the Orange Free State became free?

It strike. me that you may now (and that it should be done) distinctly and emphatically deny that the Free State obtained from us any land which was not theretofore the alienable territory of Adam Kok, or territory belonging to Moshesh, Moroko and other chiefs, with whom Sir H. Smith entered into agreements stipulating that lands in the occupation of our subjects should belong to us. In Sir H. Smith's proclamation, and in all his treaties, the principle is distinctly laid down that the object was to guard against territorial aggressions and to prevent British Subjects from making further encroachments upon Native lands. And the Sovereignty of H.M. over the natives was to be for purposes of International disputes only, in all respects, they were to be as free and independent as theretofore."

And again "The new ground taken by Brand is altogether intolerable. Sir Harry Smith's proclamation carefully guarded against assuming to govern the Natives, and stipulated that they should continue to govern themselves .... and he announced that the main object was to protect them from further encroachment on the part of our subjects. We never attempted to govern the Basutos, Adam Kok's Griquas, Moroko's people or any other of the Native tribes, but divided the territory over which our Government existed into three or four districts; and it was the Government of those Districts that was handed over, and the Delegates to

~~it Gaunthey to Burkly -- 21 March 1871 Intn 6-860.~~ / receive ...

receive it represented those districts only." 1)

Mr. Brand meantime still refused to agree to arbitration regarding his claim to the left bank of the Veal which he maintained had been in the undisturbed possession of the Free State for the last 20 years. Southey maintained that this assertion would not hold water as "their own books show that up to 1858, when he died, the late Cornelius Kok was with the knowledge of the Free State Government granting lands there to Griquas and they selling to Boers or British subjects and others, up to as late as 1865. " 2) Brand had concentrated 1,000 Burghers at Pniel and was envisaging armed resistance. He was also of the opinion that the 50 police which had been sent up to Jackson were not sufficient. "Are the diggers pretty generally armed? If they are, I suppose it is with all sorts and conditions of guns, requiring different descriptions of ammunition. Would those on the left side of the river, at Pniel, Cawoods Hope, etc, resist the attempts of the Free State to coerce them, if they had arms (Sniders) furnished to them, and were encouraged by us to refuse payment of licences, and not allow themselves to be treated as criminals for such refusal, or their properties seized? If they would do it, they are numerous and strong enough to oppose the Free State."

But there was trouble at the Diggings. Although Southey felt sure that Brand would give into the pressure which was being exerted and submit to arbitration, diggers on the South side of the Vaal were causing the Colonial Secretary considerable uneasiness. Mr. Hall, however, continued to give trouble. / "I ...

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1) Southey to Barkly. 21 March 1871. L.B. 8-230.

2) Southey to Campbell 23 March 1871. L.B. 8-27..

"I think, if I had been in your place, I should have told those people that as their letter appears to be a threat, that if certain things were not done to suit them they would create a **demarcation** favour of the Orange Free State, I must warn them against the consequences of such an act; and have told them what, as British Subjects, they would become liable to if they did. Mr. Hall seems to be desirous of getting up a row; but that must not induce us to deviate from the proper course i.e. to bring about a fair and just settlement of the case." 1).

Led by ~~a certain~~ Mr. Hall they presented Campbell with a series of Resolutions demanding to know <u>at once</u> whether in the event of their resisting a Free State attempt at coercing them into paying licence fees he (Campbell) would give them protection. 2). "Mr. Hall is, and always has been a troublesome fellow." Somehow or other the course of intrigue was not a smooth one.

(If those petitions desiring British interventions were not forthcoming, Southey did not scruple at using threats to encourage their expression.)

It appeared at one time as though the Free State were prepared to go to war. But Southey, when informing Campbell that reinforcements numbering between 200 and 300 Police and spare arms were being sent up under Commandant Bowker made the following statement. "I sincerely hope that the Free State will not push matters to extremities, for I shall deeply regret a collision; as, in the event of hostilities, we should not only have to employ Police and troops, <u>but bring down the Basutos with a view to recover their lost territory</u>." 3). He was then prepared to stop at nothing. ...

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1) Southey to Campbell, 23rd March, 1871. L.3.8-271.
2) Southey to Barkly, 28th March, 1871, L.3.8-287.
3) Southey to Campbell, 30th March, 1871.

