

a
Thesis for the M.A. Degree

on

THE GOVERNORSHIP OF SIR GALBRAITH LOWRY COLE.

Dales

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by

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I.

PREFACE.

No detailed study of this period seems to have been made, for all the modern Historical Works which I read make only general references to it. Many documents published and unpublished are however available. I also read many interesting publications by contemporaries of Cole on conditions at the Cape during the first half of the nineteenth century.

It was a period of bitter recriminations, of the most petty squabbles and of exaggerated grievances.

It has been very difficult to compile a history of this period as it was the quiet before the storm. But as many of our modern conditions had their origin in Cole's governorship e.g. our legal system and our modern native problem it would have been interesting to make a study of one of these subjects from 1828 to about 1930. Writing a thesis on a short period like this one is very unsatisfactory, as practically nothing can be taken from its origin to its logical conclusion.

I am greatly indebted to many people for their assistance and sympathetic guidance during my study - Mr. J.E. Elder, the principal of the De Aar High School, made it possible for me to obtain three month's leave; Mrs. J.C. Williamson, Assistant Librarian of Rhodes University College and her staff gave me every assistance; Mr. V. de Kock of the Government Archives, Cape Town photographed the maps for me and placed as many books as possible at my disposal on my visits during the vacations; Prof. Kirby of the Witwatersrand encouraged me, when I was depressed after an illness which robbed me of half my study leave, his advice and guidance proved invaluable; Prof. M. Roberts kindly

II.

read through an inferior thesis and gave me useful hints; Prof. I.J. Rousseau who has been not only my tutor but also a sympathetic friend throughout my University career; and last but not least my relatives, who gave me moral and financial assistance when I was fatigued after strenuous terms at rather difficult schools.

I have attempted to build up the thesis entirely on the original documents, especially manuscript sources, but reports of Commissions of Enquiry have been used to great advantage. Newspapers and publications by travellers and politicians of the period proved invaluable as I consider them a fairly accurate reflection of the emotions of the period. Most of the works which I discovered defend the colonial point of view. These sources led me to criticise the methods of Dr. Philip and his party very severely, though I am inclined to sympathise with his convictions. As I grew up in the Eastern Province I am sympathetic towards the natives but not the Hottentots and throughout the thesis I have attempted to curb my own convictions, this has been very difficult especially as a study of the natives is my hobby.

When making quotations the tenses of the verbs have been left unaltered; also the spellings of writers concerned have been retained e.g. Koonap is often spelt Gonappe and Kaffirs as Caffres.

III.

CONTENTS.

INTRODUCTION. P.P. 1-8.

CHAPTER I.

MISCELLANEOUS.

Map of the Cape in 1834 - Government - The Charter of Justice - Education - Church - Roads - Finance - Wine Trade - Trade - Labour and Wages - Finance of Districts - Post Office and Postage Rates - Orphan Chamber - Land Grants. P. 95.

CHAPTER II.

SLAVERY. P. 209.

CHAPTER III.

HOTTENTOTS. P. 296.

With Map of the Cape in 1832.

CHAPTER IV.

KAFFIRS.

General Survey - Origin of Neutral Belt with Map - Gaika - Ordinance No. 49 - Macomo - Tambookies and Macomo's attack on them - Missionaries, Agents, Travelers, Colonists, Shaw - Patrols, Commandoes, Thefts, Fetcani (with sketch) Mantatees, Zeco - Land question and raids - Frontier Defence - Stockenstrom - What was the real state of the Frontier - Traders, Albany development - Suggested solutions in 1836 - Natives today. P. 437.

BIBLIOGRAPHY.

Manuscript Sources. P.P. 438-41.
Government Gazettes. P. 441.
Cory. Copies of Documents. P.P. 441-2.
South African Pamphlets. P.P. 442-3.
Newspapers. P. 443.
Books on Bibliography. P. 444.
Published Documents. P.P. 444-5.
Journals. P.P. 445-6.
Biographies. P. 446.
Diaries. P. 447.
Travel. P.P. 447-8.
Histories. P.P. 448-9.
Unclassified. P.P. 449-51.

ABBREVIATIONS. P. 452.

Table of Principal Events - Chronology

INTRODUCTION.

In 1612 William Cole, of good Devonshire family, was given a grant of land, which included the town and castle of Enniskillen, situated on an island in Lough Erne. This land was a stronghold of the rebel Tycronnel Clan, and was captured by Hugh O'Donnel, who terrorised all the dwellers of Lough Erne.

William Cole was knighted in 1617, and represented the county in the parliament of 1639. In 1641 he was so successful in beating off the rebel Irish that Enniskillen became the refuge of the Protestant inhabitants of Northern Ireland. Verily might the Coles lay claim to have assisted materially to the prosperity of Northern Ireland.

Early in the 18th Century Sir John Cole moved out into the country and the mountains and the woods ten miles from Enniskillen, where he built a house, which he called Florence Court after his wife.

John Cole, grandson of the man who built Florence Court, was created Baron Mount Florence of Florence Court in 1760. His son, William Welloughby, born in 1736, was created Viscount Enniskillen in 1789. He married Anna, daughter of Galbraith Lowry Corry, afterwards Earl of Belmore, and had a large family.¹

"The Coles were energetic, masterful men, who interested themselves in local and public affairs, capable leaders and as such looked up to and respected by their neighbours; loving sport and country pursuits but with only a tepid interest in literature and art; careless about money, yet acutely aware of the need of it to make life pleasant; having a high

sense of honour, but also high temper and lack of patience and caution".^{1.}

Sir G. Lowry Cole possessed all three characteristics of the Coles, and he knew his own weaknesses. When Writing from Mauritius in 1826 to Lord Enniskillen about their brother Arthur, whom they had not seen for twenty-five years, Sir Lowry said, "He is unlike you and me in one respect, viz. in not being easily irritated or vexed and appears to have an uncommon sweet temper with the most susceptible mind I ever saw and generosity itself..... In temper you would not believe him to be a Cole. I do not know a sweeter disposition".^{2.}

The impression Cole made on the inhabitants of Mauritius was favourable and a merchant wrote of him "he is too open hearted and honest an Irishman to listen to intrigue and is always too busily employed to leave himself time to do so".^{3.}

Sir Galbraith Lowry Cole was the second son of William Cole, and was born at Florence Court on May 1st, 1772.

Although the Revolutionary wars caused no great alarm in England, Ireland was directly affected e.g. the attempted landing, of the French in Bantry Bay, and the rising of the native Irish, which culminated in the Battle of Vinegar Hill, in which Cole's father and eldest brother both fought. Young Lowry received his first wound in this battle.^{4.}

After attending school at Armagh and Port Arlington, Lowry Cole entered the army at the age of fifteen, as a cornet in the 12th Light Dragoons. He completed his education at the University of Stuttgart 1790-1792.^{5.}

In 1793 at the age of 21 Cole was gazetted as a major in the 86th Regiment, which was stationed in India. On his way out he was present at the taking of Martinique and Guadeloupe. Next he was made a Lieutenant-Colonel in Ward's

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1. Memoirs of Sir Lowry Cole P.3
 2. Memoirs of Sir Lowry Cole P.211.
 3. Memoirs of Sir Lowry Cole P.209
 4. Memoirs of Sir Lowry Cole P.13
 5. Memoirs of Sir Lowry Cole P.5

Regiment of Foot and from this went to the Coldstream Guards. There can be no doubt that Cole bought his rapid promotions, but he fought well, and justified himself in each new position.^{1.}

From 1801 to 1802 Cole served in Egypt.^{2.}

Cole had a distinguished career in the Peninsular Campaign under Wellington. He took part in the battles of Albuera, Salamanca and the Pyrenees - as a ^{lieu} Lieutenant-General. Sir Lowry Cole was, however, discontented after the war and "opinion in general regarded him and Sir Thomas Picton as great soldiers who had been shabbily treated";^{3.}

After Napoleon's exile to Elba Cole was without employment, till just after April 1815, when the Duke of Wellington summoned him to reassume command of the 4th Division. However, he now wished to marry Lady Frances Harris, daughter of the Earl of Malmesbury, and applying for leave obtained it - proof that the military situation was not fully realised in Britain.^{4.} The result was that Sir Thomas Picton commanded Cole's division at Waterloo - and was killed.

After 15th June 1815 the impoverished Cole had to provide for a family - a source of constant anxiety to him even after he was Governor at the Cape.

The Allies entered Paris ostensibly as friends but really as conquerors. "The British felt the ^{passive} resistance and insolence" of the defeated French army. The King, Louis XVIII was heartily despised. Cole was popular enough with Wellington to obtain the command of the northern army of occupation in France, with his headquarters at Cambrai. If

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1. Memoirs of Sir Lowry Cole P. 11.
 2. Memoirs of Sir Lowry Cole P. 17 and 20.
 3. Memoirs of Sir Lowry Cole P. 134.
 4. Memoirs of Sir Lowry Cole P. 137.

4.

If a general peace were to be arranged, what would Cole's fate be? Lord Malmesbury tried to obtain a "Government" for his son-in-law - he had influence with the Duke of York and the Regent;^{1.} This, however, lay in the distant future.

One can see from a letter written in Paris by Sir George Murray, that he was on very intimate terms with the Coles.^{2.} Cole was thus intimately connected with both the Colonial Secretaries under whom he had to serve when Governor at the Cape, since his favourite sister Henrietta was married to Lord Grantham, brother of the future Viscount Goderich.

Knowing that the command in France was to terminate in 1818 Cole tried to obtain a home appointment. He had received the thanks of the House of Commons three times, and also the K.B.C.; but when it came to an actual appointment he was offered the governorship of Carfu - rather apologetically - by Lord Bathurst. Cole declined the offer, stating, "Having spent the greatest part of my military life in foreign service, I do not wish to accept any distant situation which does not hold out pecuniary advantages".^{3.}

In September 1816 he was offered the governorship of Ceylon at £10,000 p.a., but on account of his health could not accept an appointment in a hot climate;^{4.} in fact he seemed to have had rooted objection to India.^{4.}

Sir Lowry to his great disappointment was not offered one of the home governorships e.g. Portsmouth or Jersey. On the death of Lord Malmesbury a powerful influence with the Government was removed. The offer of a peerage was declined, because Cole considered himself too poor to accept an empty title.^{5.} Under these circumstances he was glad to receive the governorship of Mauritius, to which place he set out in the Charles Grunt, a merchantman, in April 1823.^{6.}

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1. Memoirs of Sir Lowry Cole P. 182.
 2. Memoirs of Sir Lowry Cole P. 186.
 3. Memoirs of Sir Lowry Cole P. 200.
 4. Memoirs of Sir Lowry Cole P. 200.
 5. Memoirs of Sir Lowry Cole P. 202.
 6. Memoirs of Sir Lowry Cole P. 202-3.

The Governorship of Mauritius was an excellent forerunner to the Cape appointment. Both Mauritius and the Cape were recent British acquisitions. In Mauritius as in the Cape the white population was not British. These people had to be treated tactfully and their racial prejudices and institutions respected. Besides Cole had spent his boyhood and youth among a people who had not been properly treated. He was a protestant and looked upon as an Irishman by all except the native Irish, who could not forget that Ireland was ruled by heretical King's men. Cole was willing to trust men of any religion except Catholics.^{1.} After only one short tour of the Interior, Cole could sympathise with the Dutch.^{2.}

The Mauritius Blacks were in the same position as the Cape Hottentots. Of them Cole said to Bathurst, "The Malabars are the most respectable of these people, but the free Black population are almost invariably idle, dissipated and will never work but from necessity. This applies principally to the small proprietors".^{3.} Cole thus gained valuable experience in the relationship between white and black in the colonies; above all he grasped the fact that the Black population did not consist entirely of saints. Cole did the Cape a great service in preventing the transportation of the Mauritius Blacks to the Cape, after he became governor here.

As regards slaves, Cole was fortunate to be governor in the two colonies where the slaves were tolerably well treated. While in Mauritius, Cole became convinced that the British policy was illconceived - like most whites he was opposed to the institution of slavery - but he realised how aggravating the numerous slave laws could be. The methods of the British enthusiasts were bound to arouse opposition in the colonies, but he was sure that the laws as enacted by

1. C.O. 1444 P. 304

2. Memoirs of Sir L. Cole P. 21

3. Memoirs of Sir L. Cole P. 219.

by the British Parliament could not be carried out with exactitude in all the colonies. Local conditions varied too greatly. In reply to Lord Bathurst concerning the freeing of all Slaves not properly registered Cole said, "But if contrary to my hopes His Majesty's Government should consider it right to adopt this measure, I pray that the task may be imposed on some other person and not on me, for I feel the injustice would be so great that I could not-^{1.} whatever refusing may cost me - put it into execution". Cole was as good as his word.

Although always in need of money, he preferred to resign his governorship of the Cape rather than carry out the law for the abolition of slavery. Cory described South Africa as "the grave of great men's reputations,"^{2.} Cole's resignation is the actions of a man who would sacrifice his all for a conviction and the welfare of the people he had been sent to govern. This action should certainly have enhanced his moral reputation.

At this time the British Government seemed to be pinning all its faith on Commissioners of Enquiry. They might have done good work, but their visits to the respective countries were too short to ^{gain} give a profound knowledge of affairs in the colony concerned. After their recommendations were strongly influenced by one of other party at the Capital e.g. Bigge submitted a report on the state of affairs of the Hottentots and Bushmen of the Cape Colony; "And at the same time to transmit the papers and documents relating to them and to the missionary institutions, which were delivered to us by Dr. Philip, together with the copies of the memorials addressed to the Secretaries of State for the Colonial Department by the Directors of the London Missionary Society".^{3.} Cole stated definitely "I cannot say that I derive much assistance from their labours".^{4.} The recommendations of the Commissioners

1. Memoirs of Sir Lowry Cole P. 218.
 2. Cory: Rise of South Africa. II. P. 377
 3. Theals Records of the Cape Colony XXV P. 306.
 4. G.O. 1444 P. 411 to 422 - G.O. 1444 P. 505

certainly agitated the minds of the Dutch population of the Cape.

Lord Bathurst resigned in 1827, and Lord Goderich became Colonial Secretary in his stead. Cole's connection with Lord Goderich through his sister Henrietta's marriage to Lord Grantham; and his personal friendship with both Goderich and Sir George Murray certainly facilitated his appointment as Governor at the Cape. His salary was to be £7000 per annum.

An attack on Sir Hudson Lowe by the French of Mauritius and the subsequent profuse apologies showed Cole how slender the ties were that held these people to Britian. He always tried to satisfy them, as also the Cape Dutch, Cole wrote to Goderich from the Cape about this affair, and also in minute details about the riots at Stellenbosch;^{1.} but the Colonial Office refused to be guided.

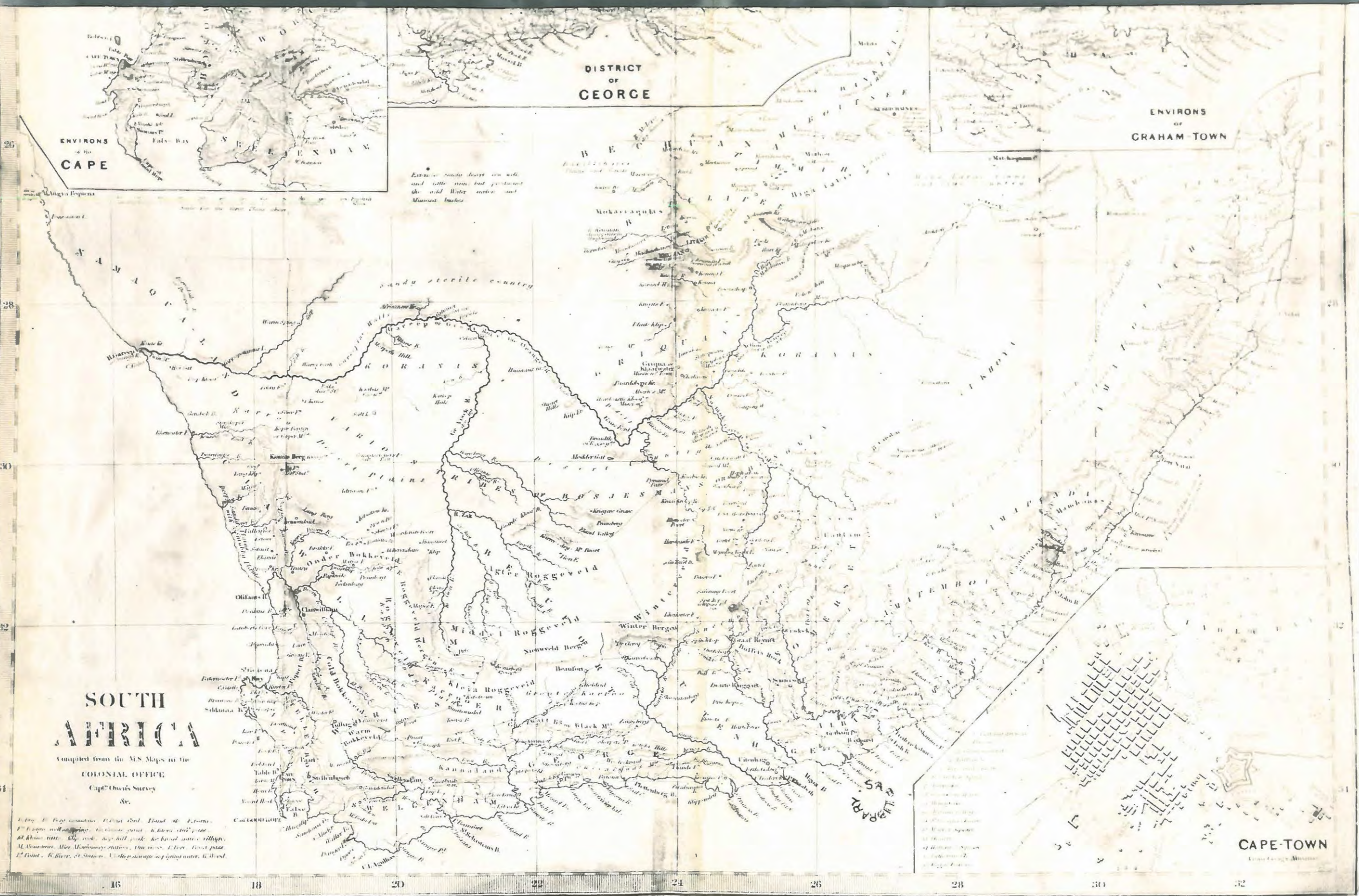
Cole became Governor of the Cape at a very difficult period. Bourke's 49th and 50th Ordinances had caused chaos both inland and on the frontier. The Charter of Justice was a great social, political and judicial revolution. The philanthropists in England had gained the upper hand and Dr. Philip's Researches were quoted, as an authority for the governor's benefit in official despatches. Often Cole was instructed to refer to certain chapters in the book for his information.^{2.} The hurried slave laws intensified the feeling of unrest, while those cattle farmers who were beyond the Cape border were showing a disinclination to return to the jurisdiction of the Cape. Cole steered the Cape through a difficult period in its history, and by his sympathy and understanding checked revolt. The Governor was a statesman who fully appreciated the significance of incidents.

