

**THE**  
**DUTCH REFORMED CHURCH**  
**IN SOUTH AFRICA.**

**WITH NOTICES OF THE OTHER DENOMINATIONS.**

An Historical Sketch

BY THE

REV. JOHN M'CARTER,

LADISMITH, NATAL.

**"Hy stelt de woestyn tot een waterpoel, en het dorre land tot watertogten.  
En Hy doet de hongerigen aldaar wonen, en zy stichten eene stad ter  
woning. En Hy zegent hen, zoodat zy zeer vermenigvuldigen." - Ps. cvii**

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CAPE TOWN FROM TABLE BAY

## PREFACE

The Dutch Reformed congregations in South Africa form a section of Presbyterianism regarding which little is known in Britain. So entirely has it been ignored that we find, on opening so popular a book as the *Ecclesiastical Encyclopaedia* of Dr Eadie, where a list is given of all the Presbyterian denominations, and mention made of some having ten or (in one case six), ministers, this Church, which in its various branches has upwards of eighty, is not so much as named.

The knowledge possessed by the English public of the "Boers" is mainly derived from incidental allusions in the pages of travellers who have visited South Africa, and in reports of missionaries to the natives.

These last have almost always spoken from an unfavourable point of view, having seldom found occasion to mention the Boers, except with reference to one painful subject - the charge of ill-usage of the natives, and hostility to the missions. It is surely fair that the redeeming and favourable features of their case should also be known.

The writer of the following sketch finds cause to regret his limited knowledge of the subject. He has freely used the help of such books as he had at command, besides the personal knowledge acquired during several years' pastoral labour among the South African Dutch colonists. Such as it is, may our Divine Master be pleased to bless it as a means of awakening a deeper interest in that land, and more especially in that section of His people of whom it speaks. This history being closely intertwined with the general history of the colony, it has been found necessary to mention many political events.

From the following books, amongst others, valuable aid has been received, for which he hereby offers his cordial thanks to the respective writers: - Five Lectures on the Emigration of the Dutch Farmers, &c., by the Hon. H. Cloete, LL.D.; Hall's Geography of South Africa; Redevoering by het Tweede Eeuwfeest, enz. door A. Faure, Volksleesboek, Kaapstad, 1868; Borcherd's Memoirs; and The Pictorial Album of Cape Town, Juta, 1866.

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## CHAPTER I

### THE PERIOD OF THE DUTCH RULE

When the sea-route to India, by way of the Cape, was opened by the early Portuguese navigators, it soon became frequented by the ships of various nations. These were days of the marvellous maritime activity of the United Netherlands. The Dutch East India Company was established in 1602. Forty Dutch vessels were then regularly trading to India.<sup>1</sup> For these the Southern point of Africa was found a convenient house of call for obtaining fresh water and provisions. It did not occur, however, to any European nation to make a settlement there until one hundred and sixty-six years after its discovery.

On the 6<sup>th</sup> of April 1652 three Dutch vessels, with a small body of settlers on board, came to anchor in Table Bay. The object of the Company in sending them was not to form a colony in the modern sense of the word. It rather discouraged the extension of the settlement. Its instructions to the settlers were to make a garden for vegetables, and also trade with the natives for cattle, so that the ships of the Company might at all times be able to obtain the necessary refreshments. The colony was thus originally a possession of the Dutch East India Company, and continued under its management for one hundred and fifty years, until taken by the British.

The lands of Southern Africa were then in the undisturbed possession of the various Hottentot and Native tribes. What their general condition must have been can be imagined from the portraits of the kindred races presented in the pages of Livingstone and Baker.

Along the shores of Table Bay, where smiling gardens and plantations, churches and villas, now enliven the landscape, and forty thousand inhabitants live in comfort, a few wandering Hottentots, the lowest and laziest of their race, picked up a miserable subsistence of roots and shellfish.

The entire colony, numbered at first only ninety-one souls. Near a little stream under the brow of the magnificent Table Mountain, a small wooden fort was built, around which the beautiful city of Cape Town has since grown up. These settlers have multiplied, mainly by natural increase, to hundreds of thousands, and spread from shore to shore and far inwards, until now their foremost hunters and traders sometimes pass Lake Ngami, distant 1700 miles from the Cape. We shall try to relate how they have fared as to their religious interests during two hundred years, and in what religious condition they are now living.

It has proved a merciful providence for Southern Africa, that, though Popish Portugal was the means of its discovery, its colonization was reserved for Protestant Holland. Had it been otherwise, the religious condition of half a continent, as regards both the white and the coloured population, would have been very different from what it is. Instead of peaceful industrious thriving communities, with numerous and varied circles of Christian activity, we should have expected to find countries analogous, socially and religiously, to Mexico or Brazil.

The Dutch were not in the habit of leaving their foreign possessions unsupplied with the means of grace. At Ceylon, and at their several stations on the Indian coasts, ministers were sent to labour, though very few traces of these Churches now exist. The Dutch Reformed Church does not differ in respect of doctrine, though it does slightly differ as to the details of Church polity from the Presbyterian Churches of Scotland. Its Standards are the Heidelberg Catechism, the Belgic Confession, and the Canons of the Synod of Dort.

From such evidence as has reached us, the leader of the colony, John Anthony Van Riebeeck, seems to have been not only a faithful servant of the Company, but a man not wanting in respect for religion, and a friend of the coloured races. His diary furnishes proof that he acknowledged the good hand of God in the prosperity which the colony enjoyed, and felt the need of His continued blessing. He also used his influence to provide instructors both for the Europeans and the coloured people. Among others, his diary contains the following entry: -

"6<sup>th</sup> April 1654. - This is the anniversary of our safe arrival at this place, under God's holy guidance, with the ships *Dromedary*, *Heron* and *Good Hope*, to build and establish this fort and colony according to the orders of our lords and masters. And as the Lord God in all these matters, until this date, has granted many blessings, so that it succeeded well and prospered according to desire, - it is resolved, and for the first time commenced, to celebrate this day, being the 6<sup>th</sup> of April, in honour of God, and with thanksgiving, so that it be instituted for ever as a fixed day of thanksgiving and prayer, and that thus the benefits granted to us by the Lord, may not be forgotten by our posterity, but always kept in memory to the glory of God."

For the first few years the colonists had only the services of a catechist, who accompanied them from Europe. He conducted morning and evening worship, held Sabbath services, instructed the children, and was even the means of bringing one or two of the heathen to the knowledge of the truth. An ordained minister occasionally calling at the Cape on his voyage to or from the East Indies sojourned for a time and administered Baptism and the Lord's Supper.

The first minister, John Van Arckel, arrived in 1665, in the fourteenth year of the colony's existence. An elder and a deacon were then chosen, and twenty-four persons sat down at the Lord's table. Since that day the church membership has rather more than doubled itself every twenty years. The professing membership of the Church, including all its sections, may now be computed at somewhat over sixty thousand.

In 1685 a second congregation was formed at Stellenbosch, distant twenty-six miles from Capetown. On the occasion of the election of a kirk-session or consistory for that congregation, the State betrayed, for the first time, that spirit of aggression and encroachment on the liberties of the Church, which has proved most baneful to her vitality ever since.<sup>2</sup> A regulation was made, and its observance, at Capetown at least, stringently insisted on, that half the members of session should be chosen by the government, and be officials of the State. No church meeting might be held unless the State were represented. This state of matters lasted down to 1842, in which year a government commissioner sat for the last time in the Cape Synod. But from the last remnants of State control the Church has scarcely yet shaken herself free.

The year 1688 brought a new element of population, of much importance to the industrial development, and not less to the religious life, of the colony. A portion of the French Protestants exiled after the Revocation of the Edict of Nantes, found a hospitable refuge in Holland, as in days of persecution many of the Lord's people in England and Scotland had also found. Some of these were assisted by William of Orange to emigrate to the Cape. They numbered eighty families (one hundred and fifty souls), and though the use of the French language soon ceased, their descendants are easily known by the names they bear. It will readily be believed that the influence of these good men was like a wholesome salt on the whole population. The majority of gospel ministers who have been natives of the Cape have been of their descendants. They introduced the cultivation of the vine and other fruits into South Africa, The districts then allotted to them are still amongst the most beautiful and fertile in the whole land. These French immigrants, with their minister, *Pierre Simond*, formed the third congregation (the Paarl), but the government, in the despotic spirit then prevailing, compelled them, with the commencement of 1700, to abandon French preaching, and conform in language, as well as mode of worship, to the Dutch Reformed service.

In the year 1700 the colony might be described, in general terms, as a circuit of about eighty miles round Capetown, (the divisions of Capetown, Stellenbosch, Paarl, Malmesbury, and a part of Caledon). The white inhabitants had risen in number to nearly 2000; the slaves were somewhat over that number. In the remoter districts the people were already falling into deep religious neglect.

Travelling, particularly with wheeled vehicles, was in those days extremely difficult. To cross the mountain ranges in those parts, where in recent times excellent roads have been cut, the wagons had first to be taken to pieces, and the wheels, shafts, and other parts carried over on the backs of oxen or horses, after which the vehicle was put together again. When little children, therefore, had to be brought to baptism, they were carried by their mothers on horseback over those mountains. It will surprise no one to learn that these people seldom came to public worship. They lived in great ignorance and spiritual indifference.

But the spiritual condition of these peasants will be better understood, when we know a little of the climate and physical character of the land, and the consequent modes of life of its people. A country ill-supplied with water, and subject to periodical droughts, tends to foster in its inhabitants pastoral or nomadic habits, a wandering and unsettled mode of life; and this readily brings with it a rude independence of character, and unwillingness to submit to the restraints of law. Such was a very large portion of the Cape Colony. Consistently with the barren and arid character of the soil, the farms were granted in large areas, consisting of never less than six thousand, but in some districts extending to fifteen or twenty thousand acres. This tended to confirm the colonists more and more in their purely pastoral and nomadic habits. They became weaned from the desire to cultivate their lands, and lost that attachment to particular localities which naturally results from agriculture and the improvement of the soil.

Their flocks and herds were their sole care and delight. Whenever these increased and multiplied they were happy and contented, but the moment these suffered, they were as ready as Arabs to strike their tents, or rather, to pack their wagons, and go forth to the right hand or to the left, in search for lands where late rains promised more abundant grass and water for their cattle.

This mode of life, in a country without navigable rivers, into which the railway has scarcely penetrated, and where the means of locomotion are generally slow and difficult, has proved very prejudicial to their moral advancement. They have gone to a great extent beyond the reach of the church and the school. Their civilization has retrograded.

So early as 1743, the governor, the Baron Van Imhoff, after a journey into the interior, reported "that he had observed, with amazement and sorrow, how little interest was taken in the public services of religion, and in what a depth of indifference and ignorance in this respect a great part of the country people were living, so that they seemed more like a gathering of blinded heathens than a colony of European Christians." By the exertions of this governor, two additional congregations, those of Malmesbury and Tulbagh, were formed.

We shall now pass over the space of a century and a-half from the planting of the colony, and attempt a survey of the state in which it was when the English first came, in 1795.

The colony had now expanded to a mean length of 550 miles, and a mean breadth of 233 miles, or an area equal to that of the British Isles. The colonists had been gradually spreading over the lands occupied by the Hottentot and Bushman tribes. These, too weak to make resistance, looked with no satisfaction on the arrival of the whites in their midst. As the latter were taking their lands, they retaliated by driving off cattle, and the Boers, taking up their long-barrelled hunting-guns, exacted a bloody and cruel revenge. The colonists, ground down and oppressed by those in authority, spread themselves thus, heedless of the threats and admonitions of their government. That they did not spread more widely to the north and east was owing to the fact, that along their northern line the arid deserts skirting the Orange River offered little temptation to transgress the boundary, while at the eastern extremity they were fronted by the warlike and independent Amakoze Kafirs, who, far from allowing any inroad into their territory, commenced a system of aggression upon the colonists. The farms, particularly in the east, lay very remote from one another, and between them lived the Hottentots in their miserable kraals and smoky huts. They still went unclothed, only covered with a kaross. The governor had forbidden, under pain of severe punishment, that any Hottentot should be enslaved. Still it was frequently done, as slaves proper were dear to purchase. Many Hottentots and slaves ran away from their masters, particularly if badly used, and formed themselves into bands to rob and murder, and make the outlying farms unsafe.

The population amounted to twenty-one thousand whites, more than twenty-five thousand slaves, and fourteen thousand Hottentots. There were now seven Dutch Reformed congregations (Graaff-Reinet, and Swellendam having been added in 1790 and 1799 respectively), and ten ministers, - Capetown being a collegiate charge with three ministers. These, along with the Lutheran pastor at Capetown, comprised very nearly all the spiritual instructors in the colony. Within the same limits there are in our days more than forty congregations of the Dutch Reformed Church, as many of the Anglican and Wesleyan churches, and a not much smaller number of mission congregations.

We have mentioned the slave population. Slavery was introduced in the second year of the colony's existence. It seems to have assumed in South Africa a peculiarly mild form. Cases of ill-usage of slaves seem to have been rather the exception than the rule. In theory, at least, the duty was recognised of instructing them equally with the



whites. We read of Van Arckel, the first minister, that on his arrival in 1665, he baptised eight heathen children on the promise of their owners to bring them up in the fear of the Lord. For those slaves who were the property of the State, a church was built in Capetown, and many became church members. From 1665 to 1731, there stand recorded in the Church books the baptisms of 1121 slave children, and forty-six adults. A Government regulation was passed in 1683, that whenever a slave was received into the Christian Church, he was *ipso facto* free. Not a few were thus emancipated.

In the country districts, where the spiritual interests of the Europeans were so greatly neglected, the slaves must of course have fared no better. Still, the religiously disposed portion of the colonists seem not to have been unmindful of the highest interests of their domestics, by allowing them to join in their family worship and otherwise. Several of the coloured congregations, at present managed by the German and other societies, were originally Home Missions, commenced by local committees of the Dutch colonists for the benefit of their slaves.

Missions to the heathen were only being commenced. At Genadendal, three devoted Germans had resumed the work, which, begun by George Schmidt in 1737 had been interrupted for nearly fifty years. As this was the earliest South African mission, and the only one up to the period to which our sketch has come, it may not be uninteresting to make a passing mention of the work of Schmidt.

The honour of beginning Christian Missions in South Africa belongs to the United Brethren, or Moravians. A free passage having been granted him by the Dutch East India Company, George Schmidt sailed for the Cape in 1737. In September the same year, he took up his residence at *Baviaans Kloof*, now *Genadendal*. Here he built a small house, and made a garden. Many Hottentots dwelt in the neighbourhood, who at that time possessed considerable flocks. They still spoke their own language. Very few understood Dutch, which is now the common speech of the coloured people of the Colony, Schmidt, however, was unable to learn their language, and could only address them through an interpreter. At the end of 1740, he wrote as follows to his brethren in Europe: "The whole congregation consists of ten men, ten women, seven boys and five girls. Of these thirty-two, fifteen read the New Testament (in Dutch)." As yet none were baptized, but in 1742 Schmidt had the joy of receiving the first fruits of the Hottentots into the Christian Church. It was William; he received the name of Joshua. Afterwards he admitted two other men, and then a woman, who received the name of Magdalena; afterwards several more. In the Colony, however, there were many who looked on this work with ungracious eyes, and at last the governor forbade him to preach or dispense the sacrament. Schmidt found himself compelled, six years after his arrival, to leave his people and return to Europe. He writes, "On the 30<sup>th</sup> October 1743, I gave a farewell address to my Hottentots on the words of Paul, when taking leave of the elders of Ephesus, Acts xx., and commended them in prayer to the great Shepherd of the sheep, that He might care for each of them according to his need, strengthen the weak, bind up the wounded, seek the lost, bring back the wandering. They all wept very much."