C H A P T E R V.

On the 4th of April 1871, the Arbitration Commission commenced its sessions at Bloemhof. 1)

Arnot, who represented the Griquas presented a case which depended largely upon the information and suggestions which Southey had given him.

The Republic based their claim of the Sand River Convention of 1852, conquest of tribes and occupation. But, as has been previously remarked, so foreign were the ideas of all the claimants to the realities of the case, that no decision could have effectively met the case. 2).

Campbell was nominated by Waterboer and Britain (acting together) and O'Reilly by the Republic, to act as joint assessors. It was obvious from the start that these two would disagree. We have seen how Campbell was continually receiving instructions and advice as to evidence from Southey and O'Reilly complained bitterly of the way he had to submit to the prejudices of the Volksraad and to adduce all sorts of irrelevant evidence, so that he could have shortened his case by fourteen days. 3) Since the disagreement of these two was foreseen so early, Southey suggested Keate as the most suitable person for the position of final ~~Arbitration~~ Arbitrator.

To such an extent had Southey come to be looked upon as the mainspring of the whole affair, that he was even asked as to the best means of sending the evidence etc. to Keat. 4.

/ Keat ...

1) For a very excellent survey of evidence - "Road to North p. 60 - 88.
2. See also Stockenstroom's Judgment in Griqualand Land Court and Road to North p. 133.
3) Campbell to Southey. 19 June 1871.
4. Southey to Campbell. 8 June 1871. L.B. 9-33.

Keate issued his award on the 17th of October 1871, and laid down the Maquassi as the boundary with a line linking its source to the headwaters of the Harts River.

All are agreed that on the evidence before him it was the most equitable decision. What the Keate award did do, however, was to give the Colonial Secretary and his Governor the added impetus to annex the Diamond Fields.

As early as June, Southey informed Arnot that the Governor had received authority from the Secretary of State to act in the matter of Annexatior - with the concurrence of Parliament. "We shall soon submit a scheme to Parliament and I trust find members willing to concur. When that has been accomplished we shall be able to talk to the Free State with more confidence." 2).

Of course, the transition to British sovereignty was made considerably easier by the fact that "an irregular form of Government", had already been in existence ever since the appointment of Campbell as Magistrate. On the 28th July, Barkly wrote to Brand informing him of the fact that he held a commission under the Royal Sign MANUAL, authorizing him to accept the cession of territory offered by Waterboer and "to annex same to this Colony with such boundaries as I may see fit to proclaim." But this permission had been granted, only under certain conditions.

These conditions were that Barkly apart from being convinced that he was really entitled to it, should see that the Cape Parliament formally bound itself to undertake the responsibility of governing the territory and be prepared to pay the costs of any force which might be necessary to preserve law and order. / So ...

1) Southey to Arnot 29 June 1871. L.B. 9.
2) Southey to Jas. Perkins 12/9/1871. L.B. 9-71. ...hope that [illegible] will very soon be taken for annexing the Diamond Fields

So that Southey proceeded to push measures through Parliament. On the 13th July a vague enabling resolution was passed, which approved of the principle of annexing that part of the Diamond Fields which belonged to the Griquas. But the majorities by which this resolution was passed were so small (one in the Legislative Council and five in the Assembly) that it was obvious that the prospects of a Bill being passed were exceedingly remote. But on the 5th of August, in a very empty House, Southey managed to secure a Resolution approving "such measures as may appear - - necessary ..... for themaintenance of order among the diggers. ..... as well for the collection of revenue and the administration of justice." 1).

Arnot was still, however, working to get the Batlapin to petition for British annexation and was getting a little impatient with Southey for not sending him official recognition as their Agent and Representative 2). In September he succeeded in receiving their permission to do so, and sent the relevant documents to Southey. 3) The Executive Council had already approved of the Draft Proclamation for annexation with the boundaries from Ramah over David's Graf to Platberg, and thence as should be decided

/ by ...

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1) Road to North, Page 23.

2) Arnot to Southey. August 18. 1871.

3) Arnot to Southey. Sept. 6 - 1871.

by haste - but still no Parliamentary sanction had been granted. And Arnot a little more impatient wrote "it is high time that we (note the pl.) removed the reproach of having a sort of mongrel " overment over the Niggers." 1).

