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The Vanished Source:

Gossip and Absence in the Cape of Good Hope 'Placard Scandal' of 1824.

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In the first half of the 1820s, the Cape Colony was rocked by a series of scandals involving the conduct of the colonial administration and the walls of Cape Town were thickly papered with libellous writings. Part and parcel of political culture in the early nineteenth-century British world, such 'street literature' [1] is by its very nature ephemeral. Government officers were instructed to tear it down as fast as protestors could stick it up, with scuffles between the opposing sides inevitably breaking out. Amidst this paper avalanche of broadsheets, placards and squibs there was one that was sufficiently notorious that it was known to contemporaries simply as *the* placard.

No copy survives. Various accounts of its wording exist. There were even doubts expressed as to whether it had ever really existed, for only one person admitted to having seen it before it disappeared. The official investigation of 1824 recorded his memory of its wording thus: 'A person living at Newlands makes it known or takes this opportunity of making it known to the Public authorities of this Colony that on the 5th instant he detected Lord Charles buggering Dr Barry; Lady Charles or her ladyship had her suspicions, saw something that led her to suspicions, which had

[1] James Vernon, *Politics and the People: a study in English Political Culture*, *c. 1815–1867* (Cambridge: Cambridge University Press, 1993), 132.

caused a general quarrel and which was the reason of the Marchioness's going home —the person is ready to come and make oath to the above.' [2]

The principles named in the placard were Lord Charles Somerset, governor of the Cape Colony with some interruptions between 1814 and 1826, and British army surgeon and inspector-general of hospitals at the Cape, James Barry. Politics on the imperial periphery sets impressively high standards for feuding and factionalism, yet Somerset's tenure was marred by so many and such exotic scandals that in the memorable image of historian Robert Ross, it began to resemble 'the more racy type of comic opera'.[3] Somerset himself can easily approach caricature: a Tory autocrat, directly descended from the Plantagenet kings of England and tending to treat the Cape 'as an estate which he was to improve, and it did not matter how.'[4] But in terms of local colour even Somerset pales beside the 'absolute phenomenon' that was Dr James Barry. [5]

Barry was an outstanding surgeon and a brilliant intellect, ahead of his time and correspondingly impatient with those who were not. Two years after the tumultuous events of 1824 he made medical history at the Cape by performing one of the world's first successful caesarean sections, with mother and child both surviving. Yet Barry's

[2] The National Archives UK (hereafter TNA) Colonial Office (hereafter CO) 48/95 Case of L. Cooke and W. Edwards; Libel on the Governor. Testimony of John Findlay. The published transcription elides this section of Findlay's evidence, as it does all accounts of the wording and contents of the placard, with ***. G. M. Theal (ed.), *Records of the Cape Colony* (London: Clowes printers, 1897–1905), 74.
[3] Robert Ross, *Status and Respectability in the Cape Colony, 1750–1870* (Cambridge: Cambridge University Press, 1999), 46.
[4] The acute assessment is that of Dudley Percival, son of the assassinated Prime Minister Spencer Perceval, reporting privately to the Under Secretary of State James Stephen, 3 March 1826. Perceval, D. M. Letters written from the Cape of Good Hope, 1825–1828. Library of Parliament, Cape Town. Class a. 916.87 No. 9202.
[5] The description is that of Count Emmanuel de Las Casas, close friend and ally of Napoleon, who met Barry at the Cape in 1817 and is quoted in Rachel Holmes, *Scanty Particulars: The Life of Dr James Barry* (London: Viking, 2002), 69.

achievements as both a physician and a humanitarian reformer have been overshadowed by the mysteries that continue to surround his sex. Controversy certainly followed Barry throughout his life, his prickly personality made this inevitable. But it is necessary to separate the impressions of the time from retrospective accounts by those who later claimed they suspected his secret. It was only upon Barry's death in 1865 that the scandal broke: Sophia Bishop, the maidservant who laid out the doctor's body claimed that the corpse was that of a woman, and that the body bore the marks of having had a child. Barry's most recent biographer, Rachel Holmes, makes a fairly convincing case for the doctor's intersexuality, based in part on the intriguing clues that Barry himself left in his medical researches into hernia.[6] But ultimately Barry's sex remains a mystery, which is perhaps as it should be for someone who carved out his own persona with such a determined hand.