1. C.O. 1444 P. 411 to 422 and C.O. 1444 P. 505.

2. C.O. 1316 Marked Separate dated 3. Aug. 1828.

He saw that the policy of the Anglicisation and the Scotch ministers were making the Boers race-conscious. His warnings fell on unheeding ears; but the native policy he suggested was followed in many respects by Sir George Grey.

Cole was truly one of the greatest governors the Cape has seen. His greatness till 1818 was won on the battle field, but at the Cape this fair-minded sympathetic Irishman showed that he was a shrewd and capable administrator. While historians persist in measuring greatness by military achievement Cole's governorship at the Cape will not be appreciated. His was a rule of correction - correction of the blunders of his predecessors and faults in the Charter of Justice-, of the application of the new laws of government, and of quiet development.



DISTRICT OF GEORGE

ENVIRONS OF GRAHAM TOWN

ENVIRONS OF THE CAPE

SOUTH AFRICA

Compiled from the MS Maps in the COLONIAL OFFICE. Capt. Owen's Survey.

Extra sandy desert on left and left side, but pasture the wild Water and some Mammal bushes.

Sandy sterile country

1. Top of Cape mountain District and Island of Table Mountain. 2. Top of Table Mountain. 3. Top of Table Mountain. 4. Top of Table Mountain. 5. Top of Table Mountain. 6. Top of Table Mountain. 7. Top of Table Mountain. 8. Top of Table Mountain. 9. Top of Table Mountain. 10. Top of Table Mountain. 11. Top of Table Mountain. 12. Top of Table Mountain. 13. Top of Table Mountain. 14. Top of Table Mountain. 15. Top of Table Mountain. 16. Top of Table Mountain. 17. Top of Table Mountain. 18. Top of Table Mountain. 19. Top of Table Mountain. 20. Top of Table Mountain. 21. Top of Table Mountain. 22. Top of Table Mountain. 23. Top of Table Mountain. 24. Top of Table Mountain. 25. Top of Table Mountain. 26. Top of Table Mountain. 27. Top of Table Mountain. 28. Top of Table Mountain. 29. Top of Table Mountain. 30. Top of Table Mountain. 31. Top of Table Mountain. 32. Top of Table Mountain.

CHAPTER I.MISCELLANEOUS. (Government).

Sir Galbraith Lowry Cole arrived at the Cape on the 7th of September, 1828, and was sworn into office on the 9th.^{1.}

The new governor discovered at once that there was confusion as to where official documents ought to be kept. Lord Bathurst instructed that they should be at their "official residence". At Mauritius the governor had kept them himself, but at the Cape the Chief secretary did so, Cole intimated, that he would keep all the official documents of his Governorship.^{2.}

Cole had been allowed half salary from his embarkment from Mauritius, and full pay from 9th September, 1828.^{3.}

Soon after his arrival the new governor went on a tour to become acquainted with conditions on the frontier.^{4.} He thought there was no need for alarm, for Gaika had been ill for some time. The position of the farmers, particularly at Graff-Reinet, won his sympathy. The farmers of the eastern districts had been ruined by droughts and locusts. "Goetze lost 2,800 sheep, 450 oxen, and 45 horses, and he and his brother, where we slept one night are reduced to buy on credit grain and potatoes".^{5.}

Under the old Dutch system, which was taken over by the British in 1806 with some slight alterations, all the power of government was vested in the governor. The other civil servants were divided by the Commissioners of Enquiry into "Prevential and Correctional Police"^{6.} Chief of the preventive police was the Fiscal with the landdros as his deputy in the districts. All the cases had to be reported to the Fiscal, except cases of minor importance. This system occa-

1. G.O. 1444 P.1.
G.G. 22 No. 1183

2. G.O. 1444 P.6.

3. G.O. 1316 No. 1072

4. G.O. 1444 P. 131

5. Memoirs of Sir Lowry Cole P. 237

6. Theal: Records of the C.C. XXXV P.12

sioned much delay. The difficulty of assembling the commissioned members of the Court of Justice in Cape Town, and of the Heemraden in the districts also ^{led to} procrastination. There were not enough clerks, and the use of English also caused some difficulty.^{2.}

The duties of the judicial and the executive police were performed in the districts by landdrosts, deputy-landdrosts, residents, veld-commanders, veld-cornets and veld corporals. The three latter group had in addition to assist with the military ^{and} affairs. These officials were appointed by the Governor on the recommendation of the landdrost. Office could not be declined, unless good cause were shown. The veld cornets were military and police officials; they had also to publish the laws and hear small cases. They received no remuneration except in the frontier districts, where they were paid £15 per annum. In 1825 there were 158 of these officials.^{2.}

In the towns the wardmasters were in charge of the wards, they were appointed for three years without pay. The suggestions of the Commissioners of Enquiry in this connection forecast the practical application of Municipalities. Instead of the "Die-neers," ^(Police Officers) who were not satisfactory, and received small salaries and fees for the apprehension of prisoners, Constables receiving satisfactory wages were suggested. The other suggested changes as to judges, magistrates, police and civil commissioners were embodied in the Charter of Justice.^{3.}

On the 16th of July 1831 a public meeting was held in Cape Town. The colonists petitioned "that His Majesty will be pleased to commit the administration of the internal affairs of this colony to a governor appointed by the crown; an Executive Council appointed by him under sanction of the crown and a legislative assembly composed entirely of representatives purely elected by the inhabitants."^{4.}

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1. C.O. 620: dated 20 Jan. 1829 also C.O. 620 No. 69
 2. Theals Records of the C.C. XXXV. P. 130.
 3. Theals Records of the C.C. XXXV P. 131.
 4. C.O. 1444 P. 619.

Cole was not prepared to advocate the granting of a representative government, because of the tension in the country and the motives which prompted the petition. The Governor pointed out that four of the six members of the Council of Advice were colonists and would know the needs of the colony. But the Governor did not try to avoid facts, and he stated "there is not a single person in the colony satisfied with the Council of Advice as it is now".¹ The work was done in secret and the members of the Council were sworn to secrecy. All other Colonial Councils were free from these restrictions. If a few people could attend the meetings and the financial statements were published, the majority of the colonists would probably be satisfied. As result of the above comments by Cole on the petition Goderich suggested that the members of the Council on Government be increased to ten, if sufficient people could be found who were capable of filling such positions.² The public revenue and expenditure of the colony was also to be published, so that the colonists could have some idea of the financial position.³ *with my not*

The active participation of the colonists in the government of their country, had already passed the experimental stage. The West Indian colonies had legislative assemblies, and ~~xx~~ in the colonies where there were no such assemblies a number of colonists unconnected with the government were added to the Council. These colonists were equal in number to the number connected with the Government, so that they could have some influence over the Government in matters of taxation and expenditure. The Cape Government was to be ^{brought} into line with the other British possessions, but only to ascertain the sentiments of the Colonists and the powers of His Majesty's Government were to remain unimpaired.⁴

2. G.O. 1314 No. 224 (Pages not numbered)

3. G.O. 1319 No. 1286 and G.G. 23, 23 Oct. 1831.

4. G.O. 1320 attached dated 29/3/1832.

In June each year the governor was to place his estimate for the next year's expense before Council. If it met with the approval of the Council the Governor had to send it to the Colonial Secretary as soon as possible in the form of an ordinance. A minority in the Council objecting to the measure could also forward their views. If the Council objected to the Governor's estimate, he was to ask them to propose one, which he then had to forward.^{1.}

When presenting the expenditure to the Council, the governor had also to present the ways and means of raising it. This statement together with the taxation already provided for and the authorities under which it was raised, had to be sent to England, so that his Majesty's Government could revise the existing system of taxation in the colony.

The Colonial Secretary approved the governor's suggestion and a detailed statement of the revenue and expenditure of the colony was to be published annually in the Colonial Gazette after it had been audited. In such reports revenues from crown property were to be stated separately from those obtained from taxes levied on the colonists.^{2.}

The Council of Advice had been appointed on the advice of the Commissioners of Enquiry; and at no time was the local government consulted.^{3.} There are some Historians like Fowler and Smit, who maintain that this Council was merely a revival of the old Council of Policy.^{4.}

When opposing the introduction of representative institutions Cole said, "if such an assembly can be granted with propriety and safety in any colony where ^{slavery} exists and where almost the whole of the slave proprietors resist the interference of the British Government for the protection of the slaves, where the old inhabitants the mass of whom are of a difference

1. C.O. 1320 attached dated 29/3/1832.
 2. C.O. 1320 attached dated 29/3/1832.
 3. C.O. 1444 No.3 attached.
 4. Fowler and Smit; Geskiedenis:P.316.

nation, and speak a different language from the mother country, and many of whom possess great influence, ascribe whether truly or not, their real or pretended ruin and that of the Colony to the depreciation of the currency occasioned by the Acts of the British Government, and where the great majority of the people clamour for the renewal of the ancient restrictions on the Native tribes, then may a legislative assembly, in my opinion be granted to the Cape of Good Hope without hesitation."^{1.}

Here as usual Cole showed a thorough appreciation of events and the relative importance of facts. In the above quotation five points were raised which were afterwards quoted as causes of the Great Trek, namely, the Slave question, Language Currency and Native problem and the Legislation of the British Government.^{2.}

Recent events in South Africa have proved that the two white races have not yet blended to form one harmonious whole. In 1831 the position was perhaps more acute. In the following extract the Governor showed that there was a wide divergence of opinion between the two races on questions of fundamental importance. Brandt and Fairbairn united in their demand for Representative Government, but their alliance "split on the rock of slavery".^{3.} "It is quite natural that the old colonists should seek the acquisition of power under a more liberal government than their own ever was, and it is a matter of course that the British Settlers should aim at the same object - both parties united on the occasion of the meeting to which I have already alluded each for its own purposes."^{4.} Subsequent events, however, indicate in a manner which cannot be misunderstood, that there is and cannot be

1. C.O. 1444. P. 620.

2. Preller : Piet Retief. P.79.

3. Walker : A History of South Africa. P.173.

4. C.O. 1444. P. 619.

any bond of union between them- The discussions on the currency, the present conditions of the Hottentots, and above all the Slave Orders- in- Council have led to wider distinctions, and a greater indisposition towards the British Government than was ever apparent at any former period".^{1.}

Cole also felt that there were no people at the Cape capable of being representatives - through lack of education or means. The result would be that the people would become easy prey of demagogues and briefless lawyers.^{2.}

These arguments hold to a very great extent in South Africa today, where sentiment and emotions are the guiding motives in politics; and leaders are followed blindly irrespective of the underlying principles especially in the platteland.

The Burger Senate of Cape Town had just been abolished, but Cole suggested that local boards be granted to Cape Town and the surrounding villages. This would relieve the Colonial Government of much work, and they could raise rates and taxes of a purely local nature. The Governor was of the opinion that this concession would not raise expenditure, in fact it would help to make up the deficit. "Besides this, the present excellent system of Justice would be preserved, and it would gradually accustom the people to the management of their common concerns until some period when an assembly may be granted with fairer promise of success than at present."^{3.} Goderich agreed with Cole that one of the ways of reducing expenditure, was "in restoring to or conferring on the inhabitants of the central towns or villages the right to administer their local affairs and the power to tax themselves to the extent required for the execution of all necessary or desirable improvements"^{4.} In this way was the way paved for the granting of Municipal Institutions.

1. C.O. 1444 P. 620.

2. Walker: A History of S.A. P. 173. C.O. 1444 P. 439

3. C.O. 1444 No.3.

4. C.O. 1318 P. 263-8

The frontier had caused all the governors a great deal of trouble. A man had to be on the spot, and a man of great experience, a former landdrost of Graaff Reinet, Andries Stockenstrom was appointed to fill the position. He received a salary of £800 per annum and was required to live at Uitenhage¹ and later at Grahamstown. He was given extensive powers - these will be fully discussed under the frontier. As Stockenstrom had to travel vast distances - the new Kat River settlement was under his charge - the Government asked that he be allowed travelling expences. Cole thought that Stockenstrom should be retained on the Council of Advice as his presence was invaluable, but he should be given to understand that he need not to travel to Cape Town for every meeting. The Government thus had the benefit of his advice while he remained at his post on the frontier.² This appointment had been suggested by the Commissioners of Enquiry. In the event of the death of the Commissioner-General, the Civil Commissioner of Albany was to take his place, but it was impossible for one man to discharge the duties of both offices for any length of time.³

The inhabitants of the Eastern Province henceforth agitated for a permanent division of the Cape into Eastern and Western divisions.⁴ The controversy raged for nearly fifty years, before it finally died down. Many arguments were used in favour of separation e.g. The frontier problem was the most important and the seat of Government was too far removed from the frontier; Cape Town was neglecting the interests of the rapidly rising frontier districts; the rapidly rising frontier trade which needed proper regulation etc.

Because of the general state of unrest at Cape Town, the governor thought it admirable to pass an ordinance prohibi-

1.C.O. 1317 No. 1132.

2.Cory: C.A. IV 183 & C.O. 1319 NOO 1316. & C.O. 686. No.11.

3.C.O. 1319 No. 1316.

4.G.T.J. Vol. I No.22.

*see also
Died Reinet*

ting the holding of public meetings for a year. The consent of the governor had to be obtained before the holding of a meeting, or in the country districts of the civil commissioner. Any persons holding meetings to excite the public or to bring the government into contempt would be imprisoned for from four to twelve months. People who published letters statements or observations about such meetings were liable to the same punishments.¹ The majority in the Council voted against this ordinance, their objection being that "more time for its consideration was requisite", but Cole for the first time overrode their decision as he considered prompt action essential.² The Governor had no power to legislate except on the advice of the Council. A legislative proclamation not sanctioned by the Council would be invalid, but the governor ~~can~~ ^{could} in the case of an emergency promulgate a law as an order in Council even if the majority or a whole of the Council dissented from it.³ As was required of him the Governor gave his reasons to the Colonial Secretary for this extreme action, and his arguments were constitutional sound. All governors had the right to override the decisions of the Council but only in cases of absolute necessity. When such a necessity arose the governor should meet the case with resolution, and act for the peace and safety of the community at large and this should be the ultimate object of all law. This overriding of the Council was an extreme power which had to be justified only by very urgent cases. Goderich not only endorsed Cole's actions, but urged that ~~there~~ if there were seditious motives at the Cape it would have been folly to temporise or hesitate as the agitators would have looked, upon it a sign of weakness.⁴

The Old Cape Dutch Law which still existed at

1. G.G. 26 6 June 1832
 2. C.O. 1320 No. 1353.
 3. C.O. 1319 No. 1297.
 4. C.O. 1320 No. 1353.

the Cape gave the governor the power of banishment, but this had to be superseded as regards the King's subjects; so Cole had to revoke the part of his Ordinance of 6th June which restored the power of banishment vested in the governor as "the right of banishing British subjects, from any part of the British Dominions, except under the authority of an act of Parliament or of the sentence of a competent Tribunal, seems to me in the highest degree questionable".² The governor could, however, still banish dangerous aliens.²

This action of the governor raised two questions of importance, namely the power of the governor to act on his own behalf in contradiction to his Council; and the constitutional liberty of the individual at the Cape. The judges thought that the governor was "not competent to issue any legislation, without the intervention of the Council of Government. All law must then have the form of an ordinance of the Governor-in-Council", and could be issued as such even if the majority of the Council had voted against it. The members of the Council did not agree, that a measure they had voted against should be published as passed by the Governor in Council.³ The Colonial Secretary, however, decided that the governor could promulgate an ordinance by the power vested in him.⁴ All the Judges (except Menzies) and the Attorney-General thought that the Council could not be called the Legislative Council of Government, therefore to avoid collision with the Court Cole postponed the publication of the New Charter of Justice.⁵ The Court would also not recognise the power of the Governor to extend its jurisdiction to people beyond the frontier.⁶ A certain section of the population, particularly the British Settlers thought that the ordinance gave the governor too much power. One Settler wanted to

1. G.G. 26 Ord. 99. June 8, 1832.
 2. C.O. 1320 No. 1353.
 3. C.O. 1444 P. 499
 4. C.O. 1317 No. 1136
 5. C.O. 1445 P. 88
 6. C.O. 1444 P. 495.

know why they could not take part in the government of the country or hold a meeting and publish its results; what was the use of the Council of Advice if the governor still had such powers lawfully vested in him.^{1.} As Commander in Chief of forces all Cole had to do was to inform the Chief Justice of any case of transportation by a Court Marshall. The Chief Justice then had to make the order of transportation or intermediate custody of these prisoners.^{2.}

The House of Commons^{3.} decided against providing the salaries for private secretaries for the governors of colonies, especially those "which are assisted by pensionary grants from this country in aid of the expense of their civil establishments". Murray also thought that ample provisions had been made for the conduct and preparation of official correspondence at the Cape.^{3.} The Governor was, however, permitted to spend 10/6 per diem on an aide-de-camp.⁴

A definite step in the direction of constitutional freedom was the granting of a free press to the Cape.