While Southey was asking Campbell to keep all arrangements to himself, especially away from the newspapers and to continue forming committees, finding suitable offices, etc., 2) he turned aside to placate Arnot "I can quite understand that our movements have seemed to you to be slow, but you will bear in mind that H.M's Government threw all the responsibility on our forbearance. The proclamation was strong an, caution necessary. We shall re-call the Diaster to (also?) with us when the Government move is made, so any influence that can be ... that discretion should be made use of. ... I doubt you are acquainted with them." 3).

The Colonial Secretary hoped that the proclamation would give satisfaction to everybody, and suggested the formation of a court of Appeal. Thompson had doubts in some quarters which could in all probability arise. He expressed the pious hope that all would run smoothly, and that the Free State Government will act with more vigour than heretofore." 4).

On the 23rd of October, the Executive Council said that Southey hoped to be the last meeting on the subject which would be the proclamation.

The ...

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1). Arnot to Southey, 26th September, 1977.
2). Southey to Campbell, 23rd October, 1977. Lib. C.C.T.
3). Southey to Arnot, 23rd October, 1977. Lib. C.C.T.
4). Southey to Campbell, 23rd October, 1977. Lib. C.C.T.

The finding of suitable men to fill up the offices was causing some delay. But he wanted everything to be perfectly ready before making a move.

And on the 17th November 1871, the Diamond Fields, with the Northern boundary as fixed by Keate, were annexed. Against the wishes of the Colonial Office. Against the wishes of the Cape Parliament. A VERITABLE COUP D' ETAT.

A P P E N D I X.

The leading part which Richard Southey was to play in the early controversies centring around diamonds in South Africa, dates from early in 1867, when he received a stone from a Mr. Boyes, with a request that he have it examined. 1). This stone, or diamond as it proved to be, had been picked up by a farmer's child in the district of Hope Town. A hunter and general trader, O'Reilly, had this stone, and reaching some arrangement with the owner, showed it to Boyes, who was a clerk to the Civil Commissioner, and acting clerk of the peace at Colesberg.

Southey immediately became interested. He had the stone examined and valued by several experts in Cape Town (including the French Consul), and the general feeling was that it was a real diamond worth about £500. Now, trade was bad at the time, and a discovery such as this, important at any time, became doubly so when the economic situation at the Cape is taken into account. Richard Southey, therefore, decided to exploit it to the full. In a letter to Mr. Boyes 2) he states his intention of sending it to be exhibited at the Paris Exhibition. 3) A local dealer offered Southey £400 for the diamond, and in the same letter he writes "of course, I cannot sell; and as it may be worth much more, it is better to let it be sold in England for account of O'Reilly. I wish you would get all the particulars you can about where it was found, by whom, and if the farmer has more, get them and send them here." The last phrase refers to the Colonial Secretary's extreme

/desire .....

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1) Southey to R.W. Sulyan 11th April 1867. L.B. 3-239.
   L. Boyes to Southey 9th April 1867.
2) 17th April 1867. L.B. 3-238.
3) Actually, R.W. Sulyan had a crystal model made, and it was the model which was exhibited.

desire to be the sort of clearing agent for diamonds at the Cape. He reiterates time and time again, that his services are being rendered free of charge. So often does he stress this point, that one often wonders where the doubt was creeping in. He was striving hard to play the part of Fairy Godmother to the new child of South African politics. At one time he was threatening to write a history of Diamonds in South Africa - this was when his insistant demands for particulars seemed too great.

The following extract is typical of a number of his letters of this period. "I wish you would give me, as near as you can, the exact position of where each of the diamonds that have been sent from Hope Town has been found and the relative position of this one - any rough sketch will do - showing the course of the Orange River and Vaal Rivers from their junction upwards - the position of the spots where each diamond was found and the distance in each case from the mouth of the river, and from each other. The names of the farms and their owners, and the names of the persons who discovered them - and the hands through which they have passed before coming to me, and what has become of them since.... There was one as you know found on the Orange River in the Free State - if you can give the position/that's discovery and the hands through which it passed add that and any other information you think will be useful - I want by(e) and bye to publish a short history of each with a view to benefit the country by dispelling the idea now existing that these gems have been brought here from foreign soil." 1).