When Schmidt returned to Amsterdam he spared no effort to obtain leave from the Company to resume his mission work free and untrammelled. But in vain. Nearly half a century passed without anything being done for the deserted flock. The Hottentots came together from time to time under a great pear tree which Schmidt had planted in his garden, and Magdalena read to them out of a New Testament which the missionary had given her. Geo. Schmidt went to his rest without seeing the desire of

his heart realized. At length, four years later, leave was given that missionaries might go again to South Africa. In 1792 three arrived (Marsveld, Zinn, and Kuhnel.) Not much remained of what Schmidt had begun. In his garden there still stood the almond, pear, and apricot trees which he had planted. Of his house only one piece of a wall could be seen. The Hottentots he had baptized were all dead, with the solitary exception of Magdalena. She was now very old and nearly blind, but when she heard that brothers of Schmidt had come, she called out in her joy, "the Lord be praised." She showed them the New Testament in which she had used to read, and which she had carefully kept in a double wrapper of sheepskin. It was now yellow with many years of constant use. At the death of Lena the book was given to be kept at Genadendal; there it remains to this day in a little box of pear-wood, the wood of the tree beneath which the Hottentots used to sit and listen to what Lena used to read to them of the Word of Life.

Thus was the mission resumed, and God has given the increase. Several thousands now dwell in the village. Many hundreds of children attend the schools. Many youths from various places, some from beyond the colony, are trained as teachers. Many good books are printed there, and, above all, many have there lived in the Lord and died happy in Him.<sup>3</sup>

The Reformed ministers might, with more propriety, be viewed merely as paid chaplains of the Company, than as ministers of a church deserving the name. We have mentioned that the Government insisted on electing half the members of Kirk Session, and of being represented in every church meeting by a "Political Commissioner." It is only fair to state that this interference in Church matters was not confined to the Dutch period. These abuses were continued for many years by the English Government. After the second occupation of the colony in 1806, the Government insisted that a "Political Commissioner" should be a member of the Consistory of Capetown, notwithstanding the protest of that body that no law existed by which such interference could be justified.

The following instructions were issued by the Government in 1811: -

I. All letters addressed by the Governor to the Consistory, or written to the Consistory by his Excellency's order, are to be shown without delay to the Political Commissioner.

II. All letters written by the Consistory to his Excellency the Governor, or by the Consistory, or in the name of the Consistory, to the Secretaries of Government, are to be countersigned by the Political Commissioner."

If the Commissioner refused his signature, the Church's letters were sent back or left unanswered. Political Commissioners continued to sit in the Consistory till 1828, and in the Synod till 1842.

No meeting of Presbytery existed. The Church at the Cape was viewed as an appendage of the *Classis* of Amsterdam. Instead of meeting to discuss their local interests, the ministers had only the right of exchanging letters with the Church in Holland, communicating intelligence as to their affairs, and receiving such advice as the brethren in Holland might give. In 1746, as soon as the number of congregations had reached five, the ministers attempted to establish a church organization and an annual general meeting, called *Classis*, began to be held. This movement gave promise of much good; but the Church in Holland became jealous of what it regarded

as an *unwarrantable assumption of authority*, and after it had existed for twelve years, the Government, at the instigation of the Classis of Amsterdam, caused its suppression.

Being thus fettered, trammelled, subject to the Government in every way, it is not strange that the means of grace were not provided in proportion to the wants of the fast increasing and migratory population, and that nothing was done for the instruction of the heathen. That this handful of ministers should have overtaken the wants of twenty thousand, or, including the slaves, forty-six thousand souls, and these scattered over a territory as large as Great Britain, is of course utterly absurd. Their superintendence of their parishes must have been, in many cases, a mere sham. We have been told of one minister, and he noted for his zeal, that he visited some parts of his extensive parish once in three years. There is an unwelcome legacy left to the present generation of ministers by the old Dutch Government, which professed to supply spiritual instructors for the people and did not, - the task of making up the lost ground of several past generations.

With regard to the manner in which their spiritual duties were performed, we have a strong belief that the lives of some of them will not bear a close inspection. That some, however, were labourers not needing to be ashamed is manifest. Their works testify it. Some tracts of country bear witness, by the spiritual life in many families, descending to the present generation that men of God have laboured there. We have conversed with some of the oldest inhabitants, whose memories go back to the period before the English set foot in the land, and who remember their old pastors with such feeling and affection as plainly shows they were worthy to live in the hearts of their flocks. To mention names might be thought invidious.

We have brought our sketch down to the end of the eighteenth century. A change was now, in the providence of God, to come over South Africa, which has given a new impulse to every kind of progress, and opened the door very wide to the entrance of the Gospel among all the South African peoples.

Even as to other matters, it seemed as if the Company's rule had lasted long enough. The people had fallen behind the age. Not a single printing press existed in the land. Much discontent was being felt at the despotic rule of the Company, and the commercial monopoly which it kept in its hands. The measures of the Governor and his Council were often arbitrary and severe. It not infrequently happened that for trivial offences persons were torn from the bosom of their families, and banished for a series of years to Batavia or Ceylon. The Company held also a monopoly of imported goods. Capetown was the only place of trade; and the farmer had no other way of disposing of his produce than by selling it there to the Company. The iron work for his wagon, and what else he needed of imported goods, he must there also buy, - in both cases at prices advantageous to the Company. Another grievance not a little annoying was that only one matrimonial court existed in the land. Parties intending to marry had to yoke their wagons and travel to Capetown, - a journey which, in many cases, going and returning, occupied from two to three months. A tale is told that, in the course of one of these journeys, the parties changed their minds, and amicably exchanged for other partners.

Towards the end of the eighteenth century, the growing discontent broke out into open rebellion. Some adventurers from Europe, bringing with them the rage of the French revolution, fanned the embers into a flame. In 1794, the people of Graaff-Reinet expelled their landdrost, and the following year the same was done at

Swellendam. New landdrosts and commandants were chosen, and, in imitation of France, the colony was declared a Free Republic, and a National Assembly invited to govern it. The whole eastern district was in revolt. The Governor was entirely unable to quell the disorder. Within fifty miles or so of the capital his power was felt; further inland no one heeded him. What would have been the issue had the malcontents gained the upper hand none can say, but at this juncture things took a new and unexpected turn. This little colony of the south became involved in the great struggle which at that time convulsed the nations of Europe, and "John Company," as the colonists used facetiously to call him, came to know that his hour was come.

#### **Footnotes**

1. Motley.
2. *Redevoering bij het Tweede Eeaw-feest, enz. door Abraham Faure*. Kaapstad, 1852. From this valuable pamphlet many of the facts in the present chapter have been taken.
3. *Volksleesboek*. Kaapstad, 1868.

## CHAPTER II

### THE CAPE BECOMES AN ENGLISH COLONY

On the 11<sup>th</sup> of June 1795, the quiet citizens of Capetown were thrown into a state of immense excitement and consternation, when a fleet of eight ships of war, bearing the English colours and having four thousand troops on board, entered False Bay. Sir George Keith Elphinstone, the commander, brought a letter signed by William, Prince of Orange, in which his loyal subjects in Southern Africa were directed to admit the English forces, and hand over the colony as to a friendly power come to protect them.

The government of Holland had been seized by the French. The Stadholder, his princess, and family, had fled to England; and Britain, apprehensive that France would possess herself of the Cape, sent out this expedition to take and occupy the colony by peaceable means if possible, forcible if necessary.

It appeared, however, that the revolutionary spirit divided the colony as well as the mother country. Commissary A. J. Sluysken, then in charge of the government, was not disposed to give it up, alleging that he was quite able to defend it. He had 500 soldiers and some artillery, and he called out the militia to assist in the defence. Those, however, who were discontented, refused to lend any assistance until their grievances were redressed. Only a few volunteered, and Sluysken, finding that Capetown was about to be assaulted, surrendered without fighting.

The colony remained at first only eight years in English hands. By a stipulation at the peace of Amiens it was, in 1803, restored to the Batavian Republic, as the new organization of the Netherlands was called. (The Dutch East India Company had been dissolved some years before,) These were eight years of external and internal trouble. The English government expended, it is said, fifteen million sterling on the Cape during that period, and yet did not succeed in bringing it to tranquillity.

The malcontents of Graaff-Reinet and Swellendam were still less contented with the new *regime* than with the old. Many refused to take the oath of allegiance to George III., and to avoid doing so, some betook themselves to the neighbourhood of the Natives and other remote districts. For those who remained troops were needed to maintain order. In Graaff-Reinet they went the length of open resistance to the military. Meanwhile the Natives, who now for the first time made their appearance in the colony, encouraged, doubtless, by the disturbed state of the country, began to commit terrible ravages on the borders. They attacked the Graaff-Reinet district, burned the houses of the farmers, and drove off many cattle. A portion of the 81<sup>st</sup> regiment, which was sent against them, was surrounded and cut off. The Natives penetrated to within half-way to Capetown, marking their way with fire and blood. At length at Kayman's River they were met and driven back by a united force of the soldiers and the colonists.

The 21<sup>st</sup> February 1803 saw the Dutch colours again hoisted at Capetown. General J. W. Janssen was sent out as governor, and Mr J. A. De Mist, as commissary-general, who should in that character receive the colony out of the hands of the English, and set its affairs in order. De Mist had drawn up a body of regulations, both civil and ecclesiastical, to the latter section of which we shall afterwards have occasion to

refer. These two officers, however, were soon interrupted in the task to which they assiduously set themselves of re-organizing the colony. A change was impending.

The same year the war between England and France broke out afresh. As soon as the intelligence reached the Cape, Janssen, then a journey of inspection in the interior, posted to the capital, and commenced arrangements for the defence. On Christmas day 1805 an American ship brought the tidings that an English fleet with troops, under General Baird, had left Madeira for the East Indies. Apprehensions were thus raised that an immediate attack was impending.

On the 4<sup>th</sup> of January 1806 a formidable fleet was signalled from the Lion's Rump, and the same evening it anchored, to the number of sixty-three vessels, at Blaauwberg, on the side of Table Bay opposite to Cape Town. The troops were immediately disembarked, and on the shore near the landing-place they encountered the Dutch. Janssen's forces were somewhat less in number than those of the enemy, though better armed, but a bad spirit of insubordination was among them. The fight ended in victory for the English, about 300 being killed or wounded on each side. Janssen seems to have been more impelled by a mere desire to save his honour than by any hope of keeping the colony. The following day Capetown surrendered without further bloodshed.

Henry Martyn, of fragrant memory, was on board the fleet as chaplain, in the service of the (English) East India Company. His diary contains some interesting references to what he saw and did in the midst of those scenes. After the battle he went on shore and wandered over the field, ministering as he was able, to the wounded and dying. He writes, "Jan. 10. About five the Commodore fired a gun, which was instantly answered by all the men-of-war. On looking out for the cause, we saw the British flag flying from the Dutch fort. Pleasing as the cessation of warfare was, I felt considerable pain at the enemy's being obliged give up their fort, and town, and everything as a conquered people, to the will of their victor. . . . I prayed that the capture the Cape might be ordered to the advancement of Christ's kingdom; and that England, while she sent the thunder of her arms to the distant regions of the globe, might not remain proud and ungodly at home, but might show herself great indeed, by sending forth the ministers her Church to diffuse the gospel of peace."

Though Capetown had surrendered, however, Janssen was still unsubdued. After the action Blaauwberg, he retired with his troops to Hottentot's Holland, now called Sir Lowry's Pass. There he established himself with the view of cutting off the communication of Capetown with the interior. Sir David Baird followed the Dutch troops to Hottentot's Holland, offered them honourable terms of capitulation. They were not to be treated as prisoners of war, but to be conveyed to Holland at the English expense with their guns, arms, and baggage. All treasure, horses, and public property were to be given up. The terms were accepted, and the Colony ceded to the British.

The political views of England in taking forcible possession of the Cape, and she had no other, do not concern us here. The sea voyage to India occupied then from three to four months. The overland route had not yet been projected. The Cape Colony seemed, therefore, an excellent halfway-house on the high way to her Indian possessions. For the same reasons for which Holland had desired it, Britain now coveted it. Here was a healthy country within easy reach of India, where troops could be kept in readiness for any emergency, and where Indian officers could enjoy their holiday more easily than by going home. Time has reversed these calculations,

for the rail and the telegraph have brought India practically nearer to England herself than the Cape is. But the Lord has overruled the counsels of men to the good of His kingdom.

Neither is there any need to boast our superiority to the former rulers. The faults of the Company were those of the time. Nor has England, either in the acts of her Government, or the conduct of her sons, been free from grounds of serious blame. But we can trace with thankfulness the many beneficent changes which the Lord has wrought. Comparative stagnation has given place to progress. The slave population has been made free. A vast stimulus has been given to civilization and moral advancement among the varied peoples of South Africa. Religious intolerance has made way not only for the fullest toleration, but for enlightened and generous encouragement to the spread of the Gospel.

And all British Christians must feel that the thousands of South Africans, who then, without or against their will, became our fellow subjects, possess a strong claim upon our sympathies: that on us lies the duty to make up to them, in so far as we may, those serious evils, the undermining of their nationality, the suppression of their language, with accompanying disadvantages, which must unavoidably in course of time follow the conquest.

## CHAPTER III

### GROWTH OF THE CHURCH, 1806-1868

Up to the point which our sketch has reached, it could scarcely be said with correctness that a Dutch Reformed church existed at the Cape at all. There were seven isolated congregations receiving emoluments from the Government, but fettered, trammelled, and deprived of all freedom of action. We have now to relate the steps by which these have expanded into a Synod, with its own constitution and laws, substantially free, though with one remaining rag of state control, and manifesting considerable vitality and vigour.

At the cession of the colony by the Dutch to the English Government, the eighth article of the Deed of Capitulation secured the religious privileges of the inhabitants: -

"The burgers and inhabitants shall preserve all their rights and privileges, which they have enjoyed hitherto, public worship, as at present in use, shall also be maintained without alteration."

The English Government accordingly continued to support the Dutch Reformed Congregations by providing the ministers' salaries. The Church was transferred from the protection of the Dutch to that of the English Government, and the relation to the civil power which had previously existed - the state of spiritual bondage - remained unaltered.

New congregations were formed from time to time, over which the state appointed ministers. In some cases the appointments were against the will of congregations. Men might be placed without any minute inquiry as to whether they held the status of ministers at all.

The Church's relation to the civil power had been defined in the regulations of Commissioner-General De Mist, already named. One of these articles of "Church Order" was the following: -

"No. 46. An experiment is to be made whether it be possible and useful, every second year, to hold a General Church Assembly, consisting of, etc., etc.

"At such meeting there shall be present two political Commissioners nominated by the Governor, to represent the government of the colony."

"The Political Commissioners have the right to suspend the decision on any point, until they have ascertained the Governor's wish."

These conditions not having an attractive look, more than twenty years passed before the right of meeting in Synod was turned to any account. At length in 1824, the number of congregations having meantime risen to thirteen, it was thought that the inaction had lasted long enough, and the permission of the Government having been asked, a Synod or General Assembly was held. The Government appointed two Political Commissioners to attend it. All its decisions were submitted to the Governor of the Colony for approval and publication.



In the same way Synodical Meetings were held every fifth year till 1842. No resolutions could be passed without the approval of the Political Commissioners, nor could they be brought into force without the consent of the executive.

At the Synodical Meeting of 1842 party feeling ran high, and one of the Political Commissioners, a member of the Church, availed himself of his official position to strengthen the party with which he personally sympathized (the minority), and sought to use his influence to prevent the official approval of its proceedings by the Government. Representations on the subject were made to the Government, stating that its authority was being used in the Church, in matters having no reference to civil interests.

The correspondence resulted in the acknowledgment on the part of the Governor, Sir George Napier, of the inconveniences arising from the existing state of things, A letter from the Colonial Secretary, Colonel Bell, under date of 17<sup>th</sup> January 1840, giving expression to these views, concludes with the following paragraph:- "The Governor is most anxious to free the Church from the trammels of secular interference in all spiritual or purely ecclesiastical matters, and of substituting in all other matters, of which she cannot dispose by her sole authority, that of the highest civil tribunal, for the authority which he conceives to have been so undesirably continued in the Governor, - the extinction of whose appellate jurisdiction in civil and criminal procedure ought, in his opinion, to have been followed up by the extinction of that anomalous relation in which he still appears to be placed by the ancient regulations of a Church whose principles repudiate all interference in matters concerning its own internal ecclesiastical concerns."