The struggle had begun under the governorship of Lord Charles Summerset, and continued under Banke, whom Greig described as a "blundering insidious two-faced Irish hypocrite" who none the less favoured a free press.⁵ Newspapers were printed in both English and Dutch even after 1828 when English became the official language of the Cape,⁶ even the notes in the Gazette were issued bilingually. The adoption of English as the language of ^{the} Courts synchronised with the issue of the First Charter of Justice.^{7.} (This question will be discussed more fully under Justice). The draft ordinance, which was made for the regulation of the Press, gave freedom of expression but placed the Press under the law of libel.^{8.}

1. G.T.J. Vol.1 No. 29.

2. C.O. 1317 No. 1159.

3. C.O. 1317 No. 1142.

4. C.O. 1317 No. 1317 No. 1091.

5. Walker. History of South Africa P. 169.

6. Ibid (See copies of same)

7. Ibid.

8. C.O. 1316.No.59; G.G.23, Ord. No.60. 30 April 1829
Harding: II. P.22.

The Cape always showed a deficit and ^{the} increased cost of printing worried the Governor. The printing establishment had been reduced under Bourke and the Government Printing was given on contract. The gross average annual expense of printing including payment for the Gazettes furnished to all public functionaries was £889.6.8 $\frac{1}{4}$. Greig tendered the work for £575, thus there was an apparent saving of £284.6.8 $\frac{1}{4}$. Greig admitted that he would desire no direct profit from this proposal but calculated on his sale of the Gazette, and the saving of labour in the transferring advertisements, ordinance etc. from the form set up for the Gazette onto his private newspaper. Cole thought Greig was under estimating the work that kept the presses busy. ¹ Goderich was in complete agreement with Cole, that the extra £284.6.8 $\frac{1}{4}$ was worth expending on the secrecy necessary for all government documents, as these secrets would be dangerous in the hands of a newspaper editor. ² It was the special duty of the Governor to prevent copies or extracts of Secretary of States' ³ despatches falling into the hands of unauthorised persons. On the other hand he did not consider that a lithographical press would afford the requisite assistance and facilities for despatch for public business; a press of this description was extremely convenient for throwing off a large number of impressions of matters for immediate and extensive circulation, yet it was not capable of fulfilling the multifarious objects of which the Government of so extensive a colony as the Cape must necessarily have a private press under its exclusive control. Taking all these things into consideration it would be advisable to accept Sandt's proposal, but he had to be bound by all the restrictions the Governor would think beneficial. ⁴

All petitions to the Colonial Secretary had first to pass through the hands of the Governor, and "the Secretary of State will be under the necessity of declining to entertain the subject of any

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1. C.O. 1444 P. 239.
 2. C.O. 1318 No. 1214.
 3. C.O. 1317 No. 1081.
 4. C.O. 1318 No. 1214.

representation, which shall not have been previously submitted for the consideration of the Governor".^{1.} This order seemed to indicate that all petitions and memorials could only be sent through the Governor, apparently this was not the object of the circular, and on the 20th February 1831 an explanatory circular was again addressed to the governors of the colonies; because "it was not intended to prevent any of His Majesty's subjects from sending memorials or letters to His Majesty, to the Secretary of State through any medium other than the Governor, provided copies are previously communicated to him, it being fully understood that, if this is neglected, no steps will be taken upon them, without that delay, which unless in peculiar cases, must ensue in the answer to be returned owing to the necessity of referring the matter to the Governor for his report on it".^{2.} Apparently there were a favoured few who could serve as other sources of information.

The death of George IV took place while Cole was Governor at the Cape. George IV died on 26th June 1830 at 3.15 p.m., and William IV was proclaimed King on the next day.^{3.} The old seal of the colony was to be used until the ~~old~~ new one arrived but the Governor was to take immediate steps to have the necessary change made in the Book of Common Prayer.^{A.}

The governors of the colonies retained all powers bestowed on them patent or commission until new patents be issued. The period in which the patents would become determinable at any future demise was extended from six to eighteen months.^{4.} The Death of George IV necessitated the holding of a general election in England, after the election Goderich succeeded Murray as Secretary of State for Colonies.^{5.} In 1833 Lord Stanley became Colonial Secretary.^{6.}

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1. C.O. 1317 No. 1163.
 2. C.O. 1318 No. 1228.
 3. C.O. 1317 No. 1183.
 - A. C.O. 1317 No. 1185.
 4. C.O. 1318 No. 1215.
 5. C.O. 1318 No. 1203.
 6. C.O. 1445 No. 219.

(6) THE CHARTER OF JUSTICE.

There were many difficulties in ~~the~~ applying the Royal Charter of Justice which was passed during Bourke's Governorship. The introduction of so revolutionary a measure was fraught with many difficulties, ^{and the brunt of the} Cole had to bear the brunt of these difficulties.

The inhabitants of Uitenhage, Albany, Somerset and Graaff-Reinet sent memorials showing appreciation of the Charter of Justice and stating that trial by Jury had proved a ¹ success in the country districts. It will be noted that these were the districts where there was a large British population. — *John*

The old colonists had been greatly aggrieved when the Courts of Heemraden were abolished, as they felt that they had been robbed of their legitimate share in the Government. ^{A.} Cole's suggestion of Municipal institutions would remove this feeling, but he was opposed to the reintroduction of the Heemraden. As advisors to the civil commissioners for the valuation of property and tax assessment they would prove more of a hinderance than a help, and if they were restored to their former judicial functions, "The objections to a sort of standing jury appointed by government will be revised, and the Slave laws will most certainly become abortive" ^{2.} Added to these difficulties ~~their~~ duties and those of the Resident Magistrates and Civil Commissioners would clash and add to the general state of confusion. ^{3.} If the colonists were to be given experience in government and ^{law making} legislating it had to be given not through the law courts but local autonomy. This was what actually took place. Besides the appointment of Heemraden, as authorised by the Colonial Secretary would not satisfy the colonists, who wanted the right to elect part

1. C.O. 1316 Despatch No. 48. Dated 27 Dec. 1828. A/

2. C.O. 1444P. 589 and C.O. 1445 P. 84.

3. Ibid.

A. Malan: Boer en Barbaar P. 19. *What is his name?*

1.
of the Government.

On the 29th of January 1829, Cole received a despatch from Sir George Murray, "for ensuring the early despatch or termination of all the rear business, in order to bring into full operation the whole of the new arrangements which are to supercede the ancient institutions of the Colonial Government".^{2.}

The Charter of Justice threw many people out of employment and Cole was inundated with petitions. Apparently Bourke had filled the chief magistracies with military and naval officers on half pay.^{3.} Cole now had to make arrangements for

Civil and judicial appointments under the new scheme, but he was greatly handicapped by the Colonial Office which insisted on sending men from England even when men capable of filling the vacancies were to be found at the Cape. The most flagrant case was that of Moodie, who had been appointed by Bourke and who fully qualified himself for the part of a resident Magistrate, so much so, that the inhabitants of Grahamstown petitioned for his retention, when a man, Mr. Waddell, was being sent from England to supercede him.^{4.} This despite the

fact that Cole testified to his unimpeachable character and Burton and Menzies to his ability to fill the post.^{5.} The only consolation that Cole received was that Moodie could retain the position until a suitable man could be sent from England, and that a position could be found for him afterwards.^{6.} Murray expressed his regret that Bourke had ever appointed Moodie to

such a post and Cole had "to get rid of the notion that people were sent from England for Colonial Offices in preference to local people".^{7.} Moodie was afterwards appointed Guardian of the Slaves of the Eastern Division on the death of Major Pigot.^{8.}

The appointments of magistrates seemed to cause.

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1. C.O. 1445 P.84 and G.T.J. Vo. II No,22,
 2. C.O. 1317. No.1102.
 3. C.O. 1316. d.d. 2nd Nov. 1828.
 4. C.O. 1444. P.74.
 5. C.O. 1444. P.47.
 6. C.O. 1316. No.30.
 7. C.O. 1316. No. 1196.
 8. C.O. 1317. No. 1202.

What did Johnston?

much difficulty, nearly all the old Landdrosts were dismissed on pension. The Governor suggested, that as no serious miscarriage of Justice had had occurred their services be retained, so that their pensions could be saved.^{1.} This suggestion was not adopted and yet, because of the financial state of the colony a definite injustice was done to Mr. de Villiers, Justice of the Peace of Paarl. Although Paarl was a populous area Bourke had refused to appoint a Magistrate there, and de Villiers had to do the work without pay, the result was that he could not attend to his business and when Cole paid £100 the Colonial Secretary ordered him to refund it.^{2.} At Stellenbosch there was only one Magistrate and he had to do the work of the Civil Commissioner as well, despite the fact that there were 8832 slaves and a fairly white population; while in Worcester were 4802 slaves and a smaller white population there were two Magistrates.^{3.} Revenue should be saved at the expense of justice and efficiency.^{4.}

On 18th June 1829 Cole received the New Great Seal, which was issued for a trial at the Cape of Good Hope and its dependencies, for offences committed on the High Seas. In cases of any breach of the law on the seas, where the Admiralty had no jurisdiction the case was to be tried by a court consisting of three, the Governor, the Luitenant-Governor, and the Chief Judge or any other Judge or a Judge of the Court of the Vice-Admiralty;^{5.} A later despatch commanded that this court be regarded as the new Admiralty Court.^{6.} Thus under the New Great Seal was transmitted the new commission, "which it has been deemed expedient to issue for the trial within the settlement of the Cape of Good Hope and its dependencies of offences committed on the High Seas".^{7.}

Not the least of the practical difficulties in applying the Charter of Justice was the language question. On

1.C.O. 1444 P. 516.
 2.C.O. 1445 P. 32.
 3.C.O. 1445 P. 48.
 4.C.O. 1445 P. 49.
 5.C.O. 1317 No. 1102.
 6.C.O. 1318 No. 1320.
 7.C.O. 1317 No. 1102.

On the 13th December 1826 an Ordinance was adopted repealing the ordinance of the 5th July 1822 for the exclusive use of English of English in the law courts after the 1st January 1827.^{1.} English was, however, to be the language used in the Supreme Court, though Dutch might be maintained in the circuit Courts.^{2.} The Judges of the Supreme Court ruled that all people ignorant of the English language should be excluded from serving on the jury.^{3.} Murray expressed himself strongly on this subject, "if the judges persist in excluding the Dutch inhabitants of the colony from acting as Jurors in their native land; whatever views the Judges may take of the legal effect of the Charter, in this respect, it is at least clear that their construction is totally at variance with the real intention of His Majesty's Government in framing the instrument."^{4.} This attempt to Anglicise the law courts caused much inconvenience as was illustrated in the case against Mr. J.J. de Villiers.^{5.} According to the Charter of Justice the Governor in Council had the power to establish by ordinance the qualification of Jurors, but Ordinance No. 41 did not settle the language question.^{6.} In the case of this provision the decision of the Judges was unintelligible to Cole, but "as however the Judgments of the court are irreversible except upon appeal to His Majesty-in-Council, and as no appeal has been brought against this decision, it must for the present be received as a valid interpretation of the law".^{7.} The Governor had to consult the Judges and if the ordinances were ambiguous a supplementary ordinance should be passed on this point.^{8.} Wylde and Menzies were in favour of exclusion and based their opinion on the Charter of Justice, which they maintained gave them the right to draw the rules of court and there could be no case of ambiguity in the language of

1. Eybers: Documents : P. 107

2. Cory: Rise of South Africa II P. 337.

3. C.O. 1317 No. 1126

4. C.O. 1317 No. 1075.

5. C.O. 1317 No. 1127 and C.O. 1317 No. 1075

6. C.O. 1317 No. 49.

7. Ibid.

8. Ibid.

The Commission
 held in 1827
 and
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Ordinance No. 41; Kekewich and Burton were opposed to the decision but ~~as~~ the former refrained from giving judgment the case was decided by a majority of the bench.^{1.}

The Secretary of State for Colonies, Sir George Murray, realised that the decision was a political blunder. "It seems sufficiently obvious² that the principle adopted by the Court is at least impolitic — It draws an invidious distinction between the different classes of His Majesty's Subjects, and though it may in some respects tend to promote, will more powerfully operate to discourage the study and general use of the English language, the reasonable and equal rule would seem to be not that ignorance of the English language as an universal disqualification"³. Murray did not think that the use of English should be a universal rule but each trial should be studied. When ignorance of the English language was a real obstacle then the rule should be applied, otherwise not. Hard and fast rules were not expected from the judges and "experience will disclose to the Judges the defects of their regulations and suggest further improvements of them as the existing Charter was experimental merely, and will probably at no distant period call for revision"³. Probably because of the temporary nature of the Charter the Colonial Secretary decided not to disturb the judges' decision on this matter.⁴ When however the Charter of the 4th May 1832 appeared it was definitely stated that Criminal cases were to be tried by a Circuit Judge and a Jury of nine; and no person was to be disqualified from serving ~~on~~ a Jury merely by reason of his ignorance of the English language.⁵ The difference of opinion between the judges on this question led to some discrepancy between the Supreme and Circuit Courts, where the language point was not strictly enforced, the Governor feared that this difference would sever the

1. C.O. 1444 No. 21 and C.O. 620 No. 69

2. C.O. 1317 No. 49

3. Ibid.

4. C.O. 1317 No. 1126.

5. Eybers: Documents P.116.

close connection which should always exist between the different Courts.^{1.}

The Royal Charter of Justice passed on the 4th^{of} May, 1832 superceded the old Charter. There would one Supreme Court known as "The Supreme Court of the Colony of the Cape of Good Hope" for the Cape and its dependencies. The Supreme Court would consist of one Chief Justice and two puisne Judges.^{2.} (Sir John Wylde was appointed Chief Justice and Messrs. W. Menzies and W.W. Burton Puisne Judges, Mr. Justice Kekewich was afterwards added to their number), Judges had to be men with legal trainings, and held office ^{at the pleasure of the} during good behaviour. The Governor and his Council could suspend a Judge or make a temporary appointment, but he had to report to the Colonial Secretary- the Crown reserving the power to allow or disallow such a suspension or appointment.^{3.} Under Cole there was the difficulty with Sir John Wylde who was accused of being the father of his daughter's child.^{4.} The case was most unsatisfactory and all the chief officials seemed to take sides in the scandal; much evidence was taken and before long a moral affair became a political one. When Cole left the Cape the matter was unsolved but Sir John Wylde remained Chief Justice, and office he held till 1856. Wylde was apparently a coarse vulgar man, but highly intellectual and a sound Judge. There was no positive evidence against him, except that he had acted mysteriously about the case, and had tried to conceal his daughter's condition. In the Stockenstrom-Menzies correspondence it appeared that officials were all trying to obtain political advancement by taking sides in the contest. On the 10th April 1833 Wylde managed to clear his own character to the satisfaction of his fellow Judges and the barristers;^{5.} and also of the new Governor Sir Benjamin D'Urban.^{6.}

John Wylde

1. C.O. 1444 P. 556-560 (No. 57).

2. Eybers: Documents P.114

3. Eybers: Documents P.115.

4. C.O. 1445 P. 1139-114.

5. The S.A. Law Journal Aug. 1933 P.294.

6. Menzies-Stockenstrom Correspondence P.4

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Circuit Courts were to be held in each district at least twice per year by one of the judges of the Supreme Court. These Courts had the same power as the Supreme Court;¹ and in criminal cases the Judge was to be assisted by a Jury of nine, but the number could be six.² English was to be the official language of the Courts, but as there were interpreters, people who were not conversant with English could serve on the Jury.³ Civil cases were to be tried by a Judge unassisted by a Jury when on circuit, in all cases where the sum under dispute was £100 or more, all the evidence had to be taken down in writing.⁴ At the Supreme or Appeal Court one or two Judges had to be assisted by a jury of nine and they had to concur on every point; in civil cases two Judges formed a quorum and if they could not agree the case had to be retried with a third judge present.⁵ Murray thus carried out his threat, as the judges had made improper use of the power vested in them by excluding persons conversant only with Dutch from serving on the jury, of settling this burning question by law if necessary.⁶ The Attorney-General was placed under the direct control of the Governor, and if the judges persisted in their attitude on this matter the Governor had to command the Attorney-General to prosecute the case.⁷ As Dutch was not banished from the Courts the post of interpreter could not be abolished as private individuals would often choose to be paid to act as interpreters and there would be no saving.⁸ Mr. Murphy suffered very much from this uncertainty about the language question, until he was appointed protector of Slaves at Stellenbosch. Mr. Snaring was appointed interpreter by Justice Wyld and the Colonial Secretary maintained that the Court had the right to make such an appointment.⁹

The constitutional position of the Cape Judges could only be changed by the British Parliament and not by the Governor

1. Eybers: Documents P.116.

2. Eybers: Documents P.117.

3. Eybers: Documents P.116.

4. Eybers Documents P.117.

5. Eybers: Documents P.116.

6. C.O. 1317 No. 1075

7. Ibid.

8 C.O. 1444 P.589

9. C.O. 1317 no. 1145 and C.O. 1444 P.34.

in-Council.^{1.} The appointment of these judges was however, made "by Letters Patent under the Public Seal of the Said Colony",^{2.} and all the judges had to be barristers in England or Ireland, or advocates admitted to practice in the Courts of session in Scotland or in the Scotch Supreme Court.^{3.} The new Charter of Justice had been proposed by the Commissioners of Enquiry to supplant the old imperfect judicial system under which men with no legal training as judges or magistrates. Thus it had been decided to make a clean sweep of the old system and to reconstruct the Court of Justice on the basis of the English procedure, though the ancient law, namely the Roman Dutch Law was still to be administered. Appellate jurisdiction of the Governor was abolished and "the Commissariat and warf-master type of judges were to give place to properly qualified men from Great Britain."^{4.}

In criminal cases sentence of death, transportation and banishment from the colony could not be carried out before the approval of the Governor had been received.^{5.} In Civil cases appeal could be made from the Circuit Court, if the sum involved was more than £100, if less, only subject to the discretion of the Judge. To combat the problem of distance cases might be transferred from one court to another.^{6.} The Supreme Court would act as Court of Appeal for all the local courts i.e. Magistrate's Courts, Courts of Requests etc.^{7.}

Appeals to the Crown in Council might be made from the final sentences of the Supreme Court, if the amount involved was more than £500 and the Supreme Court gave its consent. The Crown also reserved the right to hear appeals made by petitions, and if the Crown decided on a retrial it, it would be heard by the Supreme Court.^{8.}

The Supreme Court was to draw up all rules of

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1. C.O. 1319 No. 1297.
 2. Eybers: Documents P.1155
 3. Eybers Documents P.114.
 4. Cory; Rise of S.A. II P.338.
 5. Eybers: Documents P.117.
 6. Ibid.
 7. Ibid. P.116.
 8. Eybers: Documents.P.118.

procedure and they had to conform as nearly as possible to the forms in use in the Courts at Westminster,^{1.} but the rules and laws governing the qualifications and attendance of Jurors had to be drawn up by the Governor on the advice of the Legislative Council;^{2.} all local Courts whose jurisdiction was over sums of less than £40 had also to be established by the Governor on the advice of the Council.³ All the appointments^{4.} except the highest were to be made by the Governor with the advice of his Council.^{4.} The Colonial Secretary after receiving the Rules of Court sent them to the governor to be legalised,^{5.} in future the Chief Justice must send these rules through the governor himself.^{6.}

The new Charter of Justice fixed the Court's jurisdiction over "all other persons whomsoever residing and being within the said colony"^{7.} The case of Platje is interesting in that it raised the question whether the power of the Supreme Court could extend beyond the boundaries of the colony. Platje had committed a murder beyond the boundary of the Cape. Cole commuted the sentence, because the Attorney-General and the late Chief Justice Sir John Truter, held that as the law stood, the court had no right to pass sentence, and they suggested that the law should be extended to include such cases in the future.^{8.} Thereupon the Governor ordered a draft ordinance to be drawn up empowering the Supreme Court to exercise jurisdiction over offences committed beyond the boundaries of the Cape by people usually resident in the Colony.^{9.} As the Colonial Secretary had also suggested,^{10.} On submitting the draft ordinance to the judges for consideration, as was the custom at the Cape on all legal matters, the Chief Justice in his reply gave it as his opinion "that it was inconsistent with those

1. Eybers. Documents P. 117. and Cory. Rise of S.A. II P. 336.
 2. Eybers. Documents P. 118 and C.O. 1317 No. 49.
 3. Eybers. Documents P. 117
 4. C.O. 1319 No. 1297.
 5. C.O. 1317 No. 1152.
 6. C.O. 1317 No. 1119.
 7. Eybers. Documents P. 116.
 8. C.O. 1444 P. 103.
 9. C.O. 1444 P. 495.
 10. 1317 No. 1136.

laws (i.e. fundamental laws of the colony) but likewise that the provisions of His Majesty's Charter of Justice rendered it incompetent to the Governor in Council to extend the Jurisdiction of the Court."^{1.} The judges went even further and contended "that the King cannot authorize such extension even by Charter or letters patent except by virtue of an act of Parliament".^{2.} This was an interesting point of law. If the judges had recognised the power of the King, such recognition would have placed them under the executive part of the Government. In other words the Charter of Justice would not have made the judicial part of the government independent of the Governor as it was intended to do.