If Barry was (as seems likely) the creation of his own invention, then the man whom the authorities accused of orchestrating the placard scandal was no less so. A wastrel lawyer from a family on the margins of English gentility, Alexander Kaye was transported to New South Wales for theft in 1819. He managed to escape in 1821, and made his way to the Cape via Batavia and Mauritius, now transformed into a respectable notary carrying the name of William Edwards. As Edwards he became embroiled in a series of court actions, charged with criticising the regime of Lord Charles Somerset for corrupt conduct. He was convicted of criminal libel and transported under his new identity to New South Wales. Upon arrival there late in 1824 he was immediately recognised as Alexander Kaye. Edwards remained a thorn

[6] Holmes, *Scanty Particulars*. Assessing Holmes's interpretation is hampered by this popular history's failure to provide adequate referencing.

in the flesh of the authorities, protesting that he was not Kaye, and (with some justification) that his transportation from the Cape rested on legally dubious grounds. He was eventually charged with attempting to escape once more and sent to the notorious secondary punishment site of Norfolk Island. Days after his arrival there, in 1828, he hanged himself. It was his third suicide attempt in four years. After death his remains were dissected in an attempt to lay the question of his identity to rest once and for all, this time on the basis of signs of injuries carried upon his skeleton.[7]

It was whilst Kaye was in jail awaiting transportation from the Cape that he was accused of conspiring with accomplices to put up the placard making the scandalous accusations against Barry and Somerset. It is an incident that is relatively well known in South African colonial history, but while popular writers have given narrative accounts, academic historians appear to have been at a loss as to how to deal with it in a substantive way.[8] It seems tempting to gloss over events like this as a distraction to proper investigations of social and political change. The absence in my title, therefore, refers not just to the vanished source but also to the absence of these kinds of incidents from explaining the transitions of the period in which they took place. Placing the placard incident in a broader political context, however, reveals a rather different way in which we might analyse the silence at its core.

[7] Kirsten McKenzie, 'The Daemon Behind the Curtain: William Edwards and the Theatres of Liberty', *South African Historical Journal 61* (3, 2009): 482–504. This paper comes from a wider study to be published by Cambridge University Press in 2015 under the proposed title *Imperial Underworld: An Escaped Convict, State Corruption and the Transformation of the Nineteenth-Century British Empire.*

[8] Popular accounts of the placard scandal include A. F. Hattersley, *Oliver the Spy and Others: A Little Gallery of South African Portraits* (Cape Town: Maskew Miller, 1959), Frank Clune, *Scallywags of Sydney Cove* (Sydney: Angus and Robertson, 1968) and Holmes, *Scanty Particulars*. Early scholarly works on South Africa mentioned the placard affair in the context of the disputes of the Somerset regime, but saw no need to analyse it on its own terms. See G. Theal, *History of South Africa from 1795 to 1872* (London: Allen and Unwin, 1916), G. E. Cory, *The Rise of South Africa Vol. II, 1820–1834* (Cape Town: Archives of the Union of South Africa, 1913).

As a conquered colony the Cape was still under Roman-Dutch law, and Somerset had made common cause with an entrenched Cape Dutch oligarchy who dominated the colonial bureaucracy. The legal system, in which the executive was entangled in the judiciary, was becoming increasingly difficult to manage. Edwards was at the heart of a series of sensational trials that emphasised incompatibilities between the Cape administration and British notions of the rule of law. Somerset's regime was increasingly under attack from British Whigs and Radicals at the Cape allied with opposition Members of the House of Commons. Their charges of tyranny were given even greater traction in metropolitan political circles by the presence in the colony of the Commissioners of Eastern Inquiry, sent out to conduct a wide-ranging investigation into three colonies seized during the course of the Napoleonic Wars.[9]

Set against this background, the importance of the placard scandal lies not so much in a blow by blow account of the events or in tracking down the alleged perpetrators. An extensive government investigation was quickly launched into the affair with pages of evidence duly transcribed and transmitted to London after the local authorities had been unable to make an arrest. The authorship (indeed the very existence) of the placard was never satisfactorily proven and the historian is unlikely to succeed where zealous officials leading the investigation in 1824 manifestly failed. Instead, the scandal's utility lies precisely in studying its tenuous hold on reality, and in teasing out the webs of information that were spun together by both sides in seeking to bring the act home to their political enemies. Rumour, gossip, informants, spies: these, I

[9] The investigations into the Cape, Mauritius and Ceylon were one of sixteen such commissions appointed by the British government between 1818 and 1826. The Commission of Eastern Inquiry was led by John Thomas Bigge, who had recently returned from a similar task in the Australian colonies. Laidlaw, Zoe, 'Investigating Empire: Humanitarians, Reform and the Commission of Eastern Inquiry', *The Journal of Imperial and Commonwealth History 40* (5, 2012): 749–768. John Ritchie, *Punishment and Profit: The Reports of Commissioner John Bigge on the Colonies of New South Wales and Van Diemen's Land, 1822–1823; their origins, nature and significance* (Melbourne: Heinemann, 1970).

argue, are the most useful directions to focus an analysis of the placard scandal, rather than the alleged sexual improprieties of Lord Charles Somerset and Dr James Barry or the identity of the persons who claimed to have brought them to light. The placard scandal, then, becomes a route to a deeper understanding of imperial reform debates. We need to situate the placard scandal firmly within the unfolding struggle of oppositional politics in Britain and the Cape, which is how it was utilised by those most concerned at the time. We need to connect it to broader concerns about state-sponsored espionage and to the liabilities of informal and covert information gathering, both of which fed into debates over executive power in colonial governance.