In consequence, it was thought desirable that a "Church Ordinance" should be passed, recognising the Church's right to frame and carry out her own regulations, without the necessity of submitting everything to the Government for its sanction. The old regulations of De Mist (25<sup>th</sup> July 1804) were to be repealed, the existing Church laws and regulations to be ratified once for all, and the right of the Synod acknowledged to alter those laws in future as it might see fit, provided no such alteration should touch on certain fundamental principles affirmed in the Ordinance itself. (See Appendix)

This Ordinance, with a schedule annexed containing the Church Laws, was passed by the Legislative Council of the colony in 1843, and subsequently received her Majesty's sanction. The struggle which had led to its adoption, and the sentiments expressed by the Governor in proposing it, led the church to look upon it as the charter of her rights. It was valued all the more because it acknowledged so distinctly, in Section Nine, the spiritual jurisdiction of the church. In section eight the church was declared to have no power over the person or property of its own members, except such as had been yielded by voluntary consent; and section nine enacted that no person composing or even giving evidence before a competent judicatory could be liable to any action at law except in cases where malice could be shown. The church appeared thus to be protected in the exercise of her spiritual functions. The thought seems never to have dawned on the mind of any that she would still be liable to have her proceedings brought into review before the Civil Courts.

Under the Ordinance, everything worked smoothly for a time. With the Synod of 1862, the aspect of things changed, however. Its proceedings gave rise to no less than four actions in the Supreme Court against the Church. Two of these, cases of

discipline, are still undecided, and have brought the Synod into direct collision with the Civil Courts, and thrown the church into great internal disorder. A statement of these two cases will be found in the next chapter.

The seven congregations existing in 1800 have gradually multiplied to seventy-one, the ministers to sixty-one, and there is still room for considerable expansion by the subdivision of the larger charges. These are exclusive of the churches beyond the colonial limits, of which we shall afterwards speak.

Each congregation has a consistory, composed of the minister, where there is one, two (or more) elders, and four (or more) deacons.

The elders and deacons are not appointed for life, but for two years, which may be increased to four. They go out in rotation, and it is expected that one or more new members come into office every year.

The Church is divided into seven Presbyteries, each congregation being represented by a minister and one member of consistory. The quinquennial Synod, or General Assembly, is composed of a minister and elder from each congregation. During the interval between the meetings of synod, a synodical commission, consisting of eleven members, appointed by the synod, acts on its behalf.

As soon as the synod began to be held, a movement was begun to supply the pressing need of a theological hall, for the training of a native ministry. In early times the ministers were necessarily sent out from Holland. By degrees the colony itself began to furnish a supply, who were educated at the universities of Holland, or of Scotland. A considerable number of Scotch ministers have also been invited, at various times, to join its service. The movement for a theological hall has proved quite successful. In 1859 the seminary was opened. It has two professors, and twenty students, and some of its alumni are already filling pulpits in the colony.

Home and foreign mission work has also been begun. There are ten mission stations within the colony, and two beyond its bounds, among the natives of the Transvaal Republic. In 1862 this latter mission was commenced, by the Rev. Alexander M'Kidd, previously of the Free Church of Scotland, and the Rev. Henri Gonin, previously of Geneva. Mr M'Kidd went to a native tribe near Zoutpansberg, the remotest outpost of white inhabitants in South Africa, and laboured with singular devotedness and much effect for about three years, when first his wife and then himself were struck down with fever. His work has been taken up by the Rev. S. Hofmeyr, and is progressing. Mr Gonin has formed a mission among the Natives, near the village of Rustenburg, where he still labours with enthusiastic devotedness. He has already had the satisfaction of receiving ten or more natives into the Christian church, by baptism, and is building up a native congregation.

Grants from the Colonial Treasury in aid of ministers' salaries, are received by all the earlier formed congregations. The amount received in 1867 was £8632, 10s. divided among forty-seven congregations. But since the establishment of a Colonial Parliament in 1851, no new grants have been given; and the current of public opinion in the colony puts it beyond any doubt, that within a few years all grants for religious purposes shall be discontinued.

In the churches receiving government grants the minister is elected and called by the consistory (in a combined meeting of all the acting and the retired members).

But before the money can be paid the minister must be "appointed" by the governor. However, the governor has in no case rejected the man chosen by the consistory. In the other congregations the governor only gives his *approval*. The present governor has, indeed, indicated an unwillingness to have anything to do with the matter, alleging very reasonably that where the government does not pay any money it should take no part in the appointment. At the expressed desire of the church, however, a formal approval is generally given, and a statement appears in the *Gazette* that "His Excellency has been pleased to approve of the Rev.," &c.

The recognised language of the church is Dutch; but ever since the colony passed into English hands, the Dutch language has been losing ground. English is the language of the government, of trade, and, for the most part, of education. A generation is growing up, in the towns at least, to whom Dutch is strange. The need of divine service in English is thus becoming daily more pressing. Many members have already been lost to the church for the want of it. This state of things causes much inconvenience, and involves extra labour for the time. The unanimity of congregations is broken. Bible classes for the young have to be carried on in duplicate. Since 1862 a regular English service has been held in Capetown, in addition to the Dutch. The same practice is observed in several other congregations.

Much needed to be done during these sixty years to advance education, and a good deal has been done. The educational system in the Cape colony is based on a plan recommended by Sir John Herschel in 1841. Schools, receiving a certain government allowance, are established in all the towns and villages, the grant of course differing according to the importance of the school. The schools are classed as denominational and national. Several schools of a superior rank have been established within the last few years, where as good an education can be obtained as in most parts of Britain. A public Board of Examiners was appointed in 1858, who grant certificates in the different branches of art and science. The various junior members of the public service have, for some years back, been selected from candidates who have passed a competitive examination. Still, many of the outlying farmers dwell so far apart from villages that public schools scarcely meet their case.

The Government Blue Book for 1867 furnishes the following statistics of the denominational schools in connection with the Dutch Reformed Church in the Cape colony: -

Number of schools	26
Pupils in attendance	1253
Total amount of fees £	131214      11
Government grants    £	101710      0

Some of the schools in this class seem to be Mission Schools for the coloured children. Many of the other schools classed as national, are virtually under control of the Dutch Reformed Church.

While the church in the Cape colony has thus been progressing during the past sixty years, several offshoots have sprung up beyond the colonial limit, which promise to become in time as large and influential as the mother church. These we shall reserve for a separate chapter.

## CHAPTER IV

### COLLISION WITH THE CIVIL COURTS

#### THE CASE OF DARLING<sup>1</sup>

Since the days of the Synod of Dort, it had been customary in the Church of Holland, at one of the Sabbath services, to take a portion of the Heidelberg Catechism, one of its standards, for the subject of discourse from the pulpit. The Catechism is divided into fifty-two portions, one appropriated to each Sabbath of the year. The custom was to take some portion of the word of God bearing on the subject as text, and then, in connection with that, to expound the teaching of the Catechism. With the reign of neology in Holland, it became customary simply to read the question and answer, and then in preaching to take no further notice of it, and latterly even openly to combat the doctrines it contained.

The Rationalistic teaching of Holland has, during recent years, found its way to South Africa, through means of students from the Cape studying at her universities, and in other ways. In consequence of this, a proposal came under discussion in the Synod of 1862, that "the Synod declare that the preaching on the Catechism is to be understood as an exposition of the questions and answers, and a defence of the same on the ground of the Word of God."

In the course of the discussion the minister of Darling, Mr. Kotzé, opposed the motion, denied the principle that the minister was bound by the doctrines of the Catechism, and referred for illustration to the 60<sup>th</sup> question of the Catechism. He said "that the words in the first part of the answer, '*and am still inclined to all evil,*' contains language which would not be true in the mouth of a heathen, much less in that of a Christian. Were he to preach on Answer 60, wherever it might be, he would do just like that minister in Holland, of whom the minister of Pietermaritzburg had spoken, and say, 'I consider that the Catechism is wrong here.'"

The words immediately attracted attention, and were recorded by the scribe in the minutes. It was felt that, while the vital question of maintaining purity of doctrine was under consideration, the tacit admission of the claim, so broadly asserted by a clergyman, to impugn the teaching of the standards of the Church, would be a virtual denial of the obligation of her creeds.

A motion was accordingly made, and carried by a large majority, that Mr. Kotzé be called upon to retract his offensive statement, two days' interval being allowed him for deliberation. At the appointed time the answer was given, "that he had no intention to retract a single expression used by him; he would impress what he had said still more strongly, if possible, than he had done." He added, "that he was open to conviction if he was in error."

Several attempts were now made to settle the matter without having recourse to extreme measures. The Synod endeavoured to induce Mr. Kotzé to meet a committee of brotherly conference, - or make a satisfactory explanation of his words, - or subscribe such an explanation of the words of the Catechism as the Synod thought might reasonably be expected of him. All these attempts proved fruitless, and finally the Synod pronounced upon him sentence of suspension, leaving it

further to the Synodical Commission, if no written retraction of the offensive words should be sent in previous to its next ensuing meeting, to depose him from the ministry.

Before the lapse of many days, a summons was served on the moderator to appear before the Supreme Court, and show cause why the sentence of the Synod should not be pronounced null and void.

In the meantime (April 1864), the Synodical Commission had met, and no retraction having been sent in, Mr. Kotzé was declared to be deposed from the office of the ministry.

On the 23<sup>rd</sup> August 1864, the trial of the case came on before the Chief Justice Bell, and Justices Cloete and Watermeyer, The plaintiff's declaration contained the following grounds for having the sentence of the Synod reversed, annulled, and declared void:

1. That the Synod was not a competent court. He ought to have been tried by his Presbytery.
2. That in dealing with the case, the Synod did not adhere to its own rules and regulations, or to the principles of justice, inasmuch as no libel was served.
3. That, apart from the irregularity in matter of form, the sentence was unjust and illegal, inasmuch as the words spoken were such as the plaintiff was fully warranted in using.

The defence set forth, that as to the third ground of complaint (which referred to the merits of the case); the Church took exception to the competency of the Court to take up the point. As to the two remaining grounds, (and in the event of the Court overruling the fore-mentioned exception, for a plea to the whole), defendant "denied every allegation in fact and conclusion in law in plaintiff's declaration, and joined issue thereon."

The relation of the Church to the Civil Court had been, up to this time, little considered, and the Church seemed to be scarcely aware of the importance of the question she was now brought to face.

The arguments in behalf of the plaintiff were substantially as follows: - Under the first head (we give this so fully because the decision in the Burgers case mainly rested upon it), it was pointed out that, from 1824 to 1843, matters of discipline concerning ministers were dealt with by the Synod in the first instance, with the right of appeal to the Governor. In accordance with the spirit of the Church Ordinance of 1843, that appeal was done away with; and in the Church Laws, as published with the Ordinance, there was thus only one instance for the trial of ministers. This was felt to be undesirable; and accordingly, in 1847, a resolution was passed, "that charges against ministers should, in future, in the first instance, be conducted *before the Presbytery*; and, in the second instance, before the Synod itself: "and the regulations of 1843 were modified accordingly. On this it was pleaded that it was not competent for the Synod to try the case: it ought to have been sent down to the Presbytery.

Under the second head, it was argued for the plaintiff, "that the Synod did not go properly to work as a judicial tribunal should. No act of accusation was given which could stand in the place of a Bill of Indictment. All along, the plaintiff had asked for an act of accusation, but that was never given him."

And under the third head, it was maintained that, by "the sixth section of the Ordinance, though their Lordships could not be asked to say whether any given theological dogma was true or false, their Lordships had power to determine whether the words used by Mr. Kotzé did impugn any given theological dogma."

For the defence, it was maintained under the first head that, when the change was made, in order to give ministers a trial before the Presbytery in the first instance, the Synod had by no means entirely denuded itself of all power. By Art. 187, it had expressly declared its right of dealing with members of the Synod *as such*, and Art. 188 regulated the proceedings in case of a complaint against a minister brought by a private member before the Synod in the first instance. And this power of dealing with such cases had been further expressly reserved by Art. 7.

Under the second head, it was argued for the defence, that in all Presbyterian churches, summary proceedings are in certain cases allowed, - that there was no regulation declaring a libel indispensable, - that a libel was needless, as the offence did not require to be proved, the words having been used in the presence of the Synod, - that the accused had never once asked for an indictment or accusation, - that he and the whole Synod knew distinctly what the principle was he was contending for, as the words combated by him had been the battle-ground between the Reformed Church and the Remonstrants at the Synod of Dort, - that the proposed sentence (stating the offence for which he was to be censured, was upon the table, and on which he had opportunity of speaking) was to all intents and purposes a libel, and that substantial justice had thus been rendered.

Under the third head, it was argued that both the spirit and the letter of the Ordinance forbade the Court to entertain the question, whether the words spoken were heretical or not. This was a question for the Synod to decide. The judgments of the Lord Chancellor in the Warren case, and of the Privy Council in the Long case, were appealed to, to prove that it was only on the forms as fixed by the contracting parties, and not on the merits, that the Court had liberty to enter.

On the 2<sup>nd</sup> of September judgment was given. Mr. Justice Bell considered the first ground of action invalid, and that the expression "members of Synod as such," made the case one for the Synod, and not for the presbytery. Under the second head he held that "inasmuch as no act of accusation or libel was served upon the plaintiff, and inasmuch as he has not had a trial in the sense in which that term is understood, by the Civil Court at least, the plaintiff was entitled to have the sentence of the Synod set aside and declared to be invalid." Under the third head no final decision was given, but it was held "that to demand a retractation of the words used by the plaintiff was to attempt to deprive him of his freedom of debate."

Mr. Justice Cloete held that the defence had failed both upon the first and second grounds, and that the exception under the third head was incompetent. Mr. Justice Watermeyer, though not present, signified his general agreement with Mr. Justice Bell Judgment was accordingly given for the plaintiff with costs.<sup>2</sup>

That the Church felt herself aggrieved by this decision need scarcely be said. Apart from other considerations, here was a decision which did not merely give compensation for civil loss sustained, but aimed at setting aside a spiritual sentence.

As was to have been expected, the judgment of the court led to new complications.

On the 12<sup>th</sup> of October 1864, the Presbytery of Tulbagh, to which the congregation of Darling belonged, held its first meeting subsequent to the decision of the Supreme Court in the case of the minister of Darling. Mr. Kotzé was present, and claimed a seat in virtue of the judgment by which the sentence of the Synod had been declared null and void. By a majority of eleven to ten, the Presbytery passed the following resolution: "As it has not appeared from the official organ of the Church that Mr, Kotzé has been reinstated in his office of minister in the Dutch Reformed Church, the meeting declares that it cannot allow him to take a seat in its midst."

In the course of the next year, the members of the Presbytery who had voted in the majority were summoned before the Supreme Court to show cause "why he should not be declared to have been entitled to a seat, and why they should not be interdicted from again questioning his right, or molesting him at any future meeting of Presbytery."

On the 17<sup>th</sup> August the Court was accordingly moved on notice to the above effect, and as none of the members summoned had appeared, the case was proceeded with in their absence. In the course of the application it appeared that no authenticated copy of the judgment had been served on the Presbytery, and on this ground the interdict applied for could not be granted. The Court felt no hesitation, however, in giving a *dictum*, to the effect that he was legally entitled to a seat.

Justice Cloete said, "There could be no possible doubt in the mind of any sane man that the Court was bound to uphold the judgment it had pronounced, declaring the minister of Darling thereby *eo ipso* clothed with all the rights and privileges of his position as a minister." Mr, K. had only failed in that he "did not lay before the Presbytery what might be called his new credentials, namely, the judgment of this Court, reinstating him in all his functions as minister of Darling." Judge Watermeyer concurred.