As time went on this question became much more urgent as many of the farmers as well as the coloureds were migrating beyond the boundaries of the colony. Some of the farmers were returning yearly to pay their opgaaf,^{3.} but others were remaining permanently beyond the colonial limits. As a new Charter was to be enacted Cole suggested that provision be made to meet this contingency,^{4.} as it had been fully established that the Governor-in-Council did not have the power to extend by ordinance the jurisdiction of the Court.^{5.} Many offenders were escaping by fleeing across the boundary e.g. Matheus Pretorius who was illtreating his wife and was carrying on a liaison with the widow of Jacob Burger fled beyond the boundary before a warrant could be issued for his arrest. He took all his and his wife's possessions with him - and the widow.^{6.} Unfortunately the new Charter of 1832 made no such provisions, for the new Court was to "have cognizance of all Pleas, and Jurisdiction in all cases whether Civil, Criminal, or mixed, arising within the said colony, with jurisdiction over our subjects, and all other persons whomsoever residing and being within the said colony, in as full and ample a manner

1. C.O. 1444 P. 495.

2. C.O. 1444 P. 556-560 and C.O. 1319 No. 1297.

3. C.O. 647 No. 27.

4. C.O. 1444 P. 556-560.

5. C.O. 1444 P. 496.

6. C.O. 691 No. 67.

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and to all interests and purposes as the Supreme Court of Justice now existing within the said Colony now hath or can lawfully exercise the same".¹ In 1842 Menzies tried to meet the difficulty by crossing the Alleman's Drift and proclaiming "British Sovereignty over all Africa south of the 25th degree and eastward of the 22nd degree East Longitude to the Indian ocean, always excepting the dominions of Portugal and Native Rulers".² Much to his disgust, Napier would not allow his proclamation.

The Supreme Court was to judge according to the laws in force in the Colony and those still to be made.³ The judges on circuit had the same power vested in him as the chief justice.⁴ Each judge was to receive a fixed salary beyond which no fee or emoluments were to be received, and no judge was to accept any other office of profit in the^{Colony}. This was modified by Section 3 of Cape Act 35 of 1904 which provided that "Nothing in Section 13 of the Charter of Justice contained shall be taken to prevent the Chief Justice or an Judge of the Supreme Court from accepting and performing any office or duty permitted or directed to be performed by a Judge of the Supreme Court under any act of Parliament and from receiving remuneration from the Colonial Government therefor."

The salary of the Chief Justice, Sir John Wylde was fixed at £2000 per annum, Menzies the Chief Puisne Judge, together with Burton and Kekewich, the second and third judges, each received £1.500 per annum.⁵ Although judgment was to be given according to the laws of the Colony the Supreme Court did not possess a complete copy

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1. Eybers : Documents P. 116.
 2. Walker; History. P. 228.
 3. Eybers. Documents P. 116. and Eybers; Documents P.115.
 4. C.O. 1319 No. 1311.
 5. S.A. Law Journal Aug. 1933 P.288

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of the Government Gazettes from 1806 and had always used those of Mr. Denyssen,^{as he} was leaving for England the judges recommended that his copies be bought for the Supreme Court. The Gazettes till 1825 were bound and they were all complete till 1830. As the owner wanted only £18 for them Cole sanctioned their purchase.^{2.}

The judges were not to rank as legislators and when summoned to the Council Chamber they might give their opinion "in point of law, on such questions as may be put to them".^{2.} As a point of order, the governor would let the Chief Justice sit on his right hand, and the puisne judges on his left,^{3.} "but without admitting them to your Council Chamber". As the judges were not legislators and not members of the Councils they could not deliberate in that body, but only give their opinions in a point of law, which might be put to them when summoned by the Governor-in-Council.^{4.} As regards social status the Chief Justice was to have precedence next after the Governor,^{Lieutenant-Governor} and Commander-in-Chief, the puisne judges ranked in order of seniority after the Chief Justice, who kept the seal of the Supreme Court.^{5.}

Apparently it became customary to consult only the Chief Justice on matters of legislation, and when the New Charter was passed Wylde objected to going on circuit because he would be needed to advise the Governor-in-Council, and also that his presence might be required on the Admiralty Court. But the expenditure of the colony needed to be reduced drastically, and if necessary the session of the Council would be suspended during the absence

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1. G.O. 621 No. 21.
 2. G.O. 1216 No. 1084.
 3. G.O. 621 No. 21.
 4. G.O. 1316 No. 1084.
 5. Eybers; Documents P.115.

of the Judge president on circuit, and his place at the Admiralty Court could be taken by a Judge Surrogate on the Admiralty Court could be suspended when Wylde's circuit took place.^{1.} Goderich emphatically denied that either the patronage of the court or the exemption from circuit duties were "held out to the Chief Justice as a bonus",^{2.} Wylde's appointment was a trust and not for his personal convenience, and in only that light could it be regarded by the Colonial Secretary. Sir John Wylde was reappointed judge president under the New Charter, and was to hold office during the King's pleasure. In the letters patent a clause or provision had to be added obliging him to reside in the Colony and to perform all his duties in person except in case of illness. William Menzies and George Kekewich were to be the first and second puisne judges respectively.^{3.}

In future all the judges and not only the Chief Justice were required to report on proposed legislation, to see if it was not contrary to the fundamental laws of the Colony.^{4.} If, however, the British Parliament addressed an Act of parliament to the Governor and not the Governor-in-Council this Act became law like any order-in-Council. Thus the British Parliament retained its right to legislate directly for the Cape.^{5.}

Not only were the number of Judges reduced from four to three,^{6.} but the salaries of the judges had also to be reduced or an injustice to the colonists at large would be committed.^{7.} The transference of Burton to New South Wales would in no way incapacitate the legal system at the Cape. Before 1827 the work was in arrear but due to the good work of the judges, collectively and individually,

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1. C.O. 1320 No. 1334.
 2. C.O. 1320 No. 1334.
 3. C.O. 1320 Enclosure with 1334.
 4. C.O. 1319 No. 1297.
 5. C.O. 1319 No. 1297.
 6. C.O. 1320 No. 1334. also Walker History of S.A. P.170.
 7. C.O. 1319 No. 1297.

they had caught up and now there was not sufficient work to keep all the judges fully occupied especially, if the chief justice went on circuit.^{1.}

Foot note
 Burton's transference cast no aspersions on his work. The Chief Justice could not be moved, Menzies was a Scotch lawyer and as the Cape law like the Scotch law was based on Roman Law, he would be of much use here, Burton as an English advocate would then be more at home in Australia. Kekewich's profound knowledge of the law customs and language of the Dutch inhabitants made it undesirable to transfer him.^{2.} Burton was to draw one moiety of salary from the Cape Revenue on arrival at Sydney.^{3.}

How many?
 The revised Charter of 31 August 1832 was much more liberal than its predecessors, and it contained some important changes.

Goderich had thought that if the Chief Justice had power instead of the Governor over judicial affairs then there would have been less chance of collision between the executive and judicial authorities but "I have since found reason to correct that opinion."^{4.} The Charter of 1827 had been an experiment and Wylde had to stay in Cape Town to watch the progress of this Charter, and to avoid a clash between the legislation and judicial bodies, but he now saw that it would have been better if Wylde had then gone on circuit.^{5.} The Governor had all appointments of minor judicial officers under the Charter, but no man holding office under the old charter had to be dismissed. Judges were however, permitted to appoint their own clerk's.^{6.} The question of the patronage of the Court was solved by adopting the advice of the Governor who had,

1. G.O. 1320 No. 1334.

2. G.O. 1320 No. 1334.

3. G.O. 1320 No. 1319.

4. G.O. 1320 No. 1334.

5. C.O. 1320 No. 1334 and Cory. Rise of S.A. II P.336.

6. C.O. 1320 No. 1334.

How many charters?

suggested that the control of offices like Master of the Supreme Court would be better under the patronage of the Governor than the Court.^{1.} His recommendation that the puisne judges - in opposition to Wylde's wishes - be permitted to appoint their own clerks was also accepted.^{2.}

Under the old Charter all judges had to be qualified English, Irish or Scotch barristers and were appointed "by letters patent under the Public Seal of the Colony of the Cape of Good Hope."^{3.} The new Charter was more liberal here" this now not essential any man with a sound legal training can be made a judge if he has attended the tribunals of the British Empire".^{4.} This provision together with the fact that all judicial appointments had no longer to be made under the Great Seal of England,^{5.} but could be made under the public seal of the colony made the appointment of colonists as judges possible.

The judges had from now on to be suspended, if necessary, by the Governor on the advice of the Executive Council and the old expression the Council of Government was no longer to be used. The change became necessary because this Charter would be permanent, and the Government of the Cape would now be in the hands of a government consisting of two parts, namely the executive and the legislative.^{6.} This provision foreshadowed the change of the constitution of the governing body under D'Urban.

A quorum of the judges was now to be two and if they did not agree, then the court had to be suspended until the third could be present.^{7.}

1. G.O. 1320 No. 1334.
 2. G.O. 1444 No. 53.
 3. G.O. 1444 No. 53.
 4. Eybers. Documents P.114-5.
 5. G.O. 1320 No. 1334.
 6. G.O. 1320 No. 1334.
 7. G.O. 1320 No. 1334.

Nobody should be excluded from serving on the jury because of his ignorance of the English language. If only Englishmen were eligible the range of jurors would be considerably narrowed and "It has further been influenced by a sense of what is due to the feelings and interests of the Dutch Inhabitants; and by a conviction that the admission of Jurors ignorant of English will be a much more effectual incitement to the study of our language, than their exclusion could be"^{1.} The people chosen would try to learn English, to hide their ignorance but if they were excluded this exclusion would give rise to a feeling of discontent, which in its turn would lead them to have this exclusion as a party cry." Good Government does not adhere strictly to the letter of the law but makes allowance for natural prejudices"^{2.} Goderich probably did not realise how true this prophecy would be, for this very language problem has been a burning question for a long time. *My note that ...*

The Charter of 1827 gave the right of appeal His Majesty's Council when the amount of value involved was £1000, Under the New Charter it was decreased to £500.^{3.}

On 14 May 1831 Cole passed Ordinance No. 84 for regulating and amending the law relative to the qualifications of Persons liable to serve on the Grand and Petit Juries, and to the mode of making out and returning lists of the same.^{4.}

Judges, clergymen, attorneys of courts and Government officers were not allowed to serve on the Juries also no criminals.

Proprietors of land or houses of the value

1. C.O. 1320 No. 1334.
 2. C.O. 1320 No. 1334.
 3. C.O. 1320 No. 1334. and Walker History of S.A. P. 170.
 4. G.G. 25 Ordinance 84. 14 May 1831 and Harding P. 152.

of £3000 within the colony were qualified to serve on the Grand Juries. People paying quit Rent of £1.17.6, or Freehold rent of 30/4 or paying taxes of 20/- in the districts, or who were the sons of men qualified for the Grand Jury could serve on the Petit Jury.

Lists of Jurors were to be made on the 1st of June and 1st February each year. The names of the Jurors were to be fixed on the Church doors and objections had to be made to the Resident Magistrate within 21 days. When the list had been completed it had to be handed to the sheriff to form the Jurors Books.

People more than 25 miles from Cape Town or 6 hours from the circuit town were not liable to serve as Jurors unless they wished to serve then their names were to be left on the list and the Sheriff was to summon them in their turn. If a farmer and his sons were all liable to serve on the jury then one must be left on the farm while the remainder were still liable to service. If there were a deficiency of Jurors the Sheriff was to return people in or near the Court to make up the deficiency. People who did not attend after being summoned were liable to a fine of £10.

Later the qualifications of the petit jurors were changed. People paying not less than 30/- on the basis of perpetual quitrent; or hiring a government loan place or a share of one provided such a share was not less than 1/4; or who occupied any freehold or loan freehold place; or any resident of Cape Town or the Cape district who paid 30/- per annum in taxes or quitrent, and taxes to the value of £2 per annum.

Residents elsewhere in the Colony were liable for taxes of 15/- or taxes and quitrent of £1.10.0. Sons of persons actually possessing property and liable to pay taxes were liable to serve on the petit jury of the supreme court or in the circuit court for their district.^{1.}

The form of the Jury List (Schedule) was made out as follows;-^{2.}

Christian and Surname at Full length.	Place of Abode.	Title, Quality, Calling or Business.	Nature of qualification.
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A petition was also sent to England to extend the trial by jury also to civil cases. Cole made it clear that he was writing unofficially, but as usual his remarks were very apt. In some recent trials people who were undoubtedly guilty of ill-treating their slaves were acquitted, this made it questionable if trial by jury had been an entire success in criminal cases; whatever the case might have been in criminal cases no prejudice for or against a certain section would exist in civil cases and trial by jury would be a much greater success there. Besides this trial by jury in civil cases would give more experience and help to establish a finer system of Justice.^{3.} This system was not taken until 1854.^{4.}

A practical difficulty in a country like the Cape was the means of transport for the circuit court. Often the contractors tried irregularities, and the judges complained of the quality of the vehicles and animals provided. At length the governor commanded that at each stage two saddle horses had to be provided in addition to the span required for the waggon. These had to be paid for.^{5.}

1. G.G. 25 Ordinance No. 85 8 June 1831 and Harding P. 159.
 2. G.G. 25 Ordinance 84. 14 May 1831, Harding P. 152.
 3. C.O. 1444 P. 439.
 4. Eybers. Documents P. 122.
 5. C.O. 1505 P.15.

The Civil Commissioner was allowed only £25 to cover the expense of criminal trials, this sum would be paid to him by the treasurer after each circuit.^{4.} This did not cover the cost of the trials in the frontier districts, and van Rynveld asked for a refund. Cases at Graff-Reinet cost £50.15.3 and Beaufort £25.11.10½ for these cases he was allowed only £50, but after repeated representations he was paid a further £25, which meant that he lost £1.7.1½.^{2.}

Dr. Philip and his party maintained that crimes committed by Hottentots had decreased since the passing of Ordinance No. 50 if that were so then the Cape must have been a hot bed of crime before 1828. The reports of nearly every circuit show Hottentots found guilty of murder and in nearly every case criminals were violent and desperate characters who resisted arrest and were armed with knives and assegais and sometimes firearms.^{3.}

Inter
Below follows a specimen of the return of prisoners to be transported to New South Wales:-

Date of Sentence.	Names.	Quality.	Crime.	Sentence.
1828. May 15.	Martin Anton Cleton	Inhabitant	Theft.	Transportation to N.S.W. for 5 Years.
Oct. 1.	John Farrelly	Late Private H.M. 90 Reg.	House-break & Theft.	Transportation to N.S.W. 14 Yrs.
May 15.	Joseph Mutch.	Late Private H.M. 49 Reg.	Assault with intent to commit rape.	Transportation to N.S.W. 14 Yrs.

His Excellency granted a conditional pardon to the boy Martin Anton Cleton on account of his youth.^{4.}

1. C.O. 1565 P. 49.
2. C.O. 575. No. 122.
3. C.O. 620 No. 173.
4. S.A. Quarterly Journal P. 58. and C.O. 614 No. 22

Resident Magistrates and other minor offices were to be created by the Governor. Magistrates' jurisdiction extended over cases where the amount under dispute did not exceed £40, they also had no jurisdiction in a case wherein Title to any Lands or Tenements, or any Fee, Duty or Office, may be in question, or whereby Rights in future may be bound"^{1.} In Criminal cases the Jurisdiction of such courts were not extended to any case where-
^{Crime}
 in any Person may be accused of any punishable by Death,
^{2.}
 Transportation, or Banishment from the Colony. From
 X and after the first day of January 1828, the Court of Landdrost and Heemraden, and of Landdrost and Commissioned Heemraden in the sub-districts of Clanwilliam and Beaufort the courts of the Residents of Simon's Town, Port Elizabeth, and Port Frances and the Jurisdiction of the Special Heemraden at Tulbagh, Caledon, and Cradock were abolished.^{3.} Magistrates also registered and legalised marriages. Resident Magistrates' courts created at Stellenbosch, Worcester, Swellendam, George, Uitenhage, Albany, Somerset, Graaff-Reinet, and for each of the Sub-districts of Beaufort and Clanwilliam, for the Residency of Simon's Town, and Township of Port Elizabeth, for other districts and places the Governor appointed Clerks of the Peace at
^{4.}
 their own discretion.