Indeed his goodness and desire to help inspired Mr. Arnot to write :) "I am sure it is really kind and

/generous....

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1) Southey to Chalmers 4th June 1868. L.B. 5-139.

:) Arnot to Southey 11th August, 1868.

generous on your part and for yourself and the Crown agents to promise to undertake the realisation of the precious stones for such natives as may find and have sent diamonds to you, free of charge." That was in response to Southey's desire to protect the natives from being swindled, and by paying most of them in kind, stimulating them to search for more. 1).

"Seeing the interest you have taken in these discoveries will I hope be sufficient excuse for my troubling you in the matter." O'Reilly was more frank. 2).

Southey's first opportunity to act as agent came when L. Heritte, the French Consul, and evaluator for most of the early diamonds offered to buy it. Southey told the Consul that the stone did not belong to the Government, but that he would convey his offer to the owner. The importance of this offer lies in the sentence - "I am glad that you have given me liberty to make use of your note, as its publication will doubtless stimulate persons to make search for more such prizes." 3).

But M. Heritte's offer was on condition that the stone was sold to him immediately for £500, 4) before the report from London on its value arrived. And Mr. Boyes writing to Southey 5) declined the offer on O'Reilly's behalf, making at the same time some caustic remarks on L. Heritte's desire for a good bargain. 6).

"I do not want to be too inquisitive about where the

/stone .....

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1) Southey to Rev. Rudloff. 5th June 1868.

2) 7th June 1867.

3) 19th April 1867. L.c. 3-25?.

4) 1st May 1867. Heritte to Southey.

5) 11th May 1867. Boyes to Southey, also 17th May 1867.

6) These frontier officials would have us believe that they were made of superhuman stuff - in spite of numerous appeals to allow them to the fields to search for diamonds.

stone was found and O'Reilly need not be afraid that the Government will interfere with him, if he discovers more, for the present; but, if he does get more, I should be glad if he will send them to me for transmission to England. 1)

In the meantime, Waterboer had seized O'Reilly's boat, 2) and Southey had to use his influence with Arnot. "I think the road ought not be closed," - a faint glimmer of Southey's Imperialist philosophy. This incident called down the wrath of Chalmers, Resident Magistrate and Civil Commissioner at Hope Town. 3) "Arnot is of course at the bottom of all this to suit his own purposes; and his interference in border matters should be checked, otherwise serious consequences will be the result". In spite of Chalmers' indignant outburst, Arnot's influence was not checked, and serious consequences did result.

Southey's thoughts continued to be occupied with diamonds, and he writes to Mr. Green, the inefficient Civil Commissioner and Magistrate at Colesberg, giving him advice on how to dig for diamonds, and how to wash for them. "The Goverment however is not prepared to incur at present any expense." If the stone sent to England were to turn out to be valuable, - "something might be done." 4).

Dr. Atherstone, besides being District Surgeon at Albany, was the foremost mineralogist at the Cape. Boyes, therefore, tried to arrange for six weeks' leave of absence to date from the time of handing over to D. Arnot, who was willing to act for him, 5) while Southey was helping Mr. Boyes of Cradock to get leave to go with Dr. Atherstone

/to .....

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1) Southey to L. Boyes, 1st May 1867, L.B. 3-26.

2) Boyes to Southey, 7th March 1867.

3) 7th June, 1867.

4) Green from Southey, 8th June 1867. L.B. 3-307.

5) Boyes to Southey, 22nd June 1867.

to inspect the diamond fields. 1)

And Julyan, the Agent for Crown Colonies, also wrote "If this should lead to the discovery of a Diamond Field equal to that found in Paraguassu, in Brazil, in the year 18 45 it will be a fine thing for the Cape Colony."

Southey was very keen on finding out whether there was any possibility of a Diamond Field, and so tried persuading Atherstone to go on a tour of inspection. "Would it, do you think be of any practical use, if you and Rulidge were to visit the locality for the purpose of examining and reporting upon the Geological formations and would you be willing to do so if Government provided transport? " 2). Since there would be a motley collection of diggers congregating up there, he felt that the Government "will have by and bye to take measures for serving to the Public Revenue a fair proportion of the wealth which probably lies under the Hope Town soil." 3).