On the 18<sup>th</sup> of October 1865, the Presbytery of Tulbagh met again. Mr. K. appeared with his "new credentials," supported also by the dictum of the Court. By a majority of ten to seven, it was again, as on a former occasion, resolved to refuse Mr. K. a seat. Mr. Kotzé declared that he would not leave the meeting, unless compelled to do so by force. The Presbytery thereupon, after discussion, resolved (Mr. Kotzé however, not being allowed to vote), to adjourn, until advice could be received from the Synod as to their further conduct. In this state the matter still remains, Jan. 1869.

## **THE CASE OF HANOVER**

### **I. THE CASE IN THE CHURCH COURTS**

When the Synod of 1862 met, the scribe laid on the table, in addition to the classified list of agenda, a number of other documents. A Committee of Order reported upon these, and suggested that one of them, containing a complaint against the Rev. T. F. Burgers of Hanover, be referred to the Judicial Committee. The

complaint stated that in conversation on a Sabbath afternoon, he had, in presence of some six persons, denied the personality of the devil, the sinlessness of Christ, the resurrection of the body, and the continued personal existence of the human soul after death.

The Judicial Committee (which acts only during the sitting of the Synod, examines on all complaints, and proposes a decision to the Synod) reported that the defendant entirely denied the charge brought against him, and that the plaintiff had not his witnesses at hand, as he had been led to understand that his complaint, having been received too late for the published agenda, could not be entertained. The Synod resolved to appoint a special commission from among its members to inquire *in loco*, and to report to the Presbytery of Graaff-Reinet. The following day this resolution was altered, and instead of the Presbytery disposing of the case, the Synodical Commission was ordered to act on the report that should be given in by the Special Commission of Inquiry, This was on the 11<sup>th</sup> November 1862. Before the members had been named to act on this Commission the Synod adjourned, owing to its constitution being questioned, and afterwards adjudged to be illegal.

The Synod met again in October 1863; and Mr Burgers, when the Commission of Inquiry was about to be appointed, moved that "the Synod should at once enter on the consideration of the case." As no motion had been given to this effect, and the witnesses were not present, this was refused. Against this decision the minister of Hanover protested.

On the 8<sup>th</sup> and following days of February 1861, the Commission of Inquiry met at Hanover, examined witnesses, and transmitted the report of their proceedings to the Synodical Commission. At this meeting Mr Burgers appeared under protest.

The Synodical Commission met in April 1864, and resolved that as there were statements in the defence requiring elucidation, they would require such elucidation from Mr Burgers, and that they would therefore adjourn till the 13<sup>th</sup> of July.

At that adjourned meeting a reply was read refusing the required explanation. The Commission then proceeded to adjudge on the matter, found the first two counts proven, and suspended Mr Burgers from the ministry till their next meeting in April 1865.

At the appointed time the Commission met again, and no acknowledgment of guilt having been received, Mr Burgers was declared suspended from the ministry until the next meeting of Synod in 1867.

## **II. THE CASE BEFORE THE CIVIL COURT OF THE COLONY**

The Rev. Andrew Murray, jun., had been summoned as *Moderator* of the Synod to show cause why the sentence of the Synodical Commission should not be reversed. Some litigation took place to decide who was the proper defendant in the case, and ultimately the Synodical Commission was summoned.

On the 20<sup>th</sup> of May 1865 the trial of the case came on before the Supreme Court of the Cape of Good Hope. The plaintiff complained that "his right to occupy the pulpit of his congregation, and to continue to receive the emoluments in stipend of said congregation, are put in jeopardy, and that he has by means of the same been excluded from the Presbytery of Graaff-Reinet, of which he is a member, from its



meetings, and that he is, by means of the same, in other respects much injured and aggrieved." Six grounds were alleged for having the sentence of the Commission reversed. The only one handled in Court, and upon which the case was decided, was: -

"Because the Presbytery of Graaff-Reinet was the only Court competent to try the plaintiff, in the first instance, for any charge against his doctrine."

The Commission pleaded in defence that there were two grounds of exception against the competency of the Court to try the case, namely, -

1. Generally, that the Dutch Reformed Church was a Christian Church, having within itself full spiritual authority over its members.

And 2. That by the 9<sup>th</sup> section of the "Church Ordinance," the church was, in express words, protected in the exercise of her spiritual authority.

Under the first head, - the independent spiritual jurisdiction claimed by the church, - it was argued that this was one of the essential principles of Presbyterianism. Reference was made to the evidence furnished by the history of the Church of Scotland, - to the claim of spiritual independence persistently made by the Church, and not denied on the part of the Civil Powers, from the Deed of Settlement in 1592, down to the opinions of the Scottish Judges subsequent to the Disruption of 1843.

It was argued that the legal principle "that the Sovereign is the fountain of all authority," had thus received within the British Empire a most important limitation; and that this exception in matters spiritual to the absolute supremacy of the Crown, might much more justly be claimed by non-established than by Established Churches. And it was further maintained that even were there not this evidence of history in regard to the recognition of this liberty, the principles of toleration ought to be sufficient ground on which the church's claim of an independent jurisdiction derived from Christ should be acknowledged.

Under the second exception it was maintained that the Roman Dutch Law prevailing in the colony was in favour of the claim. It was proved from the history of the Church in Holland, that however much influence had at times been claimed by the State in its legislative and executive capacities, it had never been dreamt that the procedure of Church Courts should be brought in review before the ordinary civil tribunals. The evidence of all the authorities in Dutch ecclesiastical law was quoted in support of this.

Passing to the Church Ordinance it was argued that not only the general expression of section 3, "it is expedient that the Dutch Reformed Church in South Africa should be invested with the power of regulating its own internal affairs," and the "General Assembly or Synod of said church is the natural and proper ecclesiastical authority by which rules and regulations for the government of the said church, in its own internal affairs, may rightfully be made," but especially sections 8 and 9 supported the claims of the Church. Section 8 declared that over the person and property, even of its members, the Church should have no power except such as had been surrendered by voluntary agreement, and that thus questions arising *as to these* would have to be dealt with according to the principles applicable to ordinary voluntary associations; a principle that had always been acknowledged by the churches of Holland and Scotland in former, as well as in more recent controversies.

Section 9, on the other hand, gave unlimited spiritual jurisdiction as long as the Church did not seek violently to touch body or goods, protecting the members of Church Courts from actions, except in the single case where malice could be alleged. It was pointed out how the Ordinance declared the Church Courts to be *judicatories*, and how they thus, as acknowledged by the State, were freed from liability to actions, especially as malice could not be alleged against a tribunal, but only against its individual members.

On these grounds it was pleaded: "that inasmuch as the sentence complained of was a spiritual sentence, passed in consequence of certain spiritual offences, it was not competent for the plaintiff to seek to set it aside in that court."

The answer of the counsel for the plaintiff consisted of a critique on the annexure to the defendant's plea, of which the substance was, to use his own words, "Established Churches are created by the State, and it appears to me that, with regard to non-established Churches, it is quite vain and impossible to say that they are independent of the State. They exist by permission of the State, or, if you please, by the authority of the State, recognizing the action of voluntary associations. To say that these churches in any one degree differ from other institutions, merely because they point to higher and more spiritual objects, appears to me unsound. All I am contending for is the existence of a Supreme power in the State, represented by the courts of law, and the impossibility of the existence, in the same society, of more than one supreme power. I simply deny that the Dutch Reformed Church, or any Church in this colony, can raise itself or its sentences out of the province of the law. It is by the State that the Church and Church judicatories exist, and they have no authority, save that which the recognition of the State bestows."

The three Justices were unanimous in their verdict. They agreed to disallow the exceptions of the defendants, and to try the case on its merits. They maintained that the Ordinance of 1843 must be viewed as a compact or agreement between the Church and its ministers; that the court had full right to try the case in which a member asserted that the Church had not observed its own rules; and that in doing so, the court was not interfering in the least with the independent jurisdiction of the Church. They disallowed the first exception, which took its ground on the inherent rights of a Christian Church and the principles of toleration. The second exception, which alleged that the action was barred by the 9<sup>th</sup> section of the Ordinance they held to equally untenable.

The exceptions of the defendants being disallowed, the Court proceeded to try the case on its merits. It was resolved to hear plaintiff first on the the third point of his declaration, "because the Presbytery of Graaff-Reinet was the only court competent to try the said plaintiff, in the first instance, for any charge against his doctrine, and because, therefore, the proceedings were wholly irregular and illegal."

The plaintiff's counsel then simply referred to the decision in the Kotzé case as having virtually settled the matter.

In answer, it was argued that even if there were an error, it was a *bona fide* error. Neither the majority, nor the minority voting with Mr Burgers, nor even Mr Burgers himself, as appeared from the minutes, had objected to its being dealt with by the Synod, on the ground of the incompetency of that body. The plaintiff had, by his consent given at the various steps, waived his right to come forward with this objection. And further, that this case came distinctly within Art. 7 of the Church

Laws, in which it was stated that "no cases might be brought before the higher courts which ought first to have been decided in inferior ones, *unless in the meanwhile no inferior court had been held, and the nature of the case required a speedier settlement.*"

The Justices were unanimous in finding a verdict for the plaintiff. They maintained that a grave informality had been committed, the Synodical Commission assuming to itself a jurisdiction which the church laws gave only to the Presbytery. The sentence of the Synod was declared "null and void, the plaintiff to have his costs."

On the announcement of this judgment, the synodical commission resolved to bring the case by appeal before the Privy Council. The feeling had been gaining ground in the Church that if the exposition of the law by the Judges of the Supreme Court was the correct one, it would be the duty of its courts to refuse obedience. To justify such refusal of submission, every effort must first be made to ascertain what the law of England on the subject really was.

### **III. THE CASE BEFORE THE PRIVY COUNCIL**

The case came by appeal before Her Majesty's Privy Council on the 27<sup>th</sup> and 30<sup>th</sup> May 1865<sup>3</sup>

On behalf of the Church it was contended that, according to the true construction of the ordinance, the Synod had jurisdiction to pronounce the sentence of the 16<sup>th</sup> July 1864, in the first instance, and without any other previous hearing before the Presbytery of Graaff-Reinet. And again, that the sentence complained of being a spiritual sentence, it was not liable to be set aside by a civil court. Reference was here made to the Cardross case and others. It was also contended that the respondent had waived his right of objection.

On the other side, it was argued that the church had no right to violate its own laws, and that the ordinance only gave the church immunity in passing spiritual sentences or censures, which, it was said, was very different from the right to interfere with the *status* and the legal right of parties: that the Presbytery of Graaff-Reinet was the only competent court to try the case in the first instance.

The sentence was pronounced by Lord Westbury. He held that, according to the fair interpretation of the ordinance, the church had departed from its laws. If the Synod really had the right which it claimed, of dealing in an exceptional way with special cases, that ought to have been more plainly stated among its rules.

Sentence: - The judgment of the court below ought to be affirmed, and the appeal dismissed with costs.

### **LATER PROCEEDINGS IN THE CASE.**

The Presbytery of Graaff-Reinet, to which the congregation of Hanover belongs, met on the 16<sup>th</sup> of October 1865. Mr Burgers claimed a seat, in virtue of the judgment of the Supreme Court. By a majority of twenty-two to two the Presbytery resolved, that as it had before it the sentence of suspension by the commission, and as Presbyteries are bound to obey the higher church courts, it was not of its competency to acknowledge Mr Burgers as a member. Mr Burgers declined to leave

his seat unless ordered to do so by the Presbytery, The order was given, and complied with under protest.

During the same meeting a decision was come to affecting the consistory or kirk-session of Mr Burgers. Of the six members of session, four had united in refusing to acknowledge the sentence of suspension, had asked Mr Burgers to continue the ministration of the word and sacraments, and had refused the minister sent in his place access to the church. These four office-bearers were deposed as guilty of contumacy, and new office-bearers chosen in their place according to the Church forms.

In the course of December all the members who had formed the majority in the Presbytery were summoned to appear in the Supreme Court, and show cause why it should not be declared that they had illegally deprived Mr Burgers of his seat, and why *all* their proceedings should not on that ground be declared null and void.

When the case came on (May 1866), the Court found that Mr Burgers had been illegally deprived of his seat, and that the proceedings of the Presbytery, in so far as related to him and to the deposition of his four church-wardens, were null and void. The defendants to pay the costs.

Soon after this, Mr Burgers and his church-wardens moved for an interdict of the Supreme Court to prevent the minister acting in charge of the congregation of Hanover, the Rev. Dr Kotzé of Richmond, and the members of session appointed in behalf of the Presbytery, from using the name and style of the "Dutch Reformed Congregation of Hanover." This interdict was also granted.

### THE SYNOD OF 1867

On the 14<sup>th</sup> of October 1867 the Synod met for the first time after the two cases we have described had been decided by the Civil Courts. The question had to be met, whether the deposed and the suspended minister should be allowed to sit. It was agreed first to constitute the meeting, and then debate the question. A warm discussion of course ensued, in which Mr Kotzé and Mr Burgers both took part. Three motions were proposed. The one, which was adopted by a large majority, was to the effect that the Synod adjourn *sine die*. The reason put forward by the proposer was to the effect that the decision of the Privy Council seemed to contain a defect, or want of distinctness, which ought to be explained before another step were taken.

By correspondence with their legal advisers, it soon appeared that the mistake, if there were one, could not be rectified without beginning the whole case *de novo*.

In the meantime, two out of seven Presbyteries, and the Synod itself, are in a state of suspension, and the church to that extent disorganised. It does seem hard that just when signs of new vitality and zeal were appearing in the Church, she should be met by such a hard blow from the State. Some will probably be of opinion, that the Ordinance, given to secure to the Church her liberty, is really a rope round her neck, and that she would do well to discard it altogether, and take her ground on the simple footing of other voluntary denominations.

Surely every right-thinking man must feel indignant at the procedure of these judges, as a manifest infringement of the law of toleration. Had they required Messrs Burgers and Kotzé to alter their complaint into a claim for damages, - such a claim

as they could allege on the supposition of the church's sentence standing sure, - the rights of all parties would have been respected. But to declare a spiritual sentence to be "null and void," and try to force the members of the church to violate their conscience is, in plain words - persecution. It is to be hoped that the church will take the consequences of disobedience, whatever these may turn out to be, rather than sacrifice her liberty, and forfeit the sympathy and respect of the whole Christian world.

**Footnotes:**

1. In describing this case and the following, we have to acknowledge much indebtedness to "A Statement of the Case between the Rev. T. F. Burgers and the Synodical Commission of the Dutch Reformed Church." Capetown, N. H. Marais, 1866.
2. "Judgment in the Case of the Rev. J. J. Kotzé," &c. &c. Juta, Wale Street, Capetown.
3. Moore's Privy Council Reports, vol. iv., 250 - 270.

## CHAPTER V

### EXTRA COLONIAL CHURCHES

Our narrative leads us now to speak of the recently formed off-shoots of the Colonial Church. Many of the residents in the interior of the colony never became reconciled to the British rule. About the year 1835 great numbers sold their farms for what they would fetch, and many hundreds of families removed with their property across the Northern boundary, with the intention of leaving British law and authority behind, and establishing an independent State beyond the limits.

Looking back on that emigration, through an interval of thirty years, it does look a very ill-judged and unfortunate proceeding, although good has resulted which the actors never intended. It is incredible, however, that so many thousands should have voluntarily expatriated themselves, without reasons which, at least in their eyes, were very strong. The emigrant Boers had their grievances, real and imaginary.

We have seen that they had not been very loyal, even to their own former government. And to persons already in a state of discontent as a conquered people, small evils would become magnified when viewed as coming from the government.

Various grievances were complained of with reference to the coloured races.

One had reference to the Hottentots. As mission stations sprang up within the colony, with lands attached, which offered opportunity to the Hottentots to settle around them, these began to desert the service of the farmers, who soon found themselves deprived of farm labour. A bad feeling arose on both sides. The farmers were looked on as the oppressors of the coloured race, and they, in their turn, became embittered against the coloured people and the missions.