These Resident Magistrates were to have jurisdiction over civil cases where the amount involved did not exceed £10, and where no title to land tenements or any fee, duty or office was in question and whereby rights in future could not be bound.^{5.}

Appeal was permitted from the Magistrate's Court to the Circuit Court, and from Simon's Town to the

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1. Eybers. Documents P.109.
 2. Eybers. Documents P.109.
 3. Eybers. Documents P.109.
 4. Eybers. Documents.P.109.
 5. Eybers. Documents.P.110 and Walker;History P.170.

Supreme Court within twenty-one days, but not if sums involved were less than forty shillings. In criminal cases not punishable by Death, Transportation or Banishment no appeal could be made, provided the fine for the crime did not exceed £5, or one month's imprisonment with or without hard labour, or by whipping privately in prison; the jurisdiction of the Magistrate might be extended or given for a special case by a special law or Ordinance.^{1.}

The Resident Magistrates were to assemble in the Court Room to hear cases civil and criminal and at least two days per week and oftener if required.^{2.}

All sentences, Decrees, Judgments, Writs, Summonses, Notices, Rules, Orders, Warrants, Commands, and other Proceedings of the Magistrates Court, were to be made in the English Language; and in all Criminal Cases, the Witnesses against and for any accused person or persons, had to deliver their evidence *viva voce* and in open Court.^{3.}

The Clerks of the Peace had to act as public prosecutors in all Magistrate Courts, unless the Attorney-General thought it fit to appoint some other person.^{4.}

Resident Magistrates and Clerks of the Peace formed the Matrimonial Court or Board for their districts; in Worcester, Swellendam and Somerset the Magistrates and the Justices of the Peace were to form the Board or Court; while at Tulbagh, Caledon, and Cradock the board was to consist of the Magistrate plus the field cornet.^{5.}

The Resident Magistrates Courts took over all the special work of the Landdrost and Heemraden.^{6.}

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1. Eybers. Documents P. IIO.
 2. Eybers. Documents P. IIO.
 3. Eybers, Documents P. III.
 4. Eybers. Documents P. III.
 5. Eybers. Documents P. III.
 6. Eybers. Documents P. III.

Plus minus (1/2) 41

Rebut

Unfortunately the Justices of the Peace who did their work gratuitously were often imposed upon. At Paarl, which was larger than towns which had a Resident Magistrate, de Villiers had to do the work without payment and he undertook the work gratuitously",^{1.} and the £100 advanced to him by Cole refunded. Goderich even went further and suggested that in districts where the work was too much for the Resident Magistrate, Such Justices of the Peace had to be appointed to assist in the work, so that they could gain experience to do the work at periods when the financial exigencies of the Government required that a stop should be put to every expense which could be avoided.^{2.} Apparently ^{any} ~~only~~ respectable citizen could be made a Magistrate in times of financial straits,. Free justices had to be obtained but many slave officials could be appointed at reasonable salaries, in other words the interests of the European population could be sacrificed to those of the coloured; such was the logic of those days. -- *work here*

£800 per annum was paid to the Justices of the peace of eight towns besides £560 for clerks and Stationery; but because the Justices of the Peace for small towns like Caledon, Tulbagh, Bathurst, and Cradoek did the work gratuitously, Mr. de Villiers of Paarl a town of plus minus 2000 inhabitants had to do likewise. Mr. de Villiers was working full time and yet he could not cope with all the work, so the clerk of peace of Stellenbosch had to come over once per month to help, thus cost the government another £30 per annum travelling expences. Cole was certain that a Resident Magistrate^{3.} at Paarl could pay its way but Goderich refused to sanction such an appointment.

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1. C.O. 1318 No. 1240
 2. C.O. 1318 No. 1240.
 3. C.O. 1444 P. 344.

These local courts were to be created by the Governor, but the Supreme Court was given full power, jurisdiction, and authority to review the proceedings of all inferior Courts of Justice".^{1.} Appeals from these courts were to be heard in an open court and the Judge had the power to set aside any judgment of the Resident Magistrate.^{2.}

After one of his Circuits Mr. Justice Menzies drew up a memorandum for the Governor on the judicial and civil establishment of the Colony.^{3.} The new establishment started to function on the 1st January 1828.^{4.} During 1828 the Resident Magistrate of Albany tried 696 civil cases and 120 criminal cases while in all the other country districts together 888 civil and 760 criminal cases were tried. Most of the civil cases were for the recovery of debt and the criminal cases, complaints of masters against servants or slaves and vice versa.^{5.} Then Menzies went on to make a suggestion which supported the Colonial Secretary's decision in connection with de Villiers, the Justice of the Peace of Paarl, namely that with the exception of Albany the Resident Magistrate and the staff were an unnecessary expense. Men of honourable character could do the work in the other districts for much less.^{6.} As an alternative Menzies thought that the Resident Magistrates could be trusted to try cases where coloureds were accused of theft, this would relieve the pressure on the Circuit Court and diminish the expense connected with it. As the Supreme Court was always present in Cape Town he did not think it necessary to extend the jurisdiction of the Magistrate at the Capital. These cases had been taken from the old Landdrosts and Heemraden

1. Eybers: Documents. P.116.

2. Eybers: Documents. P.116.

3. C.O. 620. No.33.

4. Eybers: Documents. P.109 and C.O. 620 No. 33.

5. C.O. 620 No.33.

6. C.O. 620 No.33.

Am

as it had been felt that they could not be entirely trusted, now for a mere abstract principle of the British Empire the colony was put to such inconvenience and expence.^{1.} The Magistrate of Albany had to prepare plus minus 100 civil cases every month. Now with extra summonses under Ordinance No. 50 he really needed an extra clerk, besides this he had to prepare cases for the Circuit Court.^{2.} The powers of the Resident Magistrate were extended early in 1856.^{3.}

The Orphan Chamber had always done its work under instructions from the Colonial Governor, it was replaced by the Master of the Supreme Court, who like the Judges had to be a lawyer. From the working of the Charter of Justice it was not quite clear whether the Master of the Supreme Court fell under the exclusive order of the Court or not.^{4.} The order of 31 August 1832 placed all these minor bodies under the control of the Governor.^{5.}

Mr. Bowles was sent from England as Registrar of the Supreme Court. As he knew no Dutch, Mr. Jurgens had to be retained at £300 per annum.^{6.} In this and other cases the British Government increased the cost of Government, while seeking at the same time to balance the budget in numerous inexpedient ways. The British Government knew, that if the Registrar were not bilingual a competent bilingual clerk would have to be appointed on the staff as well; as the Registrar of the Supreme Court's offices had to be open to all members of the public from 9 a.m. to 4 p.m.^{7.} Despite all these practical difficulties the Colonial Secretary commanded the dismissal of Mr. Jurgens as the Registrar of the Supreme Court needed no deputy!^{8.} Wylde's recommendation of two

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1. C.O. 620 No.33.
 2. C.O. 580 No.220.
 3. Eybers: Documents. P. 125.
 4. C.O. 1445 P. 103.
 5. C.O. 1320 No. 1334.
 6. C.O. 1444 P.33.
 7. C.O. 620 dated 20 January 1829
 8. C.O. 1316 No.1093.

registrar's clerks was also not acceptable to the Secretary of State.^{1.}

The Sheriff was appointed for one year and executed all sentences, warrants, decrees et cetera, of the Supreme Court. He had to detain in prison persons committed by the Courts or by any of the Judges. The Governor could reappoint the Sheriff and if he or a near relative became involved in a case, then the court had to appoint a substitute.^{2.} Mr. Stewart, the High Sheriff of the Colony complained that the changes made in his salary in 1827 placed him in a pecuniary distress. His Majesty's Commissioners of Enquiry had proposed the appointment of two sheriffs in the Colony. One for the Western Districts at £600 per annum and another for the eastern at £400 per annum, and two clerks at £150 per annum each. One sheriff and one clerk, however, were appointed at salaries of £600 and £150 respectively. The Supreme Court had fixed the fee the Sheriff should obtain, but the Colonial Secretary had decided that he should receive no allowance beyond his salary. When it was borne in mind, that the Sheriff was bound to execute all summonses and processes of the Supreme and Circuit Court and to summon all jurors, then it was quite evident that compliance with the directions of the Secretary of State became impracticable.^{3.} By Ordinance No. 37 of 1827 the Sheriff was ordered to appoint proper persons to act for him in the districts, but he was given no more money for their remuneration. Bourke gave him for a time the perquisites of civil cases, but not the criminal to bear the extra burden. These very civil perquisites were reduced when his criminal work increased. The deficit during one term of office was £211.10.0. He received £1209.7.2. and managed the Civil business on £484.8.2.; the saving thus effected namely £725. became available for summoning jurors and criminal processes;^{4.} but this last branch of ex-

1. C.O. 1444 P. 367.

2. Eybers; Documents. P.115.

3. C.O. 1444. P. 207. 4. C.O. 620 No.33.

*Edward
L. H. and*

but the last branch of expense was £1043.10.0 leaving a balance of £300 a year, against the Sheriff. Estimating the civil business at £400 a year and the criminal at £900 then the Sheriff gets only ^{1.} £500 for his wage. Surely this was an inadequate salary for a man who was responsible for the actions of his deputies, and had to bear the expense of executing the criminal process of the Courts of the Colony; Cole suggested that the Sheriff receive a nett salary of £600, and then Crown defray all expenses. Murray refused to sanction an increase of the Sheriff's salary, ^{2.} so Cole arranged a loan with the Lombard Bank free of interest, as Stewart's deputies refused to act until paid. Stewart's accounts were regularly kept and audited, and if he ~~was~~ assisted the criminal proceedings of the colony would have been thrown into chaos. ^{3.} Goderich, however, was more sympathetic and he decided that the sheriff's salary should be twofold - fees for his duties for private suitors, and also a salary for services to the public in criminal work. Care was, however, to be taken that the Sheriff's private suitors were not to bear the burden of administering the criminal law. It would be a good idea to levy a local tax on each district for local prosecutions, then each man would have an interest "in the peaceable and orderly conduct of his neighbours", this was what was done in England. In the meanwhile the Sheriff was to receive a nett salary of £600 per annum and his claims on the state for past duties, had to be adjusted accordingly. ^{4.}

^{5.} The Levien Case and the difficulties connected with the office of the Sheriff, illustrated the unsatisfactory state of affairs where the two systems were

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1. C.O. 1444 P. 542.
 2. C.O. 1317 No. 1180
 3. C.O. 1444 P. 348.
 4. C.O. 1318 No. 1241.
 5. C.O. 1319 dated 21 May 1831.
 6. C.O. 1444 P. 319-323.

allowed to work together; or the new system was not properly introduced.

Mr. Levien held the posts of Port Captain and Collector of Customs at Simonstown. The Collector of Customs was not supposed to trade on his own account, but Levien bought a wreck and sold the goods publicly. Levien's action was reported by Mr. Anderson, but he only tried to hide his action under his position of Port Captain. Cole did not see how this justified his action. A Commission of Enquiry found him guilty but Cole did not dismiss him as his opinion of Levien was known publicly. The governor awaited further orders, Levien had often defied the Governor by coming to Cape Town without permission and contrary to orders.^{1.}

Levien in his memorial stated that he often had urgent business in Cape Town which was only one hour's ride from Simonstown - Cole sarcastically added 23 miles, also that before he could charge a ship with smuggling he had to see the Attorney-General. The Colonial Secretary was inclined to support the Commissioners of Enquiry that if Cole's order was carried out the public service would suffer.^{2.} The Governor thought otherwise, Levien was in Cape Town not on private business but his private trade in damaged goods from wrecks, so he was neglecting his public duties. Cole wanted to enforce the regulation, that public servants could not leave unless given permission by the Governor, as it appeared that Levien had acted dishonestly. He had charged the Albatross^{3.} port dues through Simonstown which was a free port. Levien claimed that the money had been paid into the Colonial Treasury with the General Collections of Simonstown, but

1. G.O. 1317 Memorial dated 29 March 1829.

2. G.O. 1317 No. 1120.

3. G.O. 1444 P.319-323 dated 12 December 1829.

Bell and Mr. Edward Christiaan found from the evidence that the "Albein"¹⁰ had been overcharged and the entry had not been made in the Treasury Books.^{1.}

To reduce expenditure it was proposed to amalgamate the posts of Resident Magistrate and Civil Commissioner. If this were done then the Magistrate could not go out to value the lands and property as the Civil Commissioner, and the farmers would have to come and pay their taxes at the Drosdy. The travelling around of the Civil Commissioner was an unnecessary expense.^{2.}

The cause of the order prohibiting expense on public buildings the state of the gaols was appalling, and many prisoners escaped.^{3.} Stockenström then suggested that all the constables be left at the gaols and the field cornets be called upon to escort prisoners from one field cornetcy to another till the prisoners reach their destination.^{4.} The Commissioner General thought that this would be admirable scheme if the jurisdiction of the lower courts was extended - as would be advisable.^{5.} As the field cornets already had more than enough work men along the main roads could be appointed provisional field cornets for this purpose. These men would have the power to summon men from the vicinity to act as escorts.^{6.}

Prisoners were given a well balanced diet and tenders were asked annually to supply the gaols with the necessary provisions. Below follows a specimen of the prison rations:^{7.}

Prisoners per diem.	Meat Lb.	Bread. Lb.
Females.	$\frac{3}{4}$	$1\frac{1}{2}$
Child under 7 years except children at the breast.	$\frac{1}{2}$	$\frac{3}{4}$
Children 7 to 14 years.	$1\frac{1}{2}$ or $1\frac{1}{2}$	1 or $\frac{3}{4}$
Males at Hard Labour, or persons detained as witnesses		

1. C.O. 1444. P. 319-323 d.d. 5 Dec. 1829.
 2. C.O. 1444. P. 589. (3) C.O. 1444 P. 86 & C.O. 1444 P. 375
 4. C.O. 647 No. 19.
 5. C.O. Ibid.
 6. Ibid.
 7. C.O. 575 No. 133.

Prisoners per diem,	Meat. Lb.	Bread. Lb.
All other male prisoners and civil prisoners and persons confined for debt each	1.	1.

The tender ^{ac} excepted was one pound bread
(wheat flour) 2½ d.

One pound meat (without bones) 2½ d.

One pound rice 4½ d. Two pints soup 2½ d. Rice
and vegetable soup were to be given on doctor's orders.

Van Ryneveld suggested beef everyday, but
good mutton or goats meat on Sunday, there was to be no
bones in the meat. ^{1.}

From the above it could be seen, that not on-
ly were many difficulties created by the new and unfamiliar
posts, but many people were dismissed others did not know
what was expected of them in their new capacities. ^{2.} Old
and necessary posts had been abolished and people were ex-
pected to fulfill the duties of their new positions and
at the same time perform duties for which no provision
had been made. ^{3.} The satisfaction was rife because reduc-
tions was made in the Civil Service - the Cape could not
pay its way - and men were saddled with extra work at re-
duced wages; ^{4.} and many men with experience in the Cape
service were left unemployed, while men were sent from
England to fill the best vacancies, compared the cases of
Bowles and Waddle. Cole did really good work in those |
confused years.

*Very poor
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1. C.O. 575. No. 123.
2. C.O. 1318 No. 1241.
3. C.O. 1444 P. 589.
4. Ibid.

EDUCATION.

During Cole's Governorship when the balancing of the budgets was a burning question, educational grants were an important subject.

Up to 1827 only £2400 was fixed as the maximum to be paid out on teachers' salaries,^{1.} but in 1831 this sum was not exceeded as but £1860.18.0 was paid in salaries. The schedule of 1831 fixed the sum at £1860.18.0 had now been exceeded.^{2.}

In 1831 for 26 Free Schools £1850 and

for 5 Slave " £ 142.10.0 was paid.

Total Salaries. £1992.10.0.

Schedule Allowance £1860.18.0.

excess over schedule allow-

ance. £ 131.12.0.