For Somerset's political enemies, as for their allies in the metropole, spies were a rhetorical weapon in a much broader ideological war over the nature of the British state.[10] Their oratory was greatly aided by the presence in the colony of William Oliver Jones, aka W. J. Richards, an operative of such notoriety that he would go down in history simply as 'Oliver, the Spy'.[11] Spirited out of England in 1819 following his exposure by a Leeds journalist, reinvented as a government builder at the Cape, Oliver's true identity was both an open secret and a gift to opposition forces. Whether believed or not, it was widely *claimed* that he was operating as Somerset's 'jackal'. [12]

[10] For a broad history see Bernard Porter, *Plots and Paranoia: A History of Political Espionage in Britain, 1790–1988* (London: Routledge, 1989).
[11] J. L. Hammond and Barbara Hammond, *The Skilled Labourer* (London: Longmans, Green, 1919); Fremantle, 'The Truth about Oliver the Spy', *English Historical Review 47* (1932); R. J. White, *From Waterloo to Peterloo* (London: Heinemann, 1957); Thompson, E. P. *The Making of the English Working Class* (Harmondsworth: Penguin, 1968); John Stephens, *England's Last Revolution: Pentrich 1817* (Buxton: Moorland, 1977).
[12] The term is Cape Town diarist Samuel Hudson's. Cape Archives (hereafter CA), A602 Hudson Papers, volume 3, Diary Hudson, Diary, 11 December 1824.

The vanished placard opened a space upon which an entire set of other meanings could be inscribed. The administration used it as an excuse for issuing search warrants against their critics. Those critics, in turn, claimed it was 'a political Trick' [13] against those agitating for a free press[14] (which Somerset had suppressed) and 'twas the general opinion that the much talked about Placard existed only in his Lordships and Mr Jones alias Oliver's opinion.'[15] William Edwards himself wrote from jail to the Commissioners of Inquiry that it was the work of 'some agent of Govt.' [16] Thomas Pringle, a local Whig, free-press advocate and later Secretary of the Anti-Slavery Society in London, reported to his ally in Parliament, Henry Brougham, that the 'great object of the "Placard Plot" was obviously to ruin our characters and defeat our better aims by *connecting* us if possible with these persons [the conspirators] in the eyes of the Public.'[17]

Whether or not the placard affair was manufactured by the authorities is impossible to know. The disgust over the incident expressed by Somerset in his private letters to Commissioner John Thomas Bigge and Secretary of State Lord Bathurst seems to make it unlikely.[18] Either way, the Whig and Radical opposition at the Cape were able to turn the incident brilliantly to their own account. By offering large rewards in their attempt to flush out the perpetrators of the placard scandal, the administration mired itself in accusations of spying. By so doing, they touched a sensitive political nerve, and so transformed what had been a general sympathy for Somerset and Barry, as the

[13] Hudson, Diary, 11 June 1824.
[14] Hudson, Diary, 4 June 1824.
[15] Hudson, Diary, 13 July 1824.
[16] TNA CO 414/9, Laws and Courts of Justice, Police and Gaols, Missionary Institutions, Edwards to Commissioners of Inquiry, 21 June 1824.
[17] Vigne, Randolph (ed.), *The South African letters of Thomas Pringle* (Cape Town: Van Riebeeck Society, 2011), 152. Pringle to Brougham, 20 December 1824.
[18] Bodleian Library, Oxford. Rhodes House, MSS. Afr. s. 24 Bigge-Somerset Correspondence, Somerset to Bigge, undated 1824. British Library (hereafter BL), Bathurst Papers, 57/88 Somerset to Bathurst, 12 October 1825 marked 'Private'.

victims of outrageous allegations, into widespread resentment against government tyranny.