Another cause of discontent was the policy of the government, often vacillating and unsatisfactory, in connexion with the Native wars. Heavy and repeated losses were sustained from the depredations of the Natives. Many became discouraged, and at last lost faith in the ability or willingness of the government to afford adequate protection to life and property.

Another grievance was furnished by the dishonest way in which many were defrauded of their share of the compensation on the emancipation of their slaves. This, which, whether justly or not, was laid at the door of the government, is worth telling, were it only as a lively specimen of commercial morality in South Africa. It is well stated by Mr P. B. Borchers, a much respected member of the Civil Service in the colony, who, at the time of which he writes, was Resident Magistrate of Capetown. He says (Autobiography, pp. 200, 201),

"Had the Home Government been fully acquainted with all local circumstances, and the actual inclination of the inhabitant to co-operate and promote emancipation, the manumission of the coloured races might have been effected at less expense, and with more satisfaction to all parties.

At this period there existed a philanthropic society for purchasing young female children, with the object of freeing them and leaving them with their parents, or

judiciously apprenticing them during their nonage. Had the funds of that society been larger, it alone, in a few years, might have extinguished slavery. An annual grant of £ 5000 or £ 6000, in addition to the subscriptions, would have been ample to effect gradually the object in view; and the result of such a measure would have been less embarrassing to the owners, who were, strictly speaking, under the registry by Government established, countenanced in that species of property. Such was then the disposition to promote emancipation, that when a slave was offered at public sale, and it became known that he was to be purchased for freedom, custom and feeling forbade competition, so that he might be liberated for a moderate sum. [Two or three hundred slaves were purchased and manumitted by this society. A representation was made to the Government, with a view to secure its co-operation, but the reply was that this would never satisfy the impatience of the British public, who were bent upon instant and universal freedom.<sup>1</sup>]

"The measure of compensation by valuation was resorted to. Had the payment been made in the colony according to the valuation of Government appraisers, the owners, especially landholders, would not have suffered to the extent some of them have, notwithstanding the distress through want of labour which was immediately felt. But the payment of the compensation was to be made in England; the appointment of agents to receive the money became consequently unavoidable, and this led to speculation and jobbery, to the profit of a few speculators, but to the loss of the slaveholder.

"Reports were industriously spread wide and far of the uncertainty of payment, or rather the certainty of non-payment of the compensation claims, which induced many to dispose of their claims at very reduced discount to the speculator, who had perhaps helped to spread the report. Some who had bought slaves on credit were pressed for payment, others required capital to proceed with the cultivation of their lands by free labour, and for other incidental expenses. I am under the impression that vast sums have been realised by some of the speculators, while great losses were sustained by those whom the Government were desirous to compensate; and I have no doubt a discontent was then created, which, ultimately, led in the distant country districts to the emigration which soon after began to pour over the boundaries of the colony."

While people were in a state of great excitement and discontent from the above causes, another element of discord of a religious kind was added. This was a movement among the ministers of the Dutch Reformed Church to introduce a book of evangelical hymns in addition to the Psalms in public worship. This, though done with the best intentions, was obstinately opposed by a portion of the people. We refer to those popularly called the "Doppers," who, on the north-eastern frontier, wore a numerous, wealthy, and (with their own countrymen) influential class of people. They then formed a kind of sect within the Church, and have since been organised into a distinct religious community.

Besides all these impelling motives, many of the younger men followed the others simply from a natural desire to obtain land on easy terms.

The Native War of 1835, with the miseries and disorders which accompanied it, brought the long-growing discontent to a crisis, and a general determination was formed to leave the land of their fathers.

North of the Orange river there lay some beautiful and well-watered tracts, where the farmers had long been in the habit of depasturing their flocks in seasons of drought. Owing to a series of wars among the natives, of a most ferocious and bloody character, these districts were at this period nearly denuded of inhabitants. The Native Chief, Moselekatse, having destroyed the former inhabitants, the Betchuanas, and ravaged the country, claimed authority over it. The emigrant farmers crossed the Orange river and began to spread this territory. Some parties of them advanced further and crossed the Vaal river. These were soon attacked by Moselekatse, who murdered between fifty and sixty of them, and carried off many thousand head of cattle. They speedily recrossed the Vaal, but soon returned and defeated Moselekatse.

The emigrants now began to pour over the Drakensberg mountains, into the land which has since become the colony of Natal. Their first fortunes there, and the melancholy massacre which occurred, we shall relate, following a good deal the words of Cloete.

The country now called Natal was at that time like a wilderness emptied of its inhabitants, A few broken tribes remained, and rude circles of stones, thickly dotted over the plains, marked where the villages of a dense population had once stood, of which they, indeed, remain the monuments to the present day. The warlike and cruel Zulu chief, Chaka, had lately conquered and ravaged this entire district, along with adjoining districts. Chaka had recently been murdered by two of his own brothers, and one of these, Dingaan, had succeeded him in the chieftainship.

Pieter Retief, whom the emigrants had chosen as their leader, proceeded in person to Dingaan's Kraal, Umcongloof, to negotiate with him a treaty, and obtain a formal cession of territory for the emigrant families. Dingaan agreed to the proposal, and the instrument was subsequently drawn out in English, and witnessed by a missionary of the Church of England, the Rev. F. Owen, who then resided with Dingaan. Retief was on this occasion accompanied by some forty or fifty horsemen, leading men among the Boers. His business being satisfactorily settled, Retief arranged to depart the next morning, when Dingaan desired him to enter his kraal once more to take leave of him, requesting, however, that the party should not enter armed, as this was contrary to their usage. This Retief and his companions unguardedly complied with, leaving all their arms piled up outside the kraal.

Upon approaching Dingaan in his kraal, they found him surrounded as usual by two or three of his favourite regiments, when, after conversing in the most friendly manner, he pressed the company to sit down a little longer, offering them their "stirrup cup" in some chuallah (Native beer.) This was handed round, and while a number of them were sitting with the bowls in their hands, Dingaan suddenly exclaimed, "Bulala matagati," (kill the wizards), and instantly 3000 or 4000 Zulus assailed them with knob-kerries. The farmers made what defence they could, and with their clasp knives took the lives of several of their assailants, but they soon fell one after the other under the overwhelming pressure of thousands, and after a struggle of half an hour their mangled bodies were dragged out of the kraal to an adjoining hillock, the spot where the bones of all victims to the fury of this despot were hoarded up, and became a prey to the wolves and the vultures.

No sooner was this massacre complete than Dingaan ordered ten of his regiments to march and utterly exterminate the emigrant families, who, in perfect security, were spread for many miles over the district. The young men were out in pursuit of game,



and the women, seemingly also unsuspecting, were awaiting the return of their husbands, sons, and relatives, when surprised by the Zulus. The Zulu army, dividing itself into several detachments, fell at break of day on the foremost parties of the emigrants near the Blaauwkrans river, and close to the village of Weenen, which has obtained its name, (meaning wailing or weeping) from the events of that day. Men, women, and children were barbarously murdered.

Other detachments of Zulus surprised in other places similar parties, who all fell under the Zulu assegai. From one or two of the wagons however, a solitary young man escaped, who, hastening to the parties further in the rear, at length succeeded in spreading alarm, so that as the Zulus advanced farther, the people had been able hastily to collect a few wagons, and arrange them into a "laager" just in time before they also were attacked. They thus succeeded in keeping off the enemy, not one of these "laagers" having been forced by the Zulus. When the Zulus had been beaten off, a scene of horror and misery was revealed. The wagons had been demolished; the iron parts wrenched from them, and around them lay the mangled corpses of men, women and children. They found among the dead two young females, of ten or twelve years, who still showed faint signs of life. The one was pierced with nineteen and the other with twenty-one stabs of the assegai, these were restored, and both lived, though as perfect cripples. With these solitary exceptions, all who had not been able to combine and concentrate themselves in laagers were destroyed, and in a week after the murder of Retief's party six hundred more fell victims to the treachery of Dingaan.

It has been the lot of the writer to labour as pastor in the very district where these things occurred, and amid the relatives of the murdered families. There are very few in his congregation who cannot tell of one or of many relatives then murdered. In some cases one remained as the solitary remnant of a family. In the summer of 1865, happening to be in the neighbourhood of the Blaauwkrans, a farmer informed him that the banks had been washed away by the late rains, and many bones exposed. He went to the spot, and there indeed found many relics of the slaughter which happened thirty-two years previously. The murdered had been buried in heaps near the river, at the depth of two or three feet, and covered with stones. And now, the bank having given way, many skeletons, some of full-grown persons, others clearly of babies at the breast, were exposed to view, and called for a second sepulture.

We have now briefly to sum up the political results of this emigration, in so far as they need to be known for understanding the history the Dutch Reformed Church. About a year after this massacre the Boers, having received reinforcements, attacked Dingaan in his capital, and, after two engagements, succeeded in completely breaking his power.<sup>2</sup>

They proceeded to establish a republic in Natal. The British government displayed (as it has often done in South African affairs) a somewhat vacillating policy in the circumstances. Troops were first sent to occupy the district. These were next withdrawn, and the colony abandoned to the Dutch emigrants. Then another force were sent, who found themselves for a time blockaded in their own camp, and nearly starved by the Dutch. Lastly, a stronger force arrived to relieve the last, and, not without bloodshed, the British rule was proclaimed in 1842. The majority of the Dutch emigrants subsequently moved out of the district.

The country lying north of the Cape Colony, between the Orange and the Vaal rivers, and separated from Natal by the Drakensberg mountains, is now a republic called the "Orange Free State." This was the first territory occupied by the emigrants on their leaving the Cape Colony. It contains about fifty thousand square miles, well suited for farming. The British government did not like to see an independent State rising there, and in 1848, after some opposition and one or two conflicts with our troops, it was annexed to the British Empire by Sir Harry Smith, under the name of "The Orange River Sovereignty."

After six years' occupation, the British government determined to abandon it, and Sir George Clerk was sent out to break up the government and hand the country over to its inhabitants. This was not done according to the wishes of the better thinking part of the people. Indeed, they accused the British government of breaking faith with them, for many had bought crown land and settled to farming on the understanding that they were coming under the protection of British law. They even sent two delegates (Dr. Fraser and the Rev. Andrew Murray) to represent their grievance in London to the Home authorities, but did not succeed in effecting any change of policy.

This step of the government has proved a very unfortunate blunder in what concerns the peace of South Africa, and the moral and material welfare of its colonies. It has been followed by an unsettling of the Free State, and a state of chronic warfare between it and its neighbours, the Basutos. These last, however, have been taken in 1867 under British protection, so that it may be hoped that Britain will soon do the same for the Free State, and repair the wrong inflicted on its own discarded subjects.

North of the Vaal River the most advanced parties of the emigrants settled, and have formed what they call the "Transvaal Republic." The emigration has thus led to the formation of three new States - two independent republics, and the British Colony of Natal

The social condition of these two republics, and more particularly of the Transvaal, is very bad. This is the worst aspect of their whole condition. The people possess neither habits of obedience nor men fit for places of authority. The Transvaal country is a beautiful land of not less than seventy thousand square miles, well watered and wooded, and fit to maintain a much denser population than the Cape Colony. All the cereals flourish luxuriantly. In some districts sugar, cotton, and coffee are grown. Coal exists in abundance. Several minerals and metals, including gold, have been found. With these natural advantages there exists a lamentable state of anarchy and misrule, dispeace among the people, and hostilities with the surrounding natives. The land is a refuge for quacks and runaways, the dregs of the Cape Colony and of Europe. General demoralization is going on, the young grow up untaught, and institutions for general improvement are made impossible. Also commerce and all material wealth are leaving the land. It would be a wise policy if the British crown should extend its rule to the extremest outpost of the white population, from whom; indeed, it ought never to have been withdrawn.

In each of these countries, the Transvaal, Orange Free State, and Natal, sections of the Dutch Reformed Church have been formed.

### **Churches in the Transvaal**

In the Transvaal no less than three religious parties exist. There is, first, a Presbytery formed by ministers from Holland, who have voluntarily disconnected themselves from the Cape Synod. These ministers, four in number, are all accused or suspected of being tainted with Rationalism. They form the Established Church of the land, and enjoy such support as the Government is able to give.

There is, second, a voluntary denomination, which calls itself the "Reformed Church." It was first commenced among those who objected to singing the hymns, and who were previously a kind of sect within the church. This party is of a more evangelical and living character than that previously named. Though strongest within the Transvaal, it has adherents also in the Free State and the Cape Colony. It has now four ministers, and the nucleus of a theological seminary.

Within the last three years a third church party has arisen, keeping itself distinct from both those above named, and claiming to represent the Cape Synod, from which they both have separated. It possesses two ministers and several unsupplied congregations.

We are convinced that in some of these congregations real work is done, amid immense difficulties, for the spiritual good of the people. Meanwhile, a loud accusation is heard against the land, of lawless injustice and grievous oppression of the natives, so that, in popular belief, the Boers are a shade worse than the heathen. Intelligent travellers wonder that the mission societies have never seen that it would have been their wisdom to have bestowed, during the last twenty years, at least half as much pains to instruct the Boers as have been given to the natives.<sup>3</sup> The work of most native missionaries in South Africa furnishes no comparison to the self-sacrifice required of those who will go, as some have generously done, backed by no society, to labour in the gospel in the present condition of the Transvaal.

### **CHURCH IN NATAL**

After the massacres already referred to and the subsequent hostilities with the English, the Dutch emigrants to Natal found themselves in a sadly distressed and disorganised condition, A mission to the Zulus under the American Board was broken up for the time amid the same disturbances. One of these missionaries, the Rev. D, Lindley, finding his labour interrupted, was invited by the Boers to be their minister. In the circumstances he could not help looking on these people, now literally scattered as sheep without a shepherd, as a flock given him by the Lord. He opened a school for their children, learned their language, and for seven years laboured with enthusiasm as their pastor. He itinerated in Natal and far beyond the Drakensberg. Such was, at that time, the dearth of the public ordinances that on a single occasion more than five hundred children have been brought to him for baptism. When he discontinued these labours, the work was temporarily taken up by the Rev. Mr Döhne and other missionaries of the Berlin Society. By degrees the want of regular ministers was supplied, and there is now a Dutch Reformed Presbytery of Natal, comprising four congregations, and having a membership of twelve hundred.

The Natal Government gives a grant in aid of minister's salary to each of these congregations, but by a decision of the Legislative Council (July 1866) these, along with all other ecclesiastical grants, are to be discontinued at the earliest vacancies. One of the chief difficulties in the way of advancement of this Church has been the unsettled social condition consequent on the hostilities at the commencement of the

colony. There has been a constant outflow of Dutch emigrants, forsaking the British territory for the country beyond. Those who remain have been very unsettled. However, years of peace, fair treatment, and harmonious fellow-working in the development of their beautiful territory, have done much to ameliorate this feeling, and bind all classes of the colonists together.

### **THE CHURCH IN THE FREE STATE**

The congregations of the Free State, owing to their nearer proximity and easier intercourse with the Cape Colony, have found less difficulty than those in Natal in procuring the supply of gospel ordinances. They now form two Presbyteries, composing a Synod, and have eleven ministers, who all receive grants in aid from the Free State treasury.

This Church has also been greatly impeded in its operations by the unsettled social condition of the land, and the wars with the natives. This has been particularly the case during the last three years, when the Basuto War seemed for a time to threaten annihilation to the Free State.

The congregations of the Free State and Natal were united during the first years of their existence as the Presbytery of *Trans-Gariep*, and in this character were in the habit of sending delegates to the Synod in the Cape Colony. The advice of the Government had been asked, and the answer given, founded on the opinion of Her Majesty's Attorney-General, led the Church to believe that there was no illegality, under the Ordinance, in extra-colonial ministers taking their seats. At length, at the Synod of 1862, a lay member, elder of Malmesbury, objected to the admission of members from Natal and the Free State, and afterwards submitted a regular motion to that effect. On its rejection by the Synod, he applied to the Supreme Court for an interdict to debar extra-colonial ministers from retaining their seats. His plea was that the name applied to the Church in the Ordinance - "denomination called the Dutch Reformed Church in South Africa" - could refer only to the Church within the Cape Colony. The ultimate decision of the judges confirmed this view of the case, and on the same day the Synod requested all members from beyond the Boundary to vacate their seats.