The existing allowance for house and school rent was

	£255.10.0
Schedule allowance	£251.10.0.
Excess	£ .4. 0.0.
Excess brought forward	£131.12.0.
Total	£135.12.0. ^{3.}

The governor strongly criticized the British Government's schedule and attitude towards Cape education. He thought the reduced schedule and the stated desire to encourage the study of English were contradictory. Besides this the management of school offices could much more efficiently have been left to the Colonial Government and local committee, as the British Government which was six thousand miles away did not know anything of local condi-

1. C.O. 1444 P. 589.

2. Ibid.

3. Ibid.



Handwritten notes and signatures at the bottom of the page, including 'Cole's', 'Rhodes', and 'University'.

tions e.g. more was allowed for the school at Port Frances where four children attended regularly, than for Caledon and Worcester where the daily attendance was forty and ninety respectively.^{1.}

An attempt to establish an industrial school for female children of the lower classes failed, because the Colonial Secretary had refused to sanction the payment of the teacher's salary.^{2.} Such a school had become essential to get these girls, both white and coloured, off the street. Surely a paltry sum of £23.8.0 per annum was little enough for such an essential undertaking; Lady Frances Cole had taken a leading part in the movement.^{3.}

A committee was formed with Sir John Truter as Chairman, with the object of establishing a college at Cape Town.^{4.} This committee applied for a grant of £600 per annum from the Orphan Chamber. Though seeking financial assistance the committee made it quite clear they desired no government interference. Mr. Judge, master of the ~~Government~~ ^{Grammar} School, accepted the classical professorships. The Governor and the Colonial Secretary were not allowed to take part in its formation, because the fifteen original directors feared that the government would seek representation on the board.^{5.}

The majority of the Council were against religious instruction and by withdrawing the minority nearly wrecked the project. Mr. Judge resigned as he was under the impression that there was a strong anti-English feeling among the directors who remained.^{6.} Many of the directors who resigned including Sir John Truter, returned. The Rev. Mr. Faure was given a professorship. The College wished to use the surplus of the Bible and School Commission Fund for

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1. C.O. 1444 P. 589.
 2. C.O. 1317 No. 1176.
 3. C.O. 1444 P. 206.
 4. C.O. 1444 No. 40.
 5. C.O. 1317 No. 1148.
 6. C.O. 1444 No. 253.

its support. As the college served a useful purpose Cole did not see why this money should not be placed at its disposal.^{1.} The Bible and School Commission Fund was a fund for the support of Free Schools. Only the interest on the money, which was collected by public subscription, was used and even then there was a surplus. The directors still insisted that the college had to be independent of Government interference.^{2.}

The professors of this college were paid £300 per annum plus fees from the pupils attending the classes. Each professor had an assistant or assistants at varying rates of pay.^{3.} The South African College was opened on the 8th of October 1828; and the examinations of June 1830 showed that South Africans could compete with Europeans in every respect.^{4.}

The subjects taken by Henry Lionel Cole, who applied to the Colonial Secretary for a suitable post of secretary or clerk and who was acting as instructor to several children in Cape Town, were interesting in that they showed what was considered a suitable curriculum for a gentleman. Cole had studied in Germany and England. His subjects were Latin, Greek, English, French, German, Dutch and modern and natural history, Belles Letters, Geography etc., He was brought up in Germany with the advantages in that country of literature afforded.^{5.}

X The chiefs Pato and Kama were desirous that their sons who would succeed them should be educated and acquire English.^{6.} Shaw recommended they be sent to Salem where several missionary children were being educated. Mr. Mathews the school master would teach, cloth and board

1. C.O. 1444 P. 459.-460.

2. C.O. 1444 No. 43.

3. C.O. 1445 P. 75.

4. Wilmot & Chase. History of the Colony. P.290. — see further

5. C.O. 1316. d.d. 18 June 1828.

6. C.O. 647 No. 3

them for £33 per annum each and £35 ^{as} and they grew older. These chiefs wanted the Government to defray the expense, and Cole agreed provided they were sent to Uitenhage.^{1.}

(See schedule attached, Page 55).

£45 per annum was also paid for a man who acted as parson and schoolmaster to the convicts on Robben Island.^{2.}

The Colonial Secretary would not sanction a grant of £80 per annum to the library,^{3.} neither were they to be paid the £1027.10.0, which they had borrowed from the Orphan Chamber for the erection of a suitable building for the library.^{4.} The building which had been erected was used as a Government office, and was not to be returned to the library committee. The finances of the Government,^{5.} according to the Colonial Secretary, did not allow of such grants.

CHURCH.

During Coles' governorship, the Cape was under See of Calcutta.^{6.} Mr. Hough was appointed Arch-deacon on the 3rd of August 1829.^{7.} The Anglican congregation at Wynberg numbered 150 souls; while the Dutch Reformed congregation was 500.^{8.} Cole recommended that four more Scotch Clergy be sent out; Colesberg a new township also needed a minister.^{9.} The minister of Graaff-Reinet had up till then also served Colesberg. Tygenberg had no minister. There was apparently some dissatisfaction among the Scotch

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| 1. C.O. 617 | No. 74. |
| 2. C.O. 1444 | P. 475-8. |
| 3. C.C. 136 | d.d. 6 Oct. 1828. |
| 4. C.O. 1444 | P. 383. |
| 5. C.O. 1318 | No. 1243. |
| 6. C.O. 1444 | P. 109. |
| 7. Ibid. | |
| 8. C.O. 1444 | P. 54. |
| 9. C.O. 1445 | P. 70-1. |

1.

LIST OF THE ESTABLISHED SCHOOLS IN CAPE TOWN.

Designation of School	Average Attendance	Names of Teachers	Their Salary & Emoluments	Hours of Attendance	Nature of instruction whether oral only or otherwise.	Elementary or other Books used in Schools.	Pupils.				Pupils who read well.			Pupils who learn to read and write.				
							White	Free Black	slave	Total	White	Free Black	slave	Total	White	Free Black	Slave	Total
English Free School Keerom St.	74	W. Nauwer	£60 p.a. & a house.	From 8 to 11 in the morning and from 2 to 4 in the after-noon.	Reading and writing, Arithmetic and Religion on Dr. Bell's System of 4 in the after-noon.	New Testament, Alphabet spelling cards, from P.1 to 24. National School Book No. 2 & 3 Osterwold's Abridgement of the Bible. Watt's -- songs. Bell's broken catechism. Chief Truths of the Christian Religion.	76	32	7	115	17	7	1	25	52	33	5	90
Do. Briest Dutch Do.	90 94	A. Byrne. M. de Kock	£60 p.a. " "	Do. Do. " "	do. "	Do. Do.	108	-	6	114	52	-	-	52	21	-	3	24.
						New Testament, Alphabet Book, Alphabet Spelling cards - spelling & reading book, Heidelberg catechism Hellenbroek Brodelet's religious instruction. Catechism for Reformed & Lutherins.	95	2	10	107	33	-	-	33	62	2	10	74
Do. Keerom St.	131	F.P. Smit	£45 p.a.	" "	" "	" "	151	12	24	187	36	4	4	44	111	18	14	143
Masters receiving allowance for instructing slaves in Christian Doctrine.	4	I.A. Brand	£18 p.a.	Friday morning from 11 to 12	Religious instruction.	Brodelet's religious instruction and Bible Church History.	-	4	4	4	-	-	4	4	-	-	-	-
Do. Do.	32	I. Decters.	£18 p.a.	" "	" "	" "	-	29	3	32	-	14	-	14	-	15	-	15
Privileged Dutch School	70	C. Brevilt Schuitemaker	£33.10. p.a.	From 8 to 11 in the morning & from 1 to 4 in the afternoon	Reading, writing, Arithmetic, History, Religion, on the old system.	Universal History by Bredoms. Robinson Crusoe -- The History of Joseph. The children's Friend & Spell & Reading Books.	70	-	-	70	68	-	-	68	2	-	-	2

ministers as they did not receive the same pay as the
 other ministers of the Dutch Reformed Church. ^{1.}

There seemed to have been a very strong feeling against the Scotch ministers especially in Cape Town. To the Dutch/^{they stood} for the British policy of Anglicisation. ^{2.} Cole himself said, it was "also evident, where the Scotch ministers are, the British interest is strengthened" ^{3.} Mr. Edgar was appointed minister of Tygerberg - eighteen miles from Cape Town. The congregation evidently intended the post for a young man, who was studying in Holland, and were indignant that a Scotchman was sent to them. He was given no house, garden or glebe, and was forced to reside with Lutherans, who were more friendly than his own congregation. Before he came Edgar's congregation had agreed to give him no lodging then he would have to go. The few rooms he succeeded in getting were not rain proof and were cold and uncomfortable and unhealthy for his wife. Edgar asked for a transfer to a vacancy in Cape Town, where he afterwards resided, and rode out every week to have service for his congregation. ^{4.} All the Scotch ministers except, Edgar were overberg (across the mountains). These congregations were satisfied with the Scotch ministers, whose services were undispersable for the spiritual welfare of the people. In Cape Town and its surroundings there was a strong feeling against these Scotch ministers, who now had a majority in the Church Synod. ^{5.}

As regards the Dutch Reformed Church Government, the resolutions of the Synod were allowed to have effect, but subject to government sanction. ^{6.} Political commissioners had to preside over its assemblies, and the

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1. C.O. 1444 P. 323.
 2. C.O. 1316 No. 1097.
 3. Ibid.
 4. Ibid.
 5. Ibid.
 6. C.O. 1317 No. 16.

established laws for church Government had to be upheld. The Synod had to limit its activities to the internal affairs of the Church, without entrenching on the rights of the Crown or the civil rights of the King's Subjects.^{1.}

The Presbyterian Church was to be assisted on the pound for pound basis, though a yearly grant of £100 was to be made to the Presbyterian Church of Cape Town.^{2.} Mr. Pears the rector of the parish Glen Lynden seems to have deserted his parish and taken up a post of Classical teacher in Cape Town. The parishioners petitioned for a clergyman who would also act as teacher for the children in the country.^{3.} Pears apparently was a man who sought ease and the largest salary and was really not the person to make sacrifices for the spiritual and mental welfare of others.^{4.} It would be a pity to make an appointment for Glen Lynden as the people had already spent 3000 Rxdollars in erecting a Church. At Koonap which was only three hours away there were fifty families, and a deserted barrack which the parson could use. One man could then serve both congregations. After Pears' desertion they were served from Somerset which was forty miles from the one place and eighty from the other.^{5.} The congregation of Glen Lynden numbered 160 souls.^{6.} £100 per annum was set aside for the minister at Glen Lynden. At this time the Presbyterians had another disappointment. Mr. Wright the minister of Bathurst applied for and received six month's leave, but he did not wish to return, in any case it was doubtful if he was a man fitted for pastoral duties.^{7.} Wright had used £500 collected in England for

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1. C.O. 1317 No. 16.
 2. C.O. 1318 No. 1229.
 3. C.O. 1318 No. 1230.
 4. Ibid.
 5. Ibid.
 6. C.O. 1319 No. 1290.
 7. C.O. 1317 No. 42.

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the Church at the Cape. Buxton had handed it to Wright to transport to the Cape, but the latter spent it and had no intention of returning.^{1. 1.}

A properly qualified clergyman was also being sent from England for the parish of Simonstown.^{2.} The man sent out was the Rev. Henry Fraser.^{3.}

£5000 was advanced and a grant of land was made, for building a cathedral in Cape Town,^{4.} but the state enjoyed the same advantages as other shareholders.^{5.} As there were not enough funds to complete the work, a further £5000 was advanced.^{6.} Though the state paid one-third of the money they retained two-fifths of the accommodation.^{7.} An Anglican Church was very necessary, as the English had no place of worship and used the Dutch Reformed Church.^{8.}

Grahamstown build their cathedral without applying for financial assistance,^{9.} and a committee was appointed to manage the affairs of the Cathedral.^{10.} Lord Bathurst had instructed that one-seventh of the land granted to the settlers should be for the support of the protestant clergy, neither Somerset, Bourke nor the Commissioners of Enquiry made a report about this, and apparently no such ample provision was made.

Both Bathurst and Port Elizabeth had difficulty in completing their Churches,^{11.} as both the Anglican and Presbyterian churches of Cape Town had received aid there could be no objection to assisting here.¹² All the ministers were paid by the state, and Mr. McClelland of Port Elizabeth was dissatisfied because he had started on £150 per annum and after nine years received only £200

1. C.O. 1445 B.22. (2). C.O. 1318 No. 1211.
 3. C.O. 1318 No. 1227. (5) C.O. 1444 P. 56 &
 C.O. 1317 No. 1187 (6) C.O. 1319 No. 1312.
 7.) C.O. 1444 P. 600 (8) Ibid.
 9. C.O. 580 (enclosed) (10) C.O. 1316 d.d. 6 Oct. 1828.
 11. C.O. 1318 No. 1231 (12) C.O. 1316 d.d. 28 Sept. 1828.
 4. C.O. 1444 P. 156.

per annum while later arrivals were paid £400 per annum^{1.}

The Cape was informed of the Act which freed the Catholics from certain civil and military disabilities.^{2.} This Catholic emancipation Act was passed on the 13th of April 1829. Two Catholic priests F. Wagner and Thomas Richton were already working in Cape Town.^{3.} As Richton had refused to go to Albany, after Bourke had told him to go in answer to a petition by the Albany Catholics, his salary was discontinued, and Albany still remained without a priest.^{4.} Cole was commanded to register all Catholics but in doing so had to be very careful not to raise trouble between Catholics and Protestants.^{5.} The fact that these catholic priests were paid salaries at the Cape by the Government, before the Catholic Emancipation Act was passed proved that unofficially there was religious equality and freedom of worship at the Cape. Taking this into consideration it was rather tactless and ungrateful of Richton to refuse to answer the call to Albany.

There was also a fund at the Cape for the widows of the Dutch Reformed Church parsons, and £45 per annum was paid into the fund by the Orphan Chamber.^{6.}

In 1831 missionaries from the Rhemisa Missioner's Society,^{7.} and the Paris Evangelical Missionary Society^{8.} came to the Cape to work under Dr. Philip. The estate of the Rev. George Schmidt was closed and the money, £1294.13.4^{9.} was sent to his relatives in Germany.

Apparently, ^{here was no} colour bar even in marriage at the Cape in those days, for the marriage returns of Beaufort showed quite a number of mixed marriages.^{10.}

White Male with white females	17.
" male with coloured females	3.
Coloured male with white females	1.
" males with coloured females	3.
	<u>24.</u>

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| 1. C.O. 1316 | d.d. 28 Sept. 1828 & C.O. 1316 d.d. 6 Oct. 18. |
| 2. C.O. 1317 | No. 1099. |
| 3. C.O. 1444 | P. 300. |
| 4. C.O. 1444 | P. 304. |
| 5. C.O. 1317 | No. 1129. |
| 6. C.O. 1445 | P. 25. & C.O. 1320 No. 1337. |
| 7. C.O. 1318 | No. 1246. |
| 8. C.O. 1318 | No. 1252. |
| 9. C.O. 1444 | P. 370. (10). C.O. 648. No. 3. |

Below follow the returns of Criminal Cases in the Circuit
Menziess.^{1.}

Courts of the Colony in the Autumn of 1830 before the Hon. Mr. Justice

	Murder.		Culpable Homicide		Assault.		Robbery.		Housebreaking with intent to steal.		Theft.		Receiving goods knowing them to be stolen.		Fraud.		Attempt to commit rape.		Sodomy.		Contravening Ord. D (Slave Act)		TOTAL.		
	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	C.	A.	
Albany. April 14.	3	2	1		1				4.	2.	10	3	10	1	1		2							32	8
Beaufort. March 22.		3							3	1	6		1				1							8	4
Clanwilliam. March 5.									1															1	
George. May 8.											2													2	
Graaff-Reinet. March 22. 2					1	3	1		3	1	36		4											47	1
Somerset. April 6.									2		19		4?	3?			1		1					24	3
Stellenbosch. March 1.								1.	1		4		1									1	1	7	2
Swellendam. March 1.					2			1		1	1		1									1	1	5	3
Uitenhage. April 26.					1				3		6		2											12	
Worcester. March 5.									2		18											1		21	
Of whom were of the European Race.		4			3	3		1	2	1	11	1	10		1		1					3	2	31	12
Hottentot.	4	1	1		2		1	1	9	4	70	1	6	1			3		1					97	8
Bushmen.	1								1		14	1												15	1
Kaffirs.											3													3	
Slaves.									5		4		4											13	
TOTALS.	5	5	1		5	3	1	2	16	5	102	3	20	1	1		4		1			3	2	159	21

NOTE.

Abbreviations; C - Convicted.

A - Acquitted.

Under Somerset in the heading receiving goods knowing them to be stolen there is obviously an error as 4 under convicted does not double-check, and the figures should probably be 1 convicted and 3 acquitted. These suggested figures make Somerset's totals of 24 convicted and 3 acquitted correct as well as the convictions under the above mentioned heading.

ROADS.

The inland traffic of the Cape was greatly handicapped by bad roads especially at the drifts. Of all the roads the one leading to Grahamstown was perhaps the worst, as no provision had been made for the increased traffic resulting from the rising population and the expanding frontier trade.^{1.} The Governor had to obtain the sanction - which often refused - of the Colonial Secretary for any undertaking to build roads, bridges or public works of any description.^{2.} He was severely reprimanded for sending money on bridge repairs over the White Else River,^{3.} and for building a new pass over the Hottentots Holland mountains.^{4.} Murray said, "Somerset had built a pass over those mountains, and he could not understand why Cole did the same,^{5.} but Hay at the same time admitted that" we are sadly deficient in geographical knowledge in all that regards your government."^{6.} Although the Cape officials continuously laid emphasis on the great distances in this country, yet the British officials did not seem to have been able to conceive the vastness and expanse of our veld. The British Government most probably unconsciously used the geography of Britain as the basis of their calculations. On the 3rd of May 1830 Cole received a despatch from Murray expressing "my disapprobation of such an undertaking as altogether disproportional with the financial means of your Government, and I cannot avoid taking this opportunity of expressing my apprehensions that you will be preparing for yourself much embarrassment in carrying the service of your Government, unless you resolve to guide

1. C.O. 621 No. 88 & C.O. 1444 P. 130-180.
 2. C.O. 1444 P. 370.
 3. Ibid.
 4. C.O. 1318 No. 1244 & C.O. 1444 P. 299.
 5. C.O. 1317 No. 1118.
 6. Ibid.

*The Grant of Cole
Cape Town
Instructions*

yourself in the administration of its finances by a strict adherence to your instructions, and a careful abstinence from all expences which are not indispensibly necessary".^{1.} The Governor was apparently gradually becoming convinced, that such a strict adherence to the instructions was not to the best interests of the colony, and would greatly retard^{2.} the developement. — *Order of the Council 1800*

By the end of the year the ordinance was grudgingly allowed. The Governor was in future to spend only £200 in the erection of a public work, unless the special sanction of the Colonial Secretary had^{3.} been previously obtained. If Cole did not comply with this command he would be surcharged as he was supposed to look after the interests of the people, and not to spend money on reckless undertakings.^{2.} Judging from the memorials sent in, for the improvement of the roads, bridges and passes to facilitate inland trade and communications, Cole was really trying to look after the true interests of the Colony by building roads and repairing bridges.^{3.} The Cape is a country of vast plains intersected by mountains and passes and essential. Good roads and passes would mean increased trade and wealth and therefore an increase in revenue.^{4.} When it appeared that there would be an impasse between the interests of the colony and the instructions of the Secretary of State Cole permitted the inhabitants of Cape Town to hold a meeting. Rather than suspend operations they were prepared to guarantee the £900.^{5.} This proved conclusively that this pass which bridge the mountain chain, which separated Cape Town "from the eastern and principle parts of the Colony,"^{6.} was essential for the economic wel-

1. C.O. 1317 No. 1167

2. Ibid.

3. C.O. 1444 P. 575-6.

4. C.O. 1444 P. 391-8.

5. Ibid.

6. C.O. 1444 P. 180.

fare of the Cape.