Southey continued to try to stimulate interest in these new discoveries, and he wrote to Julyan 4) "I shall be glad if you get a good account of the discovery put into the Illustrated News as there must be a diamond bed where these very large specimens came from and it may lead to a more systematic search by qualified persons being made." A rumour as to the existence of a diamond mine now began to gain currency, and Southey was sure that the Government would take measures to secure its rights, but up to the present they were not proposing to interfere with searchers. 5). But Chalmers, writing

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1). 3rd July, 1867.
2). 16th July, 1867. L.B. 4-33.
3). ibid.
4). 16th November, 1867. L.B. 4-204.
5). 8th August, 1867. L.B. 4-76.

in February, 1868, was sure that there was a mine. 1)

The English papers, however, did not share that same faith which Southey and Chalmers were showing, and they hesitated to insert notices of the discovery. 2) But Southey firmly believed that more diamonds would soon turn up. He had an idea that the beds were not where the diamonds were found, but much higher up towards the sources of the Orange River. 3) The diamonds at Hope Town, he thought, ~~xxxxxxxxxxx~~brought, had been brought down by floods, and the diamond fields were on both sides of the Orange River and about one hundred miles above its junction with the Vaal. 4)

Overseas, however, people still refused to believe that diamonds had really been discovered. The most fantastic stories were told, such as, that the gems had been stolen from the Duke of Brunswick some years before, and the thieves were adopting this novel way of getting rid of them. And Chalmers was moved to write 5) ...."the idea of their having been brought here from other parts is simply ridiculous. If such had been the case the person bringing them would not have entrusted them to the persons who found the ....." But this did not stop Julyan from informing Southey 6) that "the bona fides of your Diamond Fields have of late been prominently called in question."

On the 14th March, 1869, however, Mr. Steytler penned an excited letter to Southey, informing him of the discovery of an 83½ carat diamond. Mr. Schalk van Niekerk of "De Kalk", paid 500 sheep, 10 head of cattle and one horse (about £150) for it, and sold it to Messrs.

1). 27th February, 1868.
2). 14th January, 1868. L.B. 4-285.
3). ibid.
4). to H. Emmanuel. 17th June, 1870. L.B. 7-187.
5). 24th June, 1868. Chalmers to Southey.
6). Julyan to Southey. 9th December, 1868.

1). 2). 3). 4). 5). 6).

Lilienfeld Bros., for £11,200. An appreciable profit.

By the middle of June, 1869, diamonds were no longer a curiosity. 1) Indeed, according to a letter to Julyan 2) Southey expected quite a slump, and advised Sir P. Wodehouse to get rid of his diamonds "....no end of them are being found along the Vaal River both in the Free State and beyond - our news is from Port Elizabeth per telegramme. I have, therefore, no particulars that I can rely upon, but it is said that one labourer has dug up £30,000 worth and that a party of six to have [illegible],000 worth. No doubt there is a good deal of exaggeration in this, but I fancy it is a fact that a bed of mine has been discovered.."

By the middle of 1870, diamonds were being discovered by washing about fifty miles above the junction of the Vaal with the Orange. 3) And newspapers of that date reported that Rosenthal's of Port Elizabeth had shipped £4,500 worth on the mail steamer. Diamond news was definitely worth having. 4)

In December, 186[illegible], 5) Southey had reckoned that the diamond discoveries were sufficiently promising to encourage a company, and a Mr. McIlaston, the Manager of the Telegraph, went to England it was rumoured, with the object of getting up a diamond company.

Early in 1868, Chalmers in a vehement outburst 6) decried the fact that no systematic search had been made. It was, he pointed out, the merest chance that the diamonds on the surface had been discovered. But their presence

/definitely ....

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1). L.B. 6-[illegible]3.

2). 20th May, 1870. L.B. 7-194.

3). To Julyan, 4th June, 1870. L.B. 7-170.

4). 8th June, 1870. L.B. 7-[illegible].

5). To Julyan, 6th December, 1[illegible]. L.B. [illegible]-76.