This was the first of the civil actions brought against the Church during the memorable Synod of 1862. It seems a great pity that she submitted in silence to the verdict of the Supreme Court. She thus virtually allowed the right of the civil judges to interpret for her the Ordinance, even in a matter purely ecclesiastical, and this no doubt smoothed the way for the interferences which followed.

This suit having been evidently commenced from party motives, it was followed by another, in which the demand was made that all the proceedings of the three Synods of 1852, 1857, and 1862, in which extra-colonial ministers had voted, should be declared illegal; or otherwise, that certain specified resolutions, nine in number, should be declared null and void. (These were resolutions of the most varied character, which had been passed by the so-called orthodox majority, and by which the minority considered themselves aggrieved.) On the 13<sup>th</sup> of April 1863, judgment was given, in which the Court refused to pronounce the meetings of Synod or their proceedings illegal, holding, however, that some of the resolutions of 1862 might be set aside, if in an action it were proved that, after the elder of Malmesbury had given notice of his intention to have the matter brought before the Supreme Court, any resolution had obtained a majority by the presence of strangers.

The extra-colonial congregations being thus separated from their mother church have, in their several districts, formed themselves into two separate self-governing denominations. The change has not proved hurtful to their spiritual interests.

As we have already noticed the state of education in the Cape Colony, a few words may here be said regarding the same in the other colonies. In Natal - and the same applies still more to the two inland republics - public schools do not meet the wants of the Dutch settlers. It is only in rare cases possible to get twenty children together to form a school. None, however, allow their children to grow up untaught, if teachers be procurable. In Natal, nearly all the instruction is given by private tutors. The Government, understanding the difficulties of the case, takes a certain number of these under its superintendence, under the name of "Itinerants," and supplements their salary with a small annual grant, on condition that they move their school occasionally from place to place, and contrive to have always at least eight children under tuition. The plan is perhaps the best that could be devised in the circumstances, and may soon give place to a better. The class of teachers has been improved during the last few years, and the standard of instruction is rising. It will be understood that we are describing the state of education generally in the inland half of the colony of Natal. There are public schools in the villages, but these do not overtake the general need.

Humble as this state of things may be thought, it is higher than what exists in the two so-called republics, and more particularly in the Transvaal. There few suitable teachers can be induced to settle. The best instruction which the children in many cases receive is what their own parents impart with the help of the spelling-book, Bible, and catechism.

We offer below such general statistics as we have been able to collect. The Church membership in the Transvaal can only be roughly guessed. Since the dissenting Church of Mr Postma prevails chiefly in the Transvaal, although not confined to it, we have reckoned it, together with the other parties there, though regretting the awkwardness of reckoning three Church parties in one lump. Otherwise the statistics can be relied on as nearly correct. The statement of income is taken from the Government Blue Book for 1867.

The proportion of ministers to members gives an average of nearly 1 to 800, which in the widely spread condition of the people is surely far below their requirements.

**TABULAR VIEW OF DUTCH REFORMED CHURCHES IN SOUTH AFRICA**

	Cape Colony	Natal	Free State	Traansvaal	Total
Number of Congregations	71	4	11	18	104
Number of Ministers	61	4	10	10	85
Total Membership	42713	1200	6300	10000	60213
Average Baptisms in one year	5884	124	Statistics Unknown		
Average new Members added in one year	2511	64			
Children in Sabbath School	(?)	(?)			
Receipts from Churchs' own resources	£63032 5 5	£812 0 0			
Annual Government Grants	£8632 10 0	£650 0 0			
Denominational Schools	26	1			
Children attending do-	1253	30			
Grants in aid of do-	£1017 10 0	£36 0 0			

**Footnotes:**

1. Five Lectures by Judge Cloete, p. 44.
2. On Sunday, the 16th of December 1838, at a place "Blood River," Dingaan's army, about 10,000 or 12,000 strong, fell with uncommon fury at break of day on the encampment of the emigrants. For three hours they continued rushing wildly to the attack, endeavouring to tear open their defences (wagons bound together and intertwined with brushwood), meanwhile exposing their dense uncovered masses to the slaughtering bullets of the farmers. At the end of three hours the Zulus fled panic-stricken, leaving, it is said, 3000 dead, and only one or two of their enemy hurt. These were strongly impressed with a sense of the protecting care of the Almighty, and giving thanks, promised that the anniversary of that day should be observed as a day of remembrance. About four years ago, many families having meantime settled in the neighbourhood, they began to remember their vow, and large and interesting gatherings have met on the same spot for devotional exercises on each 16<sup>th</sup> of December since.
3. Chapman, i. 123.

## CHAPTER VI

### GENEREAL SURVEY OF PARTIES

Before concluding our sketch with a notice of the present condition and prospects of the congregations whose history we have traced, it may be interesting to review in one glance the different sections of the inhabitants, and their moral relations to one another.

The population of South Africa, though sparse compared with that of Europe, is of a very miscellaneous character. We have been making acquaintance with the oldest white inhabitants, who have been in the land for six generations. These are mainly the lineal descendants of the little company who came with Van Riebeeck in 1652. Their increase has been such as to remind us of that of Jacob's children after they went down into Egypt. The original company consisted of forty colonists (including the governor), fifteen women and children, and thirty soldiers. Two years later some young females were sent out from orphan houses in Amsterdam, to supply wives for the colonists. In 1688 came the French Refugees, numbering, it is said, 150. Individual accessions have been continuously added, but never a stream of immigration, and now their number cannot be less than 200,000.

With regard to their social position and character, not much need be said. To attempt commending them would be mere patronising. In their own place they are quite as good as the other colonials. In the Cape Colony, and in Natal, numbers are engaged in the civil service, and they attain to the highest official positions. Some of their youth study at European Universities for the several learned professions. But by the great mass agricultural and pastoral farming are carried on. The ordinary trades requisite in their circumstances are also followed. A South African farm often resembles a little village: several employments, such as those of the blacksmith and wagon-maker, being carried on simultaneously with the farming operations. In remote pastoral districts there cannot, as may be expected, be that external polish which is acquired by living in a city. But Lichtenstein has scarcely overdrawn it when he says, "the lower class of people, in our quarter of the globe, are far behind the African peasants in a true sense of decorum as to their moral conduct, I will not deny that there may be exceptions." The tendency of a good deal of the civilization, with which they have come into contact, has not been to improve. The chief reason why many have acquired an unfortunate prejudice against learning and education is that in so many cases before their eyes these go hand in hand with infidelity and ungodliness.

Ever since the occupation of the Cape Colony by the English in 1806, a constant though not large stream of immigrants from England and Scotland, and also from Germany has been flowing into the land. The Church of England has already four bishops, and is putting forth zealous efforts to supply ordinances for all her adherents. The Wesleyans form a numerous, active, and influential body. Presbyterianism, apart from the Dutch Reformed Church, is but poorly represented in South There are only six English-speaking Presbyterian Churches in all, three of these in Natal forming a Presbytery, the others standing isolated. Among the German settlers are several Lutheran congregations, and other bodies of Christians, the Congregationalists and Baptists, etc., are also represented.

Within the *Cape Colony* there are 278,000 Europeans, and 733,000 coloured people. In *British Kaffraria*, 8,200 Europeans and 78,000 Natives. In *Natal*, 17,000 Europeans, and 170,000 Zulus, besides 6,665 Indian Labourers. Beyond the Colonies in *Kaffirland* and north of the *Orange River*, the population is estimated at 750,000: the estimate amounts to about two millions. In the *Cape Colony* the Dutch comprise fully more than the half of the European population. In *Natal*, the English outnumber the Dutch by at least six to one, and in the *Free State* and *Transvaal*, the Dutch outnumber the English by probably twenty to one.

It thus appears that the white inhabitants are largely outnumbered by the native races. The "coloured people" in the Cape Colony are of mixed origin, mainly descended from the former slaves, and are now assimilated to the Europeans in language and habits. There is a Malay population numbering about eight thousand, among whom the Mahommedan religion is in full exercise. These seem to be descendants of convicts sent from Java, Ceylon, and other places during the former Dutch period, and instead of anything being done (until lately) for their evangelization, they seem to have been very successful in gaining proselytes among the coloured people of the Cape. The Bushman, Hottentot, and Native tribes are too well known to need mention. The Griquas are a tribe of half-breeds of mingled Hottentot and European extraction, and in Natal the recently imported Indian Labourer population increases year by year.

The numerous and varied spheres of mission labour in South Africa, all, with one exception, commenced during the present century, bear evidence that that land attracts not a little of the sympathy of Christians in Europe and America. Of those known to us there are at work three English Societies, two Scotch, four German, one American, one French, one Norwegian, and one South African, thirteen Societies in all. We can here only remark generally that the Cape Colony and Natal are pretty well occupied by the agents of these Societies, and the two inland republics to a less extent, while many of the missionaries reside among independent native tribes, and some, particularly of the London and the German Societies, have gone far beyond the furthest limit of the white population, and are gradually laying down lines of stations northward toward the equator. The professedly Christian natives are already reckoned by thousands, and many of them exhibit in their lives the manifest fruits of the grace of God. But the influence of missionary teaching is not to be measured by these only. In many ways which cannot be tabulated, the Lord lets His blessing descend on the land where His servants labour. Not the least interesting token of good is to mark how Bible truth is carried orally from district to district by the natives themselves, so that it spreads like a leaven into regions far beyond the personal influence of the missionary. Such truths as the existence of a Divine Power, the sanctity of the Sabbath, and even the efficacy of prayer we have found to be recognised by many Natives still living in their heathen state. The civilizing power of Christianity is also being widely spread, and we believe that the missions have more effect than is generally considered in preserving peace in the land, and general good order among the natives. They are certainly effective as a wholesome stimulus to the white congregations, stirring them up to emulation.

The following table, though not quite complete, may furnish some idea of the growth, progress, and present efficiency of the different missionary societies. We have compiled it mostly from the various Annual Reports for 1867 and 1868. It must be remembered that two of the returns, those of the Wesleyan and the Gospel Propagation Societies, furnish reports of work among the Europeans and the natives combined, while the others represent mission work among the natives only. The



French Protestant Mission among the Basutos has been for the last three years very greatly impeded and disarranged in consequence of the war raging between that tribe and the Free State.

### TABULAR VIEW OF SOUTH AFRICAN MISSIONS

NAME OF SOCIETY	Year when Commenced	Stations and Sub-Stations	Ordained Missionaries	Total No. of Agents	Communicants	Candidates for Membership	Adherents	Schools	Youth under Instruction	Expenditure for 1867		
										£	S	D
United Brethren or Moravia	1792	18	32	61	2130	-	6703	26	-	-	-	-
London Missionary Society	1799	33	35	41	5507	-	19196	8	1788	6611	10	3
Wesleyen Society	1815	138 *	70	165	11367	3277	-	97	12232	17156	3	7
Gospel Propagation Society	1820	66	67	121	2334	1303	9729	-	-	10963	0	0
Free Church of Scotland	1820	30	7	48	1120	203	855	17	1280	2243	14	10
United Presbyterian	1821	5	6	17	281	64	-	4	79	2516	2	7
Rhenish Society	1829	14	-	-	10000	-	-	-	-	-	-	-
French Protestant Mission	1830	12	-	22	2000 †	-	5000	-	1500	7020	0	0
Berlin Society	1833	19	-	41	1823	-	-	-	-	8102	0	0
American Board	1834	13	12	39	400	-	1249	17	723	2411	4	0
Hermannsburg Mission	1854	25	40	-	300	-	-	-	-	-	-	-

\* Chapels

† Including Candidates

The intermixture of so many races of varied social and religious character, brings to view several interesting phenomena, and suggests some important problems, both religious and political. There are not many other lands where the emigrant from Europe settles and makes his home literally in the midst of the heathen. The African does not, like the Red Indian, disappear before the white man. He settles down as his neighbour, adopts many of his habits, becomes his household servant, and the nurse of his children.

Surely this state of things points to a design of Providence for the in bringing of Africa to the fold of the Gospel. Besides the teaching of individual missionaries, an agency is wanted to act on heathenism in the mass. It lies with the Christian community as a whole, to redeem the degraded moral tone of a heathen land, to introduce a purer public opinion, and permeate every walk of life with sanctifying influences. And this is a duty which society will find itself bound to discharge were it only for self-preservation.

The colonist, if a Christian, if he acts toward the heathen with justice and kindness, and honours his profession, wields a great power for good. The natives learn unconsciously to respect his religion and his God, and their minds become favourably inclined toward the truth. The hands of the missionary teacher are greatly strengthened. On the other hand, where no beneficial influence is put forth, the daily contact with heathenism proves very demoralizing to the young and the old. This degrading tendency is lamented wherever Europeans are settled, and South Africa furnishes notable examples, that the neglect of duty to the heathen has found its punishment in European communities becoming degraded and barbarised.

It is obvious that a revival in the Churches in South Africa would react with blessed effect upon the heathen. If all members of our churches there were living in the true spirit of the Gospel, their united power, as a solid phalanx of Christian soldiers, would be such as no mission societies can put forth. It would be as "life from the dead." Some are herein doing their part, and showing that they are not unmindful of the souls of their heathen neighbours. It is pleasing to find masters who, by example and personal influence, seek to bring their native domestics under Christian instruction, and to see young men, who at home might be engaged in Sabbath-school teaching, devoting themselves to similar work among the Natives. On the other hand, it must be allowed, that the ungodly lives of many Europeans form one of the greatest stumbling blocks in the way of the gospel among the natives.

It is also well deserving the consideration of Christians in Britain that many of our fellow-countrymen in that land do not enjoy the means of instruction which has been brought so largely within the reach of the heathen. It saddens one's heart to see the well-equipped staffs of mission congregations, and the schools where many thousands of native children receive thorough Christian instruction (which we are very far from grudging them), while many British emigrants live far removed from the means of grace, their families growing up untaught, and themselves, in too many instances, lapsing into habits of religious indifference.

A few more detailed notices of the several religious denominations may not be uninteresting before concluding this chapter.

The history of the Lutheran congregation furnishes a lively specimen of the intolerance of the Old Dutch Government.

The majority of the little garrison who came with the original colony were German Lutherans. A resolution was passed, shortly after, permitting them to join, if they chose, in the ordinances in the Dutch Church. When they increased in number, however, they naturally wished to have a church of their own. In 1714, an increase of the garrison, composed mostly of German soldiers, brought a considerable addition to their number. The East India Company, however, in the arbitrary spirit then prevailing, threw many obstacles in their way. The Lutherans continued to petition for their rights, and to collect the necessary funds. A letter written from the Cape in 1766 states: "For fifteen years the effort has been made, but without success, to secure a minister and church for ourselves. The Lutheran Pastor Hooyman, on his way to Batavia, announced that he was instructed by the Lutheran *coetus* of Amsterdam to inquire as to the number of Lutherans at the Cape, and whether they were able of their own means to build a church and guarantee the support of a minister, which task he has diligently performed. Besides contributions, tradesmen have pledged themselves, - if the petition be granted, - to give their work at the building of the church for a certain time without charge, also to furnish the necessary materials, stones, lime, timber, etc. The principal Lutherans are from Hamburg, or from Denmark and Sweden."

It was not until 1771, a hundred and twenty years after their first settlement at the Cape, that permission was given them by the Government to assemble and conduct worship according to the forms of the Lutheran Church. In 1778, leave was granted them to build a church. No member of the Lutheran Church was then eligible for any Government office. Any Lutheran minister guilty of baptizing a child of Reformed parents was liable to a heavy fine.