Lord Charles Somerset's pass was on the road that led to French Hoek. Bourke agreed with Cole that the pass was essential for the grain districts of George and Swellendam. This support from the colonists encouraged Cole to continue the £2572.8.6 project in the official opposition.^{1.} Goderich had to bow before the public opinion of the Cape, but the threat from Murray to surcharge Cole if he again undertook such vast public works which the Colony could not bear was repeated.^{2.}

The citizens had agreed to make up the deficit by public subscription if the toll did not meet the necessary expense.^{3.} The ordinance for the erection of this toll was allowed.^{4.} The citizens were never called upon to make good a deficit as the toll showed a yearly surplus. The takings for the first year £225.18.0 and the second £364.10.0 - an increase of £138.12.0 - while the repairs for a little less than half a year amounted to £40.^{5.} Facts which speak forcibly for the utility of the road, and its being not a liability but a source of revenue. These figures so agreeably surprised the Colonial Secretary that he associated himself with Cole's attitude and withdrew his former remarks.^{6.}

Ordinance No. 74 fixed the Schedule of the Tolls,^{7.} this schedule was modified later by Ordinance 84.^{8.}

	Passing from E. to W.	Passing from W. to E.
Every Coach, Chariot, chaise drawn by 6 or more horses mules or asses.	2/-	2/-
Mitto four	1/6	1/6
" 2	1/-	1/-

1. C.O. 1444 P. 391-8.
2. C.O. 1318 No. 1244.
3. C.O. 1444 P. 391-8.
4. C.O. 1318 No. 1205.
5. C.O. 1444 P. 536.
6. C.O. 1319 No. 1294.
7. G.G.24. 24 May 1830 & Harding Vol II P. 124.

	Passing from E. to W.	Passing from W. to E.
Every saddle or single horse mule or ass.	3d.	3d.
Wagon or cart drawn by 6 or more horses mules asses or 8 or more oxen.	1/6	1/6.
Ditto 4 horses etc. 6 oxen.	1/-	1/-
" 2 " " 4 "	9d.	9d.
Horned Cattle per herd	$\frac{1}{2}$ d.	$\frac{1}{2}$ d.
For every three or less num- ber of goats sheep or swine.	$\frac{1}{2}$ d.	-

(Abbreviations. E.- East. W.-West.).

The latter Ordinance relieved the owners from paying for cattle and sheep passing by the old cattle pass called "Elands Kloof" provided they did not travel over any part of the new road. The above fees had to be paid every time the toll was passed.

As the bridge over the Else River was essential for the communications to the interior, it had to be repaired. The lowest tender for the work was £475, but it could be done for £176.18.3 $\frac{1}{2}$, according to the Surveyor-General, if convict labour could be obtained. As this convict labour was not available the undertaking would cost £226.8.3 $\frac{1}{2}$, Cole therefore asked for official sanction as the expenditure would be greater than £200.^{1.} Torren- tial rain caused greater damage so a further £51.13.9 was expended. The Governor stated, that he would have authorised this extra expenditure whether the Colonial Secretary sanctioned it or not, as he was trying to cease force the inland communications which were so necessary over the Hottantots-Holland pass.^{2.}

1. C.O. 1444 P. 570 .
2. C.O. 1444 P. 618.

*The same
is found in
the records*

FINANCE. *As per the list*

None of the troops at the Cape were allowed to receive their pay from the Colonial Treasury. ^{1.} The Governor was not permitted to draw from the Colonial Treasury to pay his private secretary - after the 1st of March 1830. ^{2.} The Cape was required to meet the expense of the Cape Corps. ^{3.} So as to centralize the military defences of the Empire, all the costs was placed on the military expenditure list, but this did not relieve the Cape from paying for the Cape Corps. ^{4.} The Cape had to contribute £4200 to the military Chest for 1829, this sum had already been paid to the Colonial Agent in London by the British Government, this, however, was to be looked upon as a loan to be repaid. ^{5.} Unfortunately for Britain the Cape was not able to meet its obligations in this respect. ^{6.} In 1830 the situation was not better as the districts had been impoverished by successive plagues, and the Colony would not be able to meet current expenditure, much less pay for the Cape Corps. ^{7.} The Government did try to assist Britain by paying some of the incidental accounts of the commandants of the Cape Castle, Simonstown and Robben Island, but was hauled over the coals, as the Colonial Secretary would not recognise the right of any military officer to draw on the Revenue from the treasury of his colony. ^{8.} To meet the difficulty the Cape Government was commanded to prepare accounts of all sums of money issued for the Cape Corps from 1827 to 1829 to the Paymaster General, this sum would be looked upon as a loan to the Cape, but thereafter the local Government

1. C.O. 1317	No. 1173.
2. C.O. 1317	No. 1142.
3. C.O. 1317	No. 1150.
4. C.O. 1317	No. 1137.
5. C.O. 1317	No. 1139.
6. C.O. 1444	F. 248.
7. C.O. 1444	F. 244.
8. C.O. 1317	No. 1173

would not be required to make any further advances for this purpose.^{1.} The accounts showed that the Cape should have contributed £4280 to the Cape Corps in the specified period.^{2.} The Governor^{3.} ordered £4200 to be paid into the Military Chest, for the Cape Corps and the Mounted Rifleman, as this did not nearly meet the expense, the Governor was informed that his colony should make a greater attempt to meet the cost of such an essential service. The new arrangement for co-ordinating the defences was not intended to relieve the colonies of all responsibility for defence.^{3.} Still the Cape could not meet the expense and the British Government was prepared to pay the deficit of £3,704.17.5½ from the army estimates of 1830.^{4.} Before this despatch reached Cole he had already made arrangements for the payment of the sum to the Colonial Secretary Agent in London.^{5.} Fortunately it was to be refunded. This sum of money though repaid to the Cape and entered in their books under sums refunded, was not available for general colonial expense,^{6.} but for the needs of the Colonial Agent in London. To this sum Cole added £1205.2.6½ in copper money from the colonial treasury to make up the agent's demands.^{7.} In 1828 the Colonial Treasury had only £2968 to defray expenses while Secretary Huskisson's report on the estimates provided for £8272; this, however, did not include^{8.} the money refunded. The Commissioners of Enquiry suggested that the revenue would be £9295, but the British Government modelled all the expenditure for the year on the assumption that £27295 would be available for the Cape.^{9.} Although Goderich had assigned £1200 for the use of the Colonial agent he had spent £2500; the colony could perhaps meet this additional expense of £1300

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| 1. C.O. 1316 | No. 17. |
| 2. C.O. 1444 | P. 111. |
| 3. C.O. 1317 | No. 1137. |
| 4. C.O. 1317 | No. 1150. |
| 5. C.O. 1444 | No. 47. |
| 6. C.O. 1444 | P. 263-8. |
| 7. Ibid. | |
| 8. Ibid. | |
| 9. Ibid. | |

*Amended
forwarded 5*

but not the extra £1155.16.6 which the Colonial Agent again claimed.^{1.} The total deficit for 1828 was £20727.6.6. It thus became obvious that the Cape could not pay £10,000 per annum to the military Chest and yet meet the burden of Public expense at the Cape.^{2.}

The Governor then dismissed the question of additional taxation, and the manner in which the Cape could balance its budget.

Ways for balancing the budget were:- Drafts from the British Treasury; a more rigorous collection of revenue in some branches, but in others the last farthing was already obtained; the present establishment could be reduced either in numbers or in salaries, or both reductions could be applied. This was what the Colonial Secretary actually tried to do, not only was the number of employees drastically reduced but the salaries of the remainder were cut down so as to save £15,000.^{3.} e.g.

The total charge of the fixed establishments was	£87,364.19.8 $\frac{1}{2}$
Pensions.	£ 7092.17.10 $\frac{1}{2}$
Total.	£94,457.17.7
Amount of Reductions and saving to be effected immediately.	£ 3718. 5
Amount of Prospective Reduction	£ 90,739.12.7
Future establishment of the Colony	15,699.10
	£ 75,649. 2.7 4.

Then Cole made an excellent suggestion. As the people wanted to help in the Government of the country, they could be given what they wanted and much could be saved, "in restoring to or conferring on the inhabitants of the several towns or villages the right to administer their local affairs and the power to tax themselves to the extent required for the execution of all necessary or desirable improve-

1. C.O. 1444 P. 263-8.
2. Ibid.
3. C.O. 1319 - attached.
4. C.O. 1319 - Schedule.

ments".^{1.}

If the people were not given local representation more taxes would have to be levied, but on what? Direct taxes were high and were causing trouble but import duties could be raised. Stamp duties on deeds, law papers, bills etc, might be advanced, as well as the fees in certain offices particularly the law courts to meet the judicial expenditure. Postage admitted no alteration. Post Charges were moderate and although complained of should be advanced to cover the expenditure of the post. Auction and transfer dues did not cover expense but were high enough.^{2.}

The governor noted the reduction of the civil service but thought he should have been consulted e.g.^{3.} Port Frances where only six ships called in a year and a half should have been closed, and the customs house had been built at the cost of between three and four thousand pounds, sold.^{4.} For 1831 the receipts at Port Frances were 6/- and expenditure £617.14/- this harbour should really have been closed.^{5.} It was true that Port Elizabeth harbour had a deficit of £384.12.6.³/₄d, but the harbour was expanding rapidly and one man could act as both port captain and harbour master.^{6.}

Officers in foreign command was prohibited from increasing salaries or allowances or authorising any public expenditure without previous sanction.^{7.} The expenditure of £700 on the defence of Simonstown was approved,^{8.} and would be defrayed from the army expenditure. The Treasury could not however grumble about the expenditure on local public works as it was borne by colonial taxation, subscriptions, tolls, or ferries, much of the work

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| 1. | C.O. 1444 | P. 263-8. |
| 2. | Ibid. | |
| 3. | C.O. 1444 | P. 550. |
| 4. | C.O. 1444 | P. 164. |
| 5. | Ibid. | |
| 6. | C.O. 1444 | P. 617. |
| 7. | C.O. 1317 | No. 1162. |
| 8. | C.O. 1318 | No. 1283. |

was essential. The order to stop all work that would cost more than £200 was illadvised.^{1.} The landdrost of Albany had been in such an appalling state that Dundas could not live in it, so he repaired it at his own cost. When he left Murray would not authorise the re-funding of the money.^{2.} Dundas had therefore to foot the Bill of £394.16/- as the Colonial Secretary could not admit that a public functionary who, without consulting the Government thinks proper to improve his Residence is necessarily entitled to be reimbursed the expenditure".^{3.} This incidentally was not Dundas' official residence - none was provided for him. Furthermore the British Government argued he had spent the money "for his own convenience and without reference to any subject of public utility"^{4.} The jails of the Cape were in a very unsatisfactory condition. Many having been private houses. The cost of building was very high here as only a few people had the capital necessary for such purposes; and had formed a combination. To avoid this profiteering public works should be executed by the department and a master bricklayer and a master carpenter should be sent out.^{5.} The engineers reported that the jail at Grahamstown could not hold the prisoners as it was in such a dilapidated condition. The cost of the necessary repairs would be £291 and as this was more than £200 Cole applied for leave to proceed with the work.^{6.} Cole was rebuked, for commanding the Royal engineers to make a report on the jails, but as there were no civil people fit to examine or erect public buildings he could not do anything else. These repairs being essential and no authority having been obtained, Cole authorized the necessary the completion of the work.^{7.}

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| 1. C.O. 1444 | P. 550. |
| 2. C.O. 1317 | No. 1175. |
| 3. C.O. Ibid. | |
| 4. C.O. 1444 | No. 36. |
| 5. C.O. 1444 | P. 86. |
| 6. C.O. 1444 | P. 192. |
| 7. C.O. 1444 | P. 375-9. |

The unsatisfactory state of the finances of the Colony also curtailed the expenditure on Government house. The whole house was not to be furnished at public expense, but only those rooms which were reserved for occasions of ceremony. Furthermore Cole could have a country residence, but only if the sum expended on it did not exceed £500 per annum.^{1.} This privilege was withdrawn because in repairing Government House the estimate had been exceeded.^{2.} Bathurst had in the time of Bourke sanctioned £6231 for repairs to Government House. These necessary repairs had never been carried out and now the estimate had been excelled by £1300.^{3.} The Governor suggested that a fund be created for the erection of public buildings which were necessary in the Colony.^{4.}

The Governor had to make arrangements for the payments of £1859.3.3d. into the military Chest from the revenue of the Colony for the following:- Furniture supplied to Government House £1271.10.2^{5.} Money expended in Government House to December 1829. £ 423.13.1

Cost of five Chandeliers for the Ballroom and packing. £ 164. 0.0
£1859.3.3^{6.}

The Public Shambles of Cape Town have been built by the Burger Senate at a cost of £10,500. They levied a tax on cattle killed or sold by licensed butchers and brought in from £2400 to £2500 per annum, when the Burger Senate was abolished it had brought in £15,000. These buildings which were close to the sea urgently needed repairs, and Cole authorised the repairs of £362.8.5 as the building paid for itself.^{7.} Repairs to the Warf at Cape

1. C.O. 1317 No. 1079.
 2. C.O. 1317 No. 1165. & C.O. 1318 No. 1232. & C.O. 1444.
 P. 401-410.
 3. C.O. 1445 P. 225
 4. C.O. 1444 P. 451.
 5. C.O. 1318 No. 1232.
 6. C.O. 1317 No. 1165.
 7. C.O. 1444 P. 29.-31.

Town were authorized as the income from ^fWarf dues, Tolls and Town taxes which could be used for these repairs had increased from £4398 in 1829 to £6261 in 1830.^{1.}

The annual expenditure on the Port of Cape Town was:-

Port Captain.	£400.	
Clerk.	£100.	
Health Officer.	£150.	
Boats & Crews.	£324.	
Messenger.	£ 40.	
Signals.	£100.	
	<u>£1,114</u>	
Light House	<u>162</u>	2.
	<u>£1,276.</u>	

Cole suggested that the accounts of the Colony be closed at the end of the third quarter so that the Colonial Secretary could place the financial estimate before the House of Commons without delay.^{3.} Fears were also expressed that there would be a further fall in the revenue because of locusts and droughts, and great indulgence had to be exercised in the collection of taxes.^{4.} In the frontier districts the losses were particularly heavy. In the Tarka district many farmers were ruined, and the following were taken at random from Mr. van Ryneveld's report:-

Mr. Jac du Plessis	lost	400	sheep	and	30	cattle.
Jan Bucas	"	2500	"	"	62	"
B. Smith	"	300	"	"	-	"
W. Durand	"	500	"	"	15	"
Geret Venter	"	2000	"	"	4	"

Judging from D. Campbell's report the farmers of Albany lost very heavily also.^{5.}

Cole advised that a financial statement be published to combat misstatements which were being made in Mr. Fairbairn's paper.^{6.} These misstatements were (1)

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- 1.C.O. 1319 No. 1301.
 2.C.O. 1317 No. 1112.
 3.C.O. 1444 P.97.
 4.Ibid.
 5.C.O. 580 No. 265.
 6.C.O. 1444 P. 525-7.

(1) that Mr. Judge kept his salary after his dismissal by Mr. de Wet, Judge lived in the same house and received no salary.

(2) That money was not properly expended on public buildings. This complaint was about Cole's predecessor but ^{it} equally untrue.

(3) That although the public had subscribed for the building of a stone peer the money was not being used for the purpose.^{1.}

Cole was really in a predicament as he was told "to reduce the expenditure to the means afforded by the revenue of the Colony; as His Majesty's Government will not be satisfied with any management; by which assistance from home is reckoned upon in the ways of means of your government".^{2.} Despite all the financial difficulties the Cape had to find the £10,000 for the Military, at last he was ordered to pay it from the Orphan Chamber. At the same time the debt to the East India Company which had been contracted in 1825, was paid back.^{3.} The Cape was also not permitted to spend the revenue from Crown lands or mines for the general use of the Colony, the income from these lands - indigenous timber, material and produce - could be used to make roads or bridges or repair the same, but only for the property concerned, the Council had no control over this Crown property.^{4.} In 1831 there was a deficit of £2068.3.4 so the Governor used the deposits in the Bank, which were intended to pay the principals on long loans. This deficit would be even greater after the salaries which were due had been paid.^{5.}

As the source of income the Secretary of State

1. C.O. 1444 P. 525-7.
 2. C.O. 1317 No. 1139.
 3. C.O. 1445 P. 51 & C.O. 1316 No. 1080.
 4. C.O. 1318 No. 1265. & C.O. 1320 No. 1317.
 5. C.O. 1444 P. 609 & C.O. 1316 No. 1089.

suggested" I have also remarked that the charge for the convicts, Prisoners and government slaves, are excessive and I cannot but think that where labour is so much in request as in the Colony under your government, some mode might be found, of employing the convicts by which their expense to the public would be lessened, as in other colonies to which convicts are sent.^{1.} The Colonial Secretary was not even aware of the fact that no convicts were sent to the Cape. We quite agree that too much was spent on slavery and especially the payment of officers to protect slaves in a colony like the Cape, where such appointments were superfluous.

As the Cape could not continue to draw on the British Treasury for all its accounts, Cole had to make arrangements to meet some of the accounts.^{2.} The Colonial Secretary proposed a tax on slaves, he modified the suggestion of the Commissioners of Enquiry, but this modified scheme was calculated to bring in £6,000. It was suggested to impose a tax of 5/- per head on all slaves between the ages of ten and sixty years.^{3.} As the Cape was so poor, 10/- per head would be too severe, but a tax of 5/- was not exorbitant, and relief could be given by repealing taxes on carts and waggons used in agriculture. The Colonial Secretary thought that the slave tax would fall on the rich man, while the repeal of the other tax would assist the poorer class.^{4.} The British Treasury had given the Cape £17,000 in 1829 and it was hoped, that this modified tax would decrease this large deficit.^{5.} Goderich hoped that this tax together with the change in the colonial establishment - (already given above) would balance the budget.^{6.}

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1. C.O. 1317 No. 1139.
 2. C.O. 1318 d.d. Dec. 20, 1830.
 3. C.O. 1318 No. 1256.
 4. C.O. 1318 No. 1256.
 5. Ibid.
 6. Ibid.