6). Chalmers to Southey, 15th March, 18[illegible].

definitely indicated the existence of a mine. "I should have thought that sufficient diamonds had been found to convince the people that Diamond Mines must exist along the Orange River, and to have induced people to form a Company and make a proper search ..... The Colony complains about hard times; but it deserves to be hard up when it quietly hears of the discovery of the richest gems in one of its districts, and takes no steps whatsoever to open up the vast wealth which the gems would produce." Mr. Southey was not content to remain idle.

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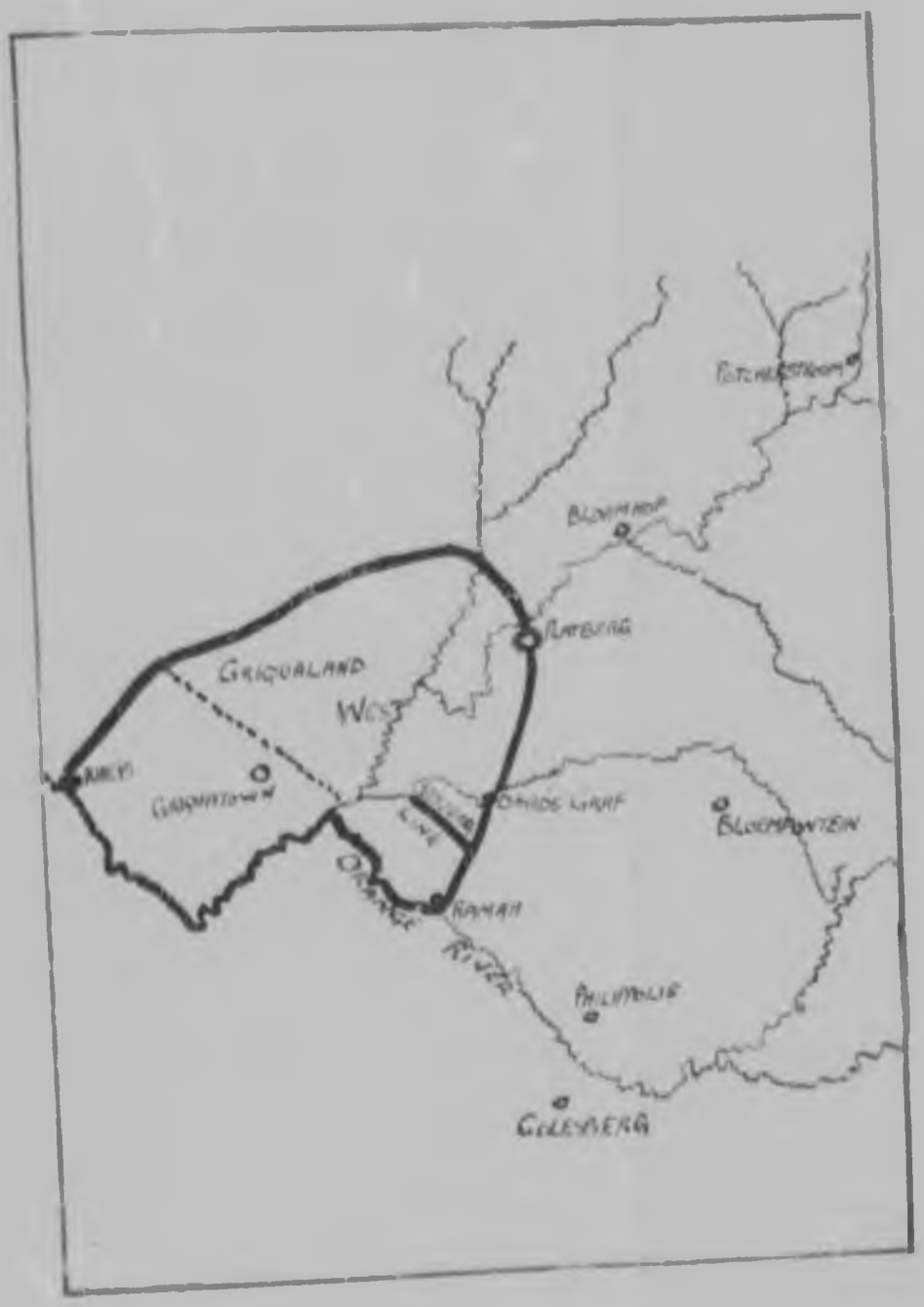
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