The Lutheran congregation at Capetown has had, since 1836, two ministers. In 1847 a secession took place from the congregation, a portion of the members not being able to subscribe certain High-Church Lutheran doctrines. The seceders have built a church for themselves. There is a small Lutheran Church at Stellenbosch, and several in the Eastern province, where many German immigrants have settled. There are also two Lutheran congregations, at New Germany and New Hermannsburg in Natal.

This being the way in which the Government treated the colonists and its own servants, it is not surprising that little liberty was granted to missionaries from abroad. The following extract from the Minute Books of the Dutch Reformed congregation at Capetown, of date 17<sup>th</sup> December 1805, gives a curious insight into the state of matters prevailing with regard to missions prior to sixty years ago.

"A letter was read from the missionaries, J.T. Van der Kemp and J. Read, addressed to the consistory of the Reformed congregation, requesting the consistory's concurrence, that they should engage in teaching the heathen during their stay in the capital. The members were unanimously of opinion that the request be granted, provided the applicants would positively declare that they would act in this matter as *private persons*, inasmuch as the regulations of Commissary-General De Mist, published by the Government, 15<sup>th</sup> Feb. 1805, expressly require that 'no missionary of any society be allowed to labour within the limits of the Colony, least of all within congregations already established.' The consistory, therefore, did not feel themselves authorized to have any dealings with them *in that capacity*.

"The brethren, Van der Kemp and Read, appeared in the meeting, and, being made acquainted with the decision of the consistory, declared 'that they were and would remain *missionaries*, and in this respect were to be regarded - *as missionaries who were hindered in carrying out their commission, and who desired meantime to labour here in that relation*.' It is added, 'it was explained to them that the name made no difference to the case, if after all the desired end were attained, and that it was not obvious how their conscience should be thereby in the least aggrieved, but all in vain. The consequence was that all further intercourse with them was broken off.'" The two brethren were on the point of leaving the colony for Madagascar, but in the course of the following month the colony passed into the hands of the English, and they remained. The condition of the Dutch Reformed Church is manifestly improving. During the last generation, and particularly since its members have begun regularly to meet in Synod, it has begun to put forth increased energy and activity. Schools and mission congregations for the instruction of the coloured people have been established in many of the villages. Much liberality has been manifested of late years. Very large sums have been collected for the building of churches, for the erection and support of schools, and the endowment of the Theological Seminary at Stellenbosch. (Among the schools we may name those at the Paarl, Stellenbosch, Graaff-Reinet, Middelburg, etc.) To us it seems very obvious that one step needed to promote its efficiency would be that the connexion in which it up till now has stood to the Government should entirely cease. During recent years, other denominations, such as the Anglican and the Wesleyan, have been making progress, so much more rapid as may well provoke the Dutch Church to jealousy.

In 1806, soon after the capture of the Settlement, a colonial chaplain was appointed for the English residents. For many years the Anglican service was held in a building belonging to the Dutch Reformed communion. At Simon's Town, which was a large military and naval station, a chaplain was appointed in 1811, and one at

Grahamstown in 1821. The Society for the Propagation of the Gospel sent out its first agent in 1820.

When the present able and indefatigable bishop came in 1848, the Church of England was represented in South Africa by thirteen clergymen and one catechist. The task of supplying ordinances was extremely difficult, on account of the extremely scattered condition of the English inhabitants. The coming of Dr. Gray formed a new era for the English Church in South Africa. New churches have sprung up in every direction. Help has been given, and the people stirred up to help themselves. There are now the dioceses of Capetown, Grahamstown, Natal, and the Free State (besides that of St. Helena under the same Metropolitan). The clergymen number now more than a hundred, many of whom labour among the natives. Mission work has also been commenced for the Mahomedans in and about Capetown. "The cause of education has received an impulse, not only by the introduction of many regularly-trained teachers, but on a higher scale, by the establishment of a Diocesan Collegiate School at Woodlands, and of St. Andrew's College at Grahamstown, also of a Native College at Zonnebloem, near Capetown, for the instruction of the children of native chiefs and other persons of the native races in and beyond the colony," The number of communicants is stated (Report, 1867) at 4616 for all South Africa, and the expenditure of the Society for the Propagation of the Gospel at £10,963, besides which much is contributed locally, and some grants are received from the colonial treasury.

Wesleyan Missions were commenced in South Africa in 1815, when the Rev. Barnabas Shaw began a mission among the Namaquas. His work had great success. In 1818, the Rev. E. Edwards arrived to assist Mr Shaw. Other missionaries followed. A great impulse was given to the cause of Wesleyanism in 1820, when three thousand British settlers were located in the district of Albany, the most of whom were of the Wesleyan persuasion. Their leader was the Rev. Benjamin Shaw, the brother of Barnabas. They have prospered and extended their efforts greatly. In the city of Grahamstown, they are the most influential religious body, in numbers equalling, if not surpassing, all the other denominations put together. A handsome place of worship has been built in Grahamstown, called "Commemoration chapel," to mark the gratitude of the settlers for the Lord's mercies enjoyed during forty years.

Altogether there is no religious body in South Africa which is more active and energetic than are the followers of Wesley. The same lively earnestness and aggressive zeal is here exhibited, which they have displayed in so many other parts of the world. Their missions are now divided into five districts, with 53 central stations or circuits, and a membership of 11,367. Besides work in the English, Dutch, and various Native languages, they have an interesting mission carried on in Hindi, Hindustani, and Tamil, among the Indian Labourer population in Natal.

Presbyterianism among the English-speaking population has not made much way in South Africa. The Scotch Presbyterian church at Capetown was opened in 1828. The present excellent and much esteemed minister, the Rev. G. Morgan, called in 1841, was previously minister of the Dutch Reformed congregation at Somerset East. After the disruption of the Church of Scotland in 1843, an attempt was made to establish a Free Church in Capetown. The building stands, now used for other purposes, as the project did not succeed.

At Fort Elizabeth there is an influential congregation, and at Beaufort West and Victoria West are small congregations at present unsupplied. At Grahamstown the

Independents and Presbyterians form a united congregation. At King William's Town, a small Presbyterian congregation has been formed which has not yet found a minister. We have already mentioned that in Natal there is a Presbytery with three congregations.

We take leave to transcribe the following interesting sentences regarding the Romanist, the Mahomedan, and the Jewish sections of the colonists from the pen of the late lamented W. R Thomson, in the "Pictorial Album of Capetown:" - "The Roman Catholics are not a numerous body in the colony, but the clergy are singularly active and energetic, and their people very liberal in their gifts. They lately collected a considerable sum of money in Capetown for the erection of schools for the poorer classes of the community. Besides the cathedral in Capetown, they have a chapel and school at Rondebosch, one at Simon's Bay, one at Malmesbury, and one at George, in the Western Province. In the Eastern Province, there was opened at Port Elizabeth lately, with great ceremony, a Roman Catholic church, which in many respects the finest ecclesiastical building in the colony." "There is a handsome church at Graham's Town, which is the seat of a bishopric. In no other place in the colony have the Romanists shown more activity and zeal. Their schools and institutions are very popular, even with those who differ most widely from them in religious views and principles. There are chapels at Fort Beaufort, Alice, and King William's Town, and occasional services are held by the bishop and priests at other places."

In Natal there are one or two Romanist congregations, and they have a very considerable missionary staff at work among the Basutos.

"The Malays, with the Negroes from the east coast, numbering not less than ten thousand, are nearly all Mohammedans. They have three places of worship called mosques, although in no way resembling religious edifices of that name in the East. Their priests, some of whom have made a pilgrimage to Mecca, are so woefully ignorant that the Sultan of Constantinople, a few years ago, sent out the Effendi, Abou Beker, to instruct them in the very elements of the Mohammedan faith."

A Jewish synagogue was erected at Capetown about the year 1863. "The Jews in Capetown and the colony are not only as active and persevering men of business as they are all the world over, but some of them who have acquired wealth and station are among the most liberal, public-spirited, and influential of the citizens."

"Perfect toleration is extended to all religious denominations in the colony, and all, except the voluntaries, participate in the ecclesiastical grants made from the public Treasury. The sums, however, are very unequally distributed, and in most cases absorbed by the larger towns, which require least aid. The Dutch Reformed Church receives £9000, the English Episcopal £5000, the Roman Catholic £1000, the Wesleyan £6500, the Lutheran £214, the Scotch £200, and the Missionary Church for Apprentices (St. Stephen's), £200. Of these sums Capetown alone takes £3000, Graham's Town £900, George Town £500, Simon's Town £450; Graaff-Reinet, Cradock, and Stellenbosch take £400 each; Port Elizabeth, Swellendam, Caledon, Beaufort West, Fort Beaufort, and Colesberg £300, and some other places £200 each."

In Natal a similar system of indiscriminate endowment exists, though it is there on a much smaller scale. The Legislature of Natal has resolved to put an end to all ecclesiastical grants at the demission of the present holders, and a vigorous agitation is maintained in the Cape Colony to get a similar arrangement made.

**Footnotes**

1. Travda in Africa, i, 16

## CHAPTER VII

### PRESENT CONDITION – PROSPECTS

The reader may wish to know something about the modes of ministerial labour, and the internal condition and prospects of the Dutch Reformed churches whose history we have been tracing.

In the older districts of the colony, ministerial labour does not greatly differ from that in country districts at home. Forgetting the Dutch language, one could often imagine himself worshipping in a village in Scotland. It is the same simple Presbyterian form; there is the same agency of Bible-class, Sabbath-school, and prayer-meeting.

In the inland districts the parishes are larger and less manageable. The sparseness of the population, along with the migratory habits of some, brings many peculiar difficulties. It entails a painful lack of the means of education. People are denied much of that mental stimulus which arises from intercourse with their fellowmen. It makes it difficult to bring them within reach of the means of grace, limits the intercourse of minister and people, and weakens all ties of church connexion. Pastoral labour is therefore peculiarly laborious. A minister requires also a considerable administrative ability, for much miscellaneous business falls upon him, from which in other circumstances he would be relieved.

In many of the country districts a minister cannot expect ever to see his entire congregation assemble at any one place. The congregation may probably average from four to eight hundred members, while he finds on ordinary Sabbaths forty or fifty persons in church. Only at the quarterly communions can he expect to see a full attendance. He finds his parishioners scattered over an area fifty or a hundred miles in length. For the more distant he probably finds a church or meeting-house built on the open veldt at one or more central spots. There he holds occasional service, and finds his only opportunity of meeting many of his people.

Let us try to describe such a scene. Arriving on Friday evening, the minister finds several ox-wagons already standing by the church. A little vestry-room is fitted up for his lodgings. Early on Saturday the most of the congregation are assembled. From the recesses of the capacious wagon come forth men, women, and children, a tent, a table, chairs and stools, bedding, cooking utensils, and all that is necessary to maintain a family for three or four days. The wagons are ranged in long rows on all sides of the church, with tents between, and thus they remain encamped till Monday morning. The more distant of them may have been not less than two days in coming, so that going to church and returning may occupy a week.

On Friday evening there is prayer-meeting or sermon, and the Word sounds very precious, and the minds of all are solemnised from the knowledge that these opportunities come so seldom, and from the fact, as is often the case, that some one of our number has been called away in the months gone by since the last meeting, and the extreme likelihood that we shall never *all* meet again on earth. On Saturday forenoon we meet the young people applying for membership, and then assemble all the children for catechising. It is a lively little congregation of all ages from five to twenty. They listen with delight, as children always do, to the Bible stories, repeat with great promptness the tasks prescribed on the last occasion, and display in

general a very creditable amount of Scripture knowledge. If, as generally happens, the communion be held on the following day, the preparation service takes place on Saturday evening. The sweet exercises of the communion occupy all the Sabbath, and on Monday morning, after a parting half hour of prayer, the gathering breaks up, and all return home.

Many ministers have two or three centres where they thus dispense quarterly communion. In the intervals weekly service is held for the families near enough to attend the church, besides pastoral visitation, and an occasional week-day service, as the minister's strength may allow. When visiting through his parish, he feels thankful if, being in the saddle from sunrise to sunset, he can reach in one day more than three or four families. Much can also be done by visiting the country schools, recommending and aiding suitable teachers, and circulating profitable literature; and it is uniformly found that efforts honestly put forth, however imperfectly, for the improvement of the people, are attended with good results.

This ministerial labour is attended with much physical exertion. Fifteen hundred or two thousand miles each year may be reckoned an ordinary amount of itinerating, and this without the facilities of Europe. The means of locomotion are the saddle-horse, the spring cart, or the ox-wagon. It has to be performed sometimes under a scorching sun, amid drenching rains, through swollen rivers, across arid plains or over rugged boulder-strewn hills. Generally, however, the weather is excellent, and the journeys, though laborious, far from unpleasant. The people manifest abundant hospitality; and much of the Lord's goodness is experienced by the way. The labourer in the Lord's work often finds his hourly wants supplied with as marked a display of His providing care as those of the prophet by the brook Cherith.

A journey over those silent African plains, as different as possible from the hurry and excitement of European travel, furnishes many hours specially favourable to the flow of serious thought. Even pulpit preparation may be carried on by the way.

In all these districts circumstances are improving, and will improve as the population increases and the land becomes subdued.

It deserves to be mentioned here that a good deal is done apart from ministerial labour to cherish the flame of religious life. People meet for prayer at stated times and places. There are some gifted by the Spirit of God to be leaders, able to exhort the congregation and to catechise the young. We are convinced that much good is thus done; that often the flame of spiritual life is thus kept alive in the South African wilderness, where no ordained minister is near.

A good deal is being done to circulate profitable literature. A society has been formed, with agents in the different congregations, through which a number of fresh books are annually distributed for old and young readers. Many of the books most prized at home are also highly appreciated there. To name a few, the works of Newton, Baxter, and Krummacher, the books of Ryle, Spurgeon's Sermons, M'Cheyne's Life and Sermons, such lives as those of Henry Martyn and Hedley Vicars, and many more books of the same class, are widely read in South Africa in Dutch translations. "Line upon line," translated, extended, and profusely illustrated, and there known as the *Kaapsche Kinder-Bybel*, is the book which is first put into the hands of the Dutch farmers' children.



It will be seen that the field of Christian activity is both interesting and hopeful. Ministers are needed to preach the Gospel in its simplicity, and who do not shrink from hard pioneering labour. A reformation is also needed both of the prevailing ideas and practice as to education. This Christian effort is in some respects harder than mission work among the heathen. Where the natives on a station are gathered within a stone-cast of the church and the school, the task of teaching them becomes comparatively easy.

It would be a delicate task, and one to which we find ourselves scarcely called, to say much regarding the spiritual state of these churches, and the degree and kind of vitality they manifest. Having told the leading facts of their history, we leave it rather to the reader to form his own opinion, and judge of the tree by its fruits.

Some causes of weakness have been clearly indicated; - the civil restraints pressing down their life from the very commencement, the scattered and migratory state of the population, and the insufficient supply of pastoral labour. There is much in the past to make her friends feel ashamed. There is much lost ground to be regained. Her members have fallen short of their duty in many things, notably so in regard to their outlying population, and in care for those of the natives who have always been kept in domestic service. Perhaps the most marked defect of the religious life, looked at generally, is a bare contentedness with church membership, dependence on outward ordinances and profession, without the power; and this is surely to be explained by the distressing want of pastoral labour and faithful dealing with the young and the old. The rolls of membership are swelled by the names of many who are not regular communicants, and whose connexion with the church is often very loose. In better wrought congregations, these would either become regular communicants or fall into the category of mere adherents.

Still, there is abundant cause for thankfulness as to the past, and hope as to the future; if thirst for the Word of God, habits of family religion, desire for the pious upbringing of the young, be good tokens, all these are found among those of whom we write. Believing men and women are there, as truly walking with God, and bringing up their children in the fear of Him, as in any land in the world. Some there are, men of prayer and of faith, whom the Lord has endowed to be pillars of His cause, letting their light shine, and without whose help every minister would feel his hands tied. And faithful ministers do not labour there without tokens of the Divine blessing. There have also been seasons of revival. The year 1859, which brought so rich a spiritual harvest to some other lands, was also a blessed season for South Africa. But this is our most crying need, what the Lord's people are praying and waiting for, an outpouring of the Spirit on ministers and people.

