

**TRIAL OF ANDRIES BOTHA, FIELD-CORNET
OF THE UPPER BLINKWATER, IN THE KAT
RIVER SETTLEMENT, FOR HIGH TREASON, IN
THE SUPREME COURT OF THE COLONY OF
THE CAPE OF GOOD HOPE, ON THE 12TH
MAY, 1852, AND SUBSEQUENT DAYS**

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Trial of Andries Botha, Field-Cornet of the Upper Blinkwater, in the Kat River Settlement, for High Treason, in the Supreme Court of the Colony of the Cape of Good Hope, on the 12th May, 1852, and Subsequent Days by Andries Botha

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ANDRIES BOTHA

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FOR

HIGH TREASON,

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CAPE OF GOOD HOPE,

ON THE

12TH MAY, 1852, AND SUBSEQUENT DAYS.

WITH A

TOPOGRAPHICAL SKETCH OF THE KAT RIVER SETTLEMENT
AND ADJACENT COUNTRY;

AND

AN APPENDIX OF DOCUMENTS REFERRED TO ON THE TRIAL.

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[ERRATA.—Page 91, 17th line from top, for "23d January" read "25th January."—Page 199, 26th line from top, for "24th March, 1851," read "24th May, 1851."]

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INTRODUCTORY NOTE.

THE following pages, made up chiefly from the columns of the *Cape Town Mail*, contain a report of the trial of Field-cornet ANDRIES BOTHA, for High Treason.

This case assumed importance from the long, faithful, and highly meritorious conduct of the prisoner, as a public officer, in charge of a district during peace, and in command of a body of men during war, when his loyalty was as devoted and unimpugned as his bravery was distinguished.*

Nor was this all. "The case of 'the Queen versus Andries Botha,'" says the editor of the *Graham's Town Journal*,† "is in reality the case of 'The Colonists versus the Kat River Settlement.'" Without endorsing the opinion of this partisan journalist to the full extent of the terms in which it is conveyed, it is enough that we have the admission extorted from him, it may be by the force of truth, that the late criminal prosecution of Botha, was against him less as an individual than as an inhabitant of the Kat River Settlement. This consideration alone will secure for it a degree of attention throughout the civilised world corresponding to the interest felt in the welfare of the coloured classes generally. If the object of the prosecution was thus two-fold, the conviction of the man and the conviction of the community of which he was a member—for such, "in reality," the representative of that section of the colonists to whom Botha owes chiefly the late criminal proceedings against him, would have us to believe—we cannot greatly err in viewing those proceedings, as they affect the interests of each respectively.

"Who"—asks the *Journal*—"who is Andries Botha? The answer is, a Field-cornet in the Kat River, admitted by all to have exercised there extensive influence." The public voice then seeks a reply to the question, "How came the man, whose intrepidity and military skill, extending nearly over the whole of his active life, have won the highest eulogiums of his superior officers, and whose deeds of valour, after the tragic affair at Burn's Hill, and in the fastnesses of the Amatola, are still fresh in memory—such a man as Botha, now in his old age and with a shattered constitution, with everything to lose and nothing to gain—how came he to be suspected of having committed himself to so wicked and desperate an enterprise as that alleged against him?" The apparent enigma admits of easy solution.

It was known to the Colonial Government, and to many in the community, that the feelings of the aged Field-cornet had been violently outraged by the burning out of the *Gonahs*, in his field-cornetcy, in June, 1850, by the *Kafr* police under the direction of the then Resident Magistrate,—one of these men, filled with that spirit of revenge peculiar to a barbarous foe, crying out in fiendish triumph, "To-day we drive Botha from the Blinkwater, as he drove us from the Amatola last war;"‡ and more recently outraged by an attack made upon him in January, 1851, when in the discharge of the loyal duty of escorting the present Magistrate, J. H. Wienand, Esq., to Fort Beaufort. §

A portion of the frontier colonists, probably not a large one, seemed to exult in the hope that Botha, driven to desperation and stung to

* Statement of Lt.-Col. Sutton, p. 147. Evidence of Sir Andries Stockenström, p. 148.

† *Graham's Town Journal*, 30th May, 1852.

‡ Letter of Field-cornet Andries Botha to Governor Sir H. Smith, dated Baxtos, 23rd June, 1850. Evidence of Rev. James Read, p. 144.

§ *Graham's Town Journal*, 8th February, 1851.