Thus the placard affair offered the perfect opportunity for Henry Brougham to use the Cape scandals to attack Britain's Tory government in the House of Commons. The notorious Oliver was the author of the placard, he claimed, for all that suspicion had been pushed onto anti-government protestors by paid informers: 'Oliver the spy … had obtained the patronage and influence of the local government. Why should he not? He enjoyed the influence and patronage of the Government at home, and he deserved it equally well in both places. There was no doubt that Edwards [George Edwards, the Cato street conspirator] might be there too, and Castles, for they also had entitled themselves to the favour of the Government.'[19] The Cape press used the incident to meditate on the failures of governance inextricably bound up in the use of spies, even in cases of 'extreme danger' to the state. In the first instance, it showed that a 'Prince had lost confidence in the "loyalty of his subjects" who would otherwise naturally inform the proper authorities of any "disturbance of public security"'. In the second place, it demonstrated that a leader considered that the ordinary rule of law was insufficient for the purposes of government. And thirdly it showed a want of confidence in the officers a sovereign had chosen to administer the law.[20] In using spies in the placard affair, the paper argued, the government had discredited itself and 'it began to be generally suspected either that no such Placard had ever existed, or that it owed its existence to certain persons sufficiently notorious, who had some Political End to serve by it.'[21]

[19] *Times*, 17 June 1825.
[20] *South African Commercial Advertiser*, 2 November 1825.
[21] *South African Commercial Advertiser*, 26 December 1826.

The absent source at the centre of the placard scandal thus made its meaning and power hard to control. It was widely recognised that, despite the accusations it contained, the placard scandal initially had the potential to do far more harm to Somerset's opponents than to Somerset himself. The solution was to direct the fire back upon the government. Their attempts to find the perpetrators by offering rewards to informers were deliberately associated as far as possible with the activities of Oliver the spy, a figure who had immediate political traction in the metropole. Oliver, that 'delectable *protégé* of the Lord Charles', as the *Times* newspaper put it in London, thus became a rhetorical gift to opposition forces urging reform in both Britain and the Cape. [22]

The Commission of Eastern Inquiry at the Cape and similar investigations in other colonies brought about profound legal and constitutional transitions in imperial governance through the 1820s and 1830s. The role of the executive in crown colonies was a key element of concern in these debates, and the establishment of new legislative and judicial structures (such as the Cape's new Supreme Court of 1828) was a key result. These reforms can be viewed in abstract ideological terms but they also played out in terms of individual scandals that could be cast in terms of gubernatorial tyranny. Colonial officials and humanitarian activists are more commonly studied as the prime instigators of changes in imperial policy than are unstable mavericks like Edwards or colourful events such as the placard scandal. And yet these marginal individuals and the events they orchestrated were central to the cut and thrust of an oppositional politics that linked colonies and metropole. Scandals such as the placard against Somerset and Barry were spread well beyond the colonies

[22] *Times*, 6 December 1824.

by individual correspondents and word of mouth, making their way into the British and colonial press, and onto the floor of the House of Commons. Not only did those involved eagerly seek support from allies in London, but diverse opposition forces were eager to employ them for their own political purposes. Rather than being distractions, these scandals were part and parcel of the debates over colonial governance. To consider the legal and constitutional changes of the period from this angle, is to highlight forces that are hard to encompass in the conventional narrative. It allows us to take gossip, paranoia and factional infighting seriously as political forces, and to understand the forces and techniques of political spin linking metropole and colony more fully. All of these factors are inseparable from the way in which colonial reforms played out in this period.

Somerset himself saw this connection clearly. He complained to the Secretary of State, Lord Bathurst, that the attacks made on his administration's arbitrary power by MP Henry Brougham in Parliament were 'fully as atrocious' as the accusations made in the original placard.[23] In the same letter Somerset referred to 'secret information' to be sent via trusted unofficial channels that would 'prove to your Lordship beyond a doubt the conspiracy that has been formed to injure me'.[24] Informers of various types were undoubtedly of utility in colonial information gathering. Yet covert sources of information increasingly carried the potential stigma of espionage and could prove to be more a political liability than an asset. Like the placard itself, Oliver was always more powerful as a mystery than as a man. Whatever the truth behind the incident, in the ideological warfare that followed, the Whig and Radical opposition at the Cape were ultimately victorious, in part through the consummate use they made of the

[23] Bathurst Papers 57/88. Somerset to Bathurst, 12 October 1825.
[24] Bathurst Papers 57/88. Somerset to Bathurst, 12 October 1825.

presence in the colony of the notorious Oliver. Conversely, in their eagerness to get to the bottom of the matter, the government made a series of tactical errors that were of a piece with Somerset's chronic habit of misreading Britain's changing political climate. Using suspicions over the placard's authorship as an excuse to search the papers of the political opposition might have had short-term benefits, but when nothing incriminating was found it put the government on the back foot and open to claims of tyranny. Even worse, by offering large rewards in their attempt to flush out the alleged perpetrators, the administration mired itself in accusations of espionage. In the context of debates about colonial reforms that were focussed upon the dangers of unlicensed executive power, these actions had immediate purchase in political contests playing out in London, contests that carried wider implication for the debate over the Cape's political future.