The great increase of churches, schools, and kindred privileges during the last twenty years is already bearing fruit, and promises, if the Lord grant His blessing, to produce many beneficial changes in the next generation. At the same time, the reader would be greatly mistaken were he to suppose that all the influences imported into the land with the English occupation have been of a beneficial

Knowing well the ill odour in which the South African Boers are everywhere held, we have written so far under pressure of the feeling that anything favourable about them will scarcely be believed. If they were only better known, we are convinced they would find more respect and sympathy.

If one only looks at the antecedents and surroundings of the much-abused "boers,"<sup>1</sup> enough will be found to account for the backward condition of a portion of them, without attributing to them as a sin what is only their misfortune. Suppose a body of settlers from any civilized country you please, set down in the wilds of Africa two hundred years ago. Let them be cut off from intercourse with Europe, or carry on such communication as they have in a foreign language. Deny them the regular means of grace, the means of education, and even the restraints of law. Add the degrading influences of slavery. Put them in circumstances that make marriage customary at sixteen years of age. Give their children for playmates little naked Hottentots, till they imbibe heathen ideas and phrases with their mother's milk. And at the end of six generations in what condition would you expect their descendants to be found? We have omitted one other deteriorating influence, though last not least, the swarm of unprincipled Europeans, the dregs of Britain, Holland, and Germany, who range over the land, to prey on the simplicity of these farmers, and do what they can to impart to them all the evil and none of the good which Europe contains.

The mention of these things may easily suggest a very exaggerated notion of their shortcomings. We only say that all these things have had their influence, and must not be forgotten by those who would rightly understand their present condition. The fallen state of a portion of them does indeed point a moral to Christians both at home and abroad. It will be found the universal result men from Christian lands live in contact with heathen races, and allow themselves to be contaminated. Nor have the children of English settlers shown themselves to be, in the second and third generation, one whit more advanced than those from Holland.

It may be expected of us to say something about that reproach with which their name is universally associated, and which still rests as a stigma on at least a portion of them, the charge of unfair treatment of the natives and the missions. We admit, of course, that the charge is true to a painful and humiliating extent. Its origin lies mainly in the circumstance that the Cape was a slave-holding colony for nearly two centuries, and that slavery has been abolished only within the memory of men still living. It would be a poor defence to say that similar enormities have been committed in British colonies elsewhere. But this injustice is chargeable almost exclusively on those who live beyond the bounds of civilized law, and who have long been left (as in the Transvaal) almost without the means of grace. The charge does not apply to all, or the majority of the Dutch population. The missionaries would be ungrateful indeed were they unwilling to acknowledge the receipt of very much kindness and cordial assistance at the hands of many Dutch farmers. In the Cape Colony the Reformed congregations have begun to recognize and act upon their duty as a missionary church. In Natal, where the Dutch emigrants have found some of their earliest and truest friends among the missionaries, the most cordial relations subsist. A native mission was maintained by the Dutch Reformed congregations in Natal for about three years, and though discontinued for a time, it is intended to resume it at the first opportunity.

But we cannot avoid giving utterance to our impression that missionaries and their friends have sometimes overstated their case, or have not made sufficient allowance for mitigating circumstances. They have had almost exclusive access to the ear of the Christian public, which has consequently heard only their side of the question. We have been astonished at the one-sidedness of some, dear to us in the Lord, whose hearts glow with unbounded charity toward the heathen, while they never seem to feel that, on their own principles of Christian love, a little forbearance ought

to be extended towards those of their own colour whose lot has been cast amid so many heathenizing influences. The hard speeches and indiscriminating reproaches, at the expense of our own dear people, to which we have sometimes been forced to listen, remind us of an expression once used by O'Connell in the House Commons. During the struggle which ceded the slave-emanicipation, the champion of Irish rights felt impatient that the sympathies of philanthropists flowed all in one direction, while the wrongs of his own country men at home were quite ignored. He exclaimed, "Oh, I wish we were blacks! If the people of Ireland were only black, we would have the honourable member for Weymouth (Fowell Buxton) coming down as large as life, supported by all the 'friends of humanity' the back rows, to advocate our cause."

The wonder really is that we do not find them more fallen than they are. They have always preserved their respect for the Bible, and their habits of public and family religion. Vices (as drunkenness and immorality) which are prevalent in Europe are proverbially rare among them. And the Lord has His own children, blossoming often like desert flowers in the most unexpected circumstances. On alighting at cabins on the solitary South African veldt, the living fruits of divine grace existing there have sometimes impressed us with as sincere wonder and admiration as were the feelings of Park, when on a memorable occasion he found a tuft of moss.

The Word of God has been to them not only a means of grace, but in a sense what it was to the Israelites of old, the means, in times of social dilapidation, of preserving and keeping them alive as a people. It has been their bond of union, their code of manners, their motive to educate their children, when no other stimulus existed.

Life in the African solitudes, into which the turmoil of the great world sends but a feeble echo, is not unfavourable to the growth piety. There, apart from the strifes and passions of mankind, the unseen realities seem to come very near and earthly interests to be of secondary moment.

"As I sit apart by the caverned stone,  
Like Elijah at Horeb's rock alone,  
And feel as a moth in the mighty hand  
That spread the heavens and heaved the land,  
A still small voice comes through the wild  
Like a father consoling his fretful child,  
That banishes bitterness, wrath, and fear.  
Saying - Man is distant, but God is near."

Our sketch of their history indicates traces of progress and advancement, though by no means so rapid as was to be desired. There is hope of more advancement. There are on every side tokens of reviving energy. The Lord has not left this church unblessed. The leaven so long hidden manifests itself in more evident activity. The mustard seed has taken root and fills the land. May the Lord grant of His great goodness that this church may become a missionary church in the highest sense, a holy leaven in the midst of heathendom, where He has planted it. The story of the past makes us thank God and take courage. We do fully believe that this people, who throughout their lonely sojourn in the African solitudes have not lost their love of the pure Gospel, which came with them from their native Netherlands, a land of martyrs and of heroic struggles for truth and liberty, and with whom the seed of the honoured Huguenots is mingled, have better days awaiting them.

When we view the progress already made by the Gospel in South Africa, and particularly during the last sixty years, we may well exclaim in wonder and gratitude, "what hath God wrought!" The eye rests on many an oasis in the spiritual wilderness on which the heavenly shower descends, many a gathering of believers, and lively Sabbath School, and thriving mission station, spots where the desert has already begun to blossom as the rose. There is yet a long way from all the native tribes being even professedly Christian, nor do all classes of the Europeans correspond in their lives to the profession they bear. But the Gospel has obtained a firm and ever strengthening hold of the land. The languages of South Africa have been mastered, grammars and dictionaries compiled, and translations of the Word of God, and many other books, have been executed. The mission congregations are already beginning to furnish a native ministry; and to us it seems very evident that religion among the European and native population has, during the last few years, hopefully reviving.

In Natal, the district with which we personally best acquainted, notwithstanding stumbling-blocks and lamentable unfaithfulness amongst churchmen in high places, there been a marvellous display of God's gracious goodness. We look back to thirty years ago, when the country was given over to heathen darkness and cruelty, and the bands of Chaka and Dingaan scoured the land like hungry wolves. Now the land yields its increase, and the inhabitants sit in peace, every one under his own vine and fig-tree, Churches and schools have risen on every side. The means of instruction are provided more or less abundantly for every section of the people; and natives come from the remote interior, and are taught the love of that Saviour who invites to His arms all nations of men.

Meanwhile that the southern comer of the continent has thus been visited by the gospel, the adjoining northerly portion, which geographers used to tell us was an uninhabited desert, has been explored and found to consist of fertile provinces teeming with inhabitants, and to these districts South Africa is the most accessible gate of entrance. It is not difficult to conceive in fancy a bright vision of what may be in prospect, if the Lord withhold not His blessing; when the leavening power of the Word shall have spread more widely; when the light kindled at so many points may shine with bright and steady radiance; when, instead of missionaries coming from Europe and America, the South African churches shall be themselves the missionaries to carry the light into the regions beyond.

#### **Footnote**

1. *Boer*, (German, *bauer*) is the ordinary Dutch name for an agricultural farmer. When acclimatized in English, it becomes an ill-sounding, ugly name.

It seems to have been first introduced to the public by English travellers and lion-hunters, who thought to make their pages amusing by good-natured caricatures of the idiosyncrasies of the "Boers," and it has been continued, not in the best taste, in the reports of various missionaries. Such is the ignorance at home, that Newspaper paragraphs frequently occur, of which the writers have obviously imagined the "Boers" to be a native African tribe, like the Zulus, or the Basutos. A fitter name would easily be found.

THE END.

## APPENDIX

### ORDINANCE

*Enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, for repealing the Church Regulations of the 25<sup>th</sup> July, 1804, and enacting others in their stead.*

Whereas the Church Regulations made and published by the Commissioner General of the then Batavian Government of the Cape of Good Hope, J. A. de Mist, LL.D., bearing date the 25<sup>th</sup> July 1804, have, in many respects, ceased to be suitable either to the Dutch Reformed Church or to the ecclesiastical condition of this Colony in general: And whereas it is expedient, in order that other and more suitable provisions should be substituted for such portions of the regulations aforesaid as have become obsolete and inapplicable, that the said regulations should be wholly repealed, and the substance of such of them as it is desirable to preserve, expressly re-enacted: Be it therefore enacted by the Governor of the Colony of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that the said Church Regulations of the 25<sup>th</sup> of July 1804, and all other laws or customs heretofore in force in this Colony, so far as the same are repugnant to or inconsistent with any of the provisions of this Ordinance, shall be, and the same are hereby repealed.

II. And be it enacted and declared that no religious community or denomination within this Colony is or shall be entitled to claim, as matter of right, from or out of Her Majesty's revenue in this Colony, any pecuniary contribution or allowance, for or towards the support of the ministry of any such community or denomination, or any other object whatsoever, and that all such sums as shall, from time to time, be granted from and out of the said revenue, to or in behalf of any such community or denomination, shall be deemed to be merely voluntary and gratuitous, and, as such, to be at all times and exclusively under the absolute disposition and control of Government, and revocable at Her Majesty's will and pleasure.

III. And whereas it is expedient that the religious community or denomination commonly called the Dutch Reformed Church in South Africa should be invested with the power of regulating its own internal affairs: And whereas the General Assembly or Synod of the said Church is the natural and proper ecclesiastical authority by which rules and regulations for the Government of the said Church in its own internal affairs may rightfully be made: And whereas the last General Assembly or Synod of the said Church, which was held in Cape Town in the month of November 1842, did agree upon, and desire to have duly authorized and established, a number of rules and regulations, having for their object the proper direction and management of the said Church in its own internal affairs: And whereas it is expedient, in order to prevent delay and inconvenience, that the said last mentioned rules and regulations should, with some exceptions, be forthwith established, and declared to form and be the rules and regulations for the time being of the said Church: Be it enacted that all former rules and regulations for the government of the said Church, whensoever and by whomsoever made, shall be, and the same are hereby declared to be, repealed, and that the several rules and regulations in the Schedule to this Ordinance contained shall be, and the same are hereby declared to be, the rules and

regulations for the time being of the said Church, and shall be duly observed as such.

IV. And be it enacted that it shall be lawful for the General Assembly or Synod of the said Church, from time to time duly assembled, and proceeding in conformity with the rules or regulations for the time being in regard to the manner and form of altering, enlarging and improving Church Laws and Ordinances, to add to, annul, alter enlarge, or improve the rules and regulations contained in the said Schedule, and any further or other rules and regulations which may from time to time be successively established: Provided, always, that any rule or regulation of the said General Assembly or Synod repugnant to or inconsistent with any of the provisions of this Ordinance shall be null and void.

V. And be it enacted that in every case in which a vacancy shall occur in the office of minister in any congregation belonging to the said Church, of which congregation the minister for the time being receives a salary from the Colonial Government, the Governor of this Colony for the time being shall have and possess, and shall exercise in whatever manner he shall deem the best for the vacant congregation, the sole unrestricted right of filling up such vacancy, by the appointment of whatever individual he may select from amongst the number of such ministers as shall by the rules and regulations of the said Dutch Reformed Church for the time being be competent to be appointed to supply vacancies in the ministry thereof.

VI. And be it enacted that the said Dutch Reformed Church shall be and remain a Church, exercising its discipline and government by Consistories, Presbyteries, and a General Assembly or Synod, and acknowledging, receiving, and professing, in regard to the doctrine thereof, the doctrines contained in the Confession of the Synod of Dort and in the Heidelberg Catechism; and if any questions, or divisions respecting church government, discipline, or doctrine should hereafter arise between any members or reputed members of the said Church, or of any Congregation, Consistory, Presbytery, or General Assembly of the same, then those persons adhering to and professing, respectively, the said discipline and government and the doctrines of the said confession and catechism, shall be deemed and taken, as against all persons who shall adhere to and profess any different discipline, government, or doctrines, to be the true Congregation, Consistory, Presbytery, or General Assembly, as the case may be, of the said Church, and, as such, of right entitled to the possession and enjoyment of any funds, endowments, or other property or rights by law belonging to the said Church, or to the Congregation, Consistory, Presbytery, or General Assembly, in which any such questions or divisions shall have arisen.

VII. And be it enacted that the General Assembly or Synod of the said Church shall at all times be composed of all acting ministers of the said Church and an acting or retired elder to be nominated by each consistory; but the consistory of Cape Town may at all times nominate two

VIII. And be it enacted that no rule or regulations of the said Church, whether contained in the Schedule to this Ordinance or to be afterwards framed, shall have or possess any direct or inherent power whatever to affect, in any way, the persons or properties of any persons whomsoever. But all such rules and regulations shall be regarded in law in like manner as the rules and regulations of a merely voluntary association, and shall be capable of affecting the persons or properties of such persons only as shall be found in the course of any action or suit before any

competent court to have subscribed, agreed to, adopted or recognised the said rules and regulations, or some of them, in such manner as to be bound thereby in virtue of the ordinary legal principles applicable to cases of express or implied contract.

IX. And be it enacted that no person or persons posing, complaining to, or giving testimony before any duly constituted judicatory of the said Church shall be liable to any action, suit, or proceeding at law, civil or criminal, at the instance of any member of the said Church, for or on account of any matter or thing, written or spoken by any such person or persons *bona fide*, and without malice, in reference to or upon the occasion of any scandal, offence, or other matter, real or alleged, which by the rules and regulations of the said Church for the time being should be reported to any such judicatory, and which any such judicatory is empowered to investigate; nor shall any action suit, or proceeding at law be instituted for the purpose preventing any such judicatory from pronouncing, in the case of any scandal or offence which shall be brought before it, and proved to its satisfaction, such spiritual censures as may in that behalf be appointed by the said Church, or for the purpose of claiming any damages or relief in regard to such censures, if the same shall have been pronounced.

X. And be it enacted that it shall be lawful for the person or persons in whom, by the rules and regulations of the said Church for the time being, the possession or administration of any buildings, lands, funds, moneys, goods, or effects, belonging to any Congregation or Presbytery, or to the General Assembly, shall respectively be vested, to sue and be sued in all actions and suits relating to any matter or thing by any such officer or officers, respectively possessed or administered, as if the same were his or their private property, and in any criminal proceeding the property of any of the matters or things aforesaid may be laid in the person or persons who in any civil action or suit might sue or be sued in respect thereof.

### ***Note by Transcriber***

*I have done my best to ensure that the entire book is completely and accurately transcribed, but it is of course possible that errors were made.*

*The purpose of this transcription is to ensure that the content of a historical document is available to researchers and interested persons.*

*For this reason I have also changed references to other race and ethnic groups that could be considered inappropriate and derogatory in today's society.*

*Please report any errors or omissions to:*

*argiewe@gmail.com*

*Pieter van der Merwe*