Cole advised that the taxes be thoroughly charged so as to relieve the community as a whole, any partial alterations, would only lead to confusion without benefitting the inhabitants as a whole.^{1.} The governor was opposed to the Slave tax, and in this he was supported by his Council,^{2.} so he did not impose it. There were good reasons for that attitude. Most of the slaves were predial slaves used to produce wine and the price had dropped to 50%. If the wine tax were repealed and replaced by the slave tax, the farmers alone would have to bear the cost of the latter, while the wine merchants also bore their share of the former.^{3.} The *tishe* and *opgaaf*^{4.} were levied from the earliest time and though complained of were not burdensome, this slave tax would enflame the already annoyed slave owners and "the new tax would exasperate their feelings which - as your Lordship is aware - are already sufficiently enflamed to a degree that would be actually dangerous to the well being of the Colony!"^{4.} The Civil Commissioner of Albany reported that there was already a panic among the farmers of Albany and the Slave tax would serve to increase it.^{5.} This Slave tax would affect the whole population and the repeal of the wine tax would help only one section, and the *opgaaf* was very small and not complained of.^{6.} The corn farmers would gladly pay more taxes provided the communications with the interior were improved.^{7.} The Capitation tax on Hottentots, blacks and other idle - supposed to be 6/- per head per annum - should be abolished as it was not paid, and the cost of collection was more than the tax. The supposed value of £11,000 was never reached.^{8.} Cole suggested,

1.C.O. 1445 P. 20.
 2.C.O. 1445 P.16.
 3.C.O. 1445 p.17.
 4.Ibid.
 5.Ibid.
 6.Ibid.
 7.Ibid.
 8.C.O. 1445 P.19.

that the duty on luxury articles be raised from $3\frac{1}{4}\%$ to 5%, and from 10% to $12\frac{1}{2}\%$. The opgaaf, tithe and market dues were all payable on one and the same article, to help the farmer it was proposed that the total and ~~aggregate~~ ^{aggregate} be decreased; also that the ~~appressive~~ ^{appressive} transfer duty be deminished from 4% to 2 or $2\frac{1}{2}\%$.^{1.} The general trend of Cole's suggestions was the reduction of taxation, but how could a reduction balance a budget which persisted in showing a deficit? The Colonial Secretary could not understand what the objections were to the taxes suggested by the Commissioners of Enquiry after a "long and laborious investigation" were, but instead the Council proposed a tax of 10/- per annum on all free males in the Colony in lieu to the Commando tax.^{2.}

A proclamation of 1798 prohibiting the distilling of spirits from grain in the Colony. - This embargo was raised to assist the Albany farmers provided that a licence was obtained and a duty levied. No cheap brandy was to be sold and it was not to be sent to the wine districts or sold to the kaffirs beyond the frontier; stringent measures were to be taken to prevent smuggling and the farmers were to understand that the privilege could be recalled.^{3.}

THE WINE TRADE.

Wine was produced in vary large quantities at the Cape, but the manufacturers received very unfavourable accounts "from England of the prices and the demand for Cape winecaused partly by a glut of

1. C.O. 1445 P.20.
 2. C.O. 1316 d.d. 16 July 1828. & G.G. 23 Ordinance No. 57, 5 March 1829.
 3. C.O. 1318 No. 1251.

the article, and partly by the disgraceful trash prepared and vended by some pretended wine-merchants in the colony." ^{1.} While the wine merchants were polluting ^{adulterating} the wine farmers, who were striving hard to increase the quality of their wine, were threatened by increased taxation. A tax of 6d. per gallon was proposed on Cape wine, as the farmers were receiving only £3 to £3.15.0 per leaguer (152 gallons); this tax would double the price, Cole pointed out that this would ruin the western province and destroy the only taxable industry at the Cape, besides it was the object of the Governor to remove every check ^{2.} on the advancing quality of the Cape wine. As a result of Cole's plea and the two memorials the application of the proposed tax was postponed until the summer of 1833. ^{3.} The present duty was to remain until the 1st January 1833, according to a later despatch. ^{4.} It had been the object of the Governor to assist the Cape Wine in its competition against Portuguese wine. ^{5.} The Cape should pay only one-third of the duty paid by foreign countries. ^{6.} The Governor wanted to have the possibility of this introduction removed; as he was convinced that such a tax would bring a frontier diminution in the revenue of the Colony. ^{7.} The Cape wine merchants petitioned that their wine and spirits be exported to Britain at the same rate of duty payable on those exported from the West Indies and the North American settlement. Again Cole pressed for this concession as the prosperity of the Colony was so intimately identified with the wine trade. ^{8.} Lord Goderich favoured the petition and urged its adoption by His Majesty's Government. ^{9.} As a result of those repeated representations, the Cape Wines received a favoured position

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1. Wilmot & Chase : History of the Colony: P.300.
 2. C.O. 1444 P.59.
 3. C.O. 1317 No. 1098 $\frac{1}{2}$
 4. C.O. 1317 No. 1112
 5. C.O. 1444 P.59.
 6. C.O. 1444 P.429.
 7. C.O. 1444 P.72 &P.97.
 8. C.O. 1444 P. 356.
 9. C.O. 1318 No.1234.

on the English market. The new tax for 1832 was on

Cape Wines	2/9	Duty.	2/9	Drawback.
Other Wines	5/6	"	5/6	"

Still the Cape Wine trade continued to have a lean time as it was so unpalatable and Cole recommended the petition, "soliciting your Lordship to obtain from the Government of the United States of America the admission of Cape Wines into their ports at the same rate of duty as that paid on the wines of France"^{1.}

TRADE.

The customs of the Cape were placed under the immediate direction and control of the Commissioners of Customs in London.^{2.} On the 6th of January 1832 the merchants of Cape Town asked, that the customs dues of the Cape be made the same as paid by the other Colonies.^{3.} Cole pointed out, that if this reduction were granted for inter-empire trade, the duty would have to be increased on foreign trade. As a matter of fact, merchants at the Cape, particularly the fisheries were, agitating for protection against foreign competition.^{4.} In November 1830 Cole received three despatches stating that all American Vessels had to be allowed free into all harbours of the British Empire.^{5.} Foreign goods loaded on British Vessels were to be afforded the same privilege.^{6.}

Ordinance No. 65 of August 1829 provided for the quarantine of ships, and the public officer of health was required to board every ship that entered the harbour.^{7.} Furthermore provision was made for the presence of officers of health at each of the two principal ports of the Colony.^{8.}

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|--------------|--------------------------|
| 1. C.O. 1445 | P.112. |
| 2. C.O. 1445 | P.224. |
| 3. C.O. 1444 | P.625. |
| 4. C.O. 1444 | P.72. |
| 5. C.O. 1318 | No. 1204. |
| 6. C.O. 1318 | No. 1239. |
| 7. C.O. 1444 | No.1 & C.O. 1316 No. 47. |
| 8. C.O. 1316 | No. 1086. |

Despite the great poverty of the Cape there was a general activity, and the harbours had to be improved to meet the increased volume of trade. Certain legal points and formalities had to be settled. There was no objection to the importation of foreign goods to the Cape provided British vessels loaded them at the port of their origin.^{1.} A Prussian consul, Mr. Hamilton Ross received the position, was appointed to facilitate trade with that country.^{2.} To safeguard the health of the colonists Health Officers were appointed at Simonstown and Cape Town. These officers were to make a careful examination of the passengers & crew as well as goods on all ships.^{3.}

A large stone ^{to} warf could be erected in Cape Town but all public works in other directions had to cease to meet this new expense.^{4.} For this jetty the inhabitants of Cape Town had already subscribed upwards of £3000, this would facilitate trade and increase revenue.^{5.} The constant loss of ships in and about Table Bay was due to the insecurity of the harbour, but the neglect of Captain's as well as insufficient and faulty information was a contributory cause.^{6.} Besides the unsatisfactory state of the Cape Town harbour, the Naval docks of Simonstown were in a deplorable state.^{7.} As Cole received no information from Goderich and it was dangerous to have the only naval dockyards in such a state, he authorised the expenditure of only £700 on the dock. This sum was insufficient but the conformation of the expenditure on this scheme was also confirmed.^{8.}

1.C.O. 1318	No. 1239.
2.C.O. 1444	P.341.
3.C.O. 1444	P.542.
4.C.O. 1319	No. 1286.
5.C.O. 1444	P.534.
6.C.O. 1444	P.301.
7.C.O. 1444	P.528.
8.Ibid.	

Mr. Waghorn was the originator of a scheme to carry mails and light parcels between London and Calcutta. The steam packets which would call at the Cape were to do the out and return journey in six months. The Governor in sending the memorial of the Cape Town merchants in support of the scheme stated that he failed to see how the Cape in its present financial position could derive much benefit from the project as it was mooted.^{1.}

All the customs officials at the Cape were placed under the direct control of the Commissioners of Customs in London. Cole had therefore to send the names, ages, salaries etc of all these officials to England.^{2.}

The Cape was not pleased with the practical application of the Navigation Laws. As the East India Company had the monopoly of supplying tea to the Cape they kept the price high and the quality bad.^{3.} The control of the customs duties was in the hands of His Majesty's Council, if they reduced the duty in inter-Empire trade it would have to be raised on foreign goods to make up the deficit in revenue.^{4.} The merchants of the Cape also desired that they be placed on the same footing with respect to trade and commerce as the most favoured of His Majesty's subjects.^{5.} As an embargo had been placed on all Dutch ships the carrying trade of the Cape would suffer, until the British vessels could make up the defect;^{6.} All goods for the use of the troops in the colonies were to be delivered duty free.^{7.} In reply to a petition from the merchants of Cape Town the privilege of importing

1.C.O. 1444 P.19.
 2.C.O. 1320 No. 1367. & C.O. 1445 P.22.
 3.C.O. 1444 P.143.
 4.C.O. 1444 P.525.
 5.Ibid.
 6.C.O. 1320 No. 1349.
 7.C.O. 1318 No. 1248.

goods from Hamburg in the British Vessels "Calypso" and "William Parker" was granted to them. ^{1.} "The William Parker" could also load goods from Antwerp. ^{2.} Later all these restrictions were abolished. All the laws regulating the external trade of the Colony were repealed. Countries living in friendship with Britain were permitted to trade with the colonies. Their ships could bring and take merchandize from the Cape. Certain restrictions were still kept on goods from America and Mauritius. ^{3.}

In 1853 the ^hGrahamstown Journal ^mpublished a summary of the exports and imports from Port Elizabeth.

	<u>Exports.</u>	<u>Imports.</u>	
1828.	£41,290.	£55,201.	
1829.	£59,300.	£63,491.	
1830.	£60,838.	£99,042.	
1831.	£65,356.	£55,095.	
1832.	£87,822.	£113,822.	4.

These figures do not entirely correspond with those issued by Mr. Francis, Customs Officer^x at Port Elizabeth, but they do serve to show the general increase in the value of trade of the Eastern districts. *Swan in John*

Wool farming advanced rapidly especially in these districts; this farming was only placed on a proper basis in the Western districts in 1812. In 1830 the weights and values of clips were.

Western Districts	38,907 lbs @	£1,945 ¹
Eastern "	4,500 " "	£ 222.

And in 1866.

Western Districts	5,022,610 lbs	£275,391.	2.
Eastern " ^D	30,508,853 "	£1,735,298.	

The rapid rise of Grahamstown proved the value of the frontier or native trade. Port Elizabeth

1.C.O. 1317 No. 1153.
 2.Ibid.
 3.C.O. 1320 No. 1326.
 4.G.T.J. Vol. II No. 58.
 5.Wilmot & Chase : History of the Colony. P.300.

as the port for this area also benefitted greatly from this trade. This trade for 1830 brought in £15,974 more than that of 1829.^{1.} The exports of Albany alone for 1830 were:-

Raw & green Hides	£12,774.12.0.
Dry Hides.	14,328.18.0.
Horns.	4,230. 0.0.
Wool	241. 6.6.
Ivory	3,104.15.0.
Ostrich feathers	144.10.0.
Buck Skins	1,531. 7.0.
Butter	5,389.10.0.
Tallow	4,531. 7.0.
Soap	300. 0.0.
Salted Beef & Pork.	3,087.10.0.
Tanned sole leather	475. 0.0. ^{2.}
Total.	<u>£50,140. 9.0.</u>

Ships were carrying on trade direct between Europe and Port Elizabeth.^{3.}

As this trade was growing so rapidly and abuses were creeping in an ordinance was passed to regulate it. Ordinance No. 81 of the 23rd December 1830 provided that:-^{4.} Traders with kaffirs had to obtain a licence from the Civil Commissioner, these licences were for one year and bore a stamp of £3; traders were to have two sureties from persons with property valued at £100, or a recognizance signed and stated by any Resident Magistrate; these recognizances were to be recorded by the civil Commissioner.

To avoid any outrages against the kaffirs, the following clause was included. Persons licenced had to state the number of fire-arms and quantity of ammunition to be taken beyond the frontier. For these arms the Trader was to carry a certificate and any field cornet, commissioned or non-commissioned officer could call on him to produce it; Justices of the Peace were to search these

1. Cape of Good Hope Almanac for 1830 P.188.

2. Ibid.

3. Ibid.

4. Harding P. 136. and G.G. 24; 23 Dec. 1830. No. 81.

waggons and seize all fire arms etc. not given in the certificate. On his return from a trading trip the trader had to stop near a field commandants residence where the arms were again checked. Any deficiency was to be reported to the Civil Commissioner and the trader became liable ^{to} for a fine of £50.

Natives brought into the Colony were to be accounted for, inability to do so made the trader liable to a fine of £100. Natives entering the Colony voluntarily could obtain licences. Persons going beyond the frontier without a licence could be fined £50. Officers had the power to stop waggons and demand to see the licences. The fine for the sale of fire arms to people beyond the frontier was also £100. Cases against the ordinance could be heard before the Resident Magistrate.

Mr. Charles Mc Kenzie of Cape Town applied to England for a licence to sell gunpowder and to store it in his own magazine. The duty on this article was exorbitant especially when it was taken into consideration, that it was indispensable for the defence of the frontier.^{1.} The British Government favoured such a measure but these private warehouses would have to be placed under special restrictions, but placed its application in the hands of the Governor-in-Council.^{2.} The Council suggested a reduction of the import fees by half viz, 2½d. per pound. "but that the safety of the community required that all gunpowder should continue to be kept heretofore in the ordinance magazine."^{3.}

The imports from Port Elizabeth for January 1830 were :-^{4.}

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|--------------|-----------|
| 1. G.O. 1317 | No. 1158, |
| 2. Ibid. | |
| 3. G.O. 1444 | P.541-2. |
| 4. G.O. 637 | No.7. |

Description of Goods.	Number & Description of Packages.	Description of Goods.	Number & Description of Packages.
Cotton & Woollens.	145 Bales & Cases.	Shoes.	1 trunk.
Beads.	8 Casks.	Pickels.	2 boxes.
Earthenware.	7 Crates & Casks.	Plough & Share.	1.
Tea.	59 Boxes.	Copper.	3 Bundles.
Sugar (leaf).	2 "	Pearl Barley.	6 Kegs.
Pitch	2 Barrels.	Grind Stone	1.
Blue.	2 Boxes.	Sundries	144 Packages.
Linens.	2 Trunks.	Shot.	35 Kegs.
Gin.	3 Cases.	Hardware.	6 Jars.
Mankeens (?)	1 Case.	Lime Juice.	1½ Aum.
Pepper.	2 Bags.	Linseed Oil.	6 Jars.
Sago.	1 Case.	-----(?)	1 Box.
Rice.	33 Bags.	-----(?)	1 Case.
Chalk.	4 Kegs.	Iron Hoops.	120 Bundles.
Glass.	11 Boxes.	Drugs.	5 Boxes.
Flour.	16 Bags.	Iron.	231 Bars.
Iron Mongery.	20 Packages.	Apparel.	4 Cases.
Mustard.	2 Cases.	Iron.	51 Bundles.
Coffee.	110 Bags.	White Lead.	12 Kegs.
Lamp Black.	1 Cask.	Paint.	33 Kegs.
-----(?)	5 Bales.	Lead.	1048 Bars.
Stationery	14 Cases.	Tin.	6 Boxes.
Sugar.	395 Bags.	Beer.	47 Casks.
Guns.	1 Case.	Cape Brandy.	28 Casks.
Hats.	4 Cases.	" Wine.	132 "
Foreign Wine	3 Cases & Casks.	Corks.	27 Bags.
Iron.	1 ton.		

Exports January 1830.^{1.}

Description of Goods.	Number & Description of Packages.	Value.
Hides.	451.	£191.4.6.
Tallow.	42 Casks & Skins.	£195.13.6.
Horns.	2850.	£ 38. - -
Butter.	97 Casks.	£259.12.6.
Skins.	113 Bundles.	£ 67.15.-
Soap.	2 Cases.	£ 5. - . -
Calf Skins.	140	£ 10. - . -
Goat Skins.	1925.	£ 96. 5. -
Beef.	30 Casks.	£ 90. - . -
Pork.	1 Cask.	£ 5. - . -
Aloes.	1270 H.S.	£ 3.18.6
Bees Wax.	1 Bundle.	£ 2. 2.6.
Bulbs.	1 Crate.	£ 5. 0.-
Feather.	1 Case.	£ 3. - . -
Skin Blankets.	1 Bale.	£ 5.-. -
Sundries.	1 Trunk & Case.	£ 30.15.-
TOTAL.		£1009.15.6

Average prices for produce at Cape Town and Grahamstown were:-^{2.}

Article.	Cape Town.			Grahamstown.		
	£.	S.	D.	£.	S.	D.
Wheat per 180 lbs.	-	18	-	13.	6	
Maize.		8		7.	6	
Oats Bushel		2				11
Barley. "		2	2	1.		
Potatoes "		2		1.	6	
Butter per lb.			7			3
Cheese per lb. Cape			4½			2
Ducks. each		1	4	1		1
Fowls. "			10			4½
Geese "		2		-		-

<u>Article.</u>	<u>Cape Town.</u>			<u>Grahamstown.</u>		
	£.	S.	D.	£.	S.	D.
Turkeys each.		4		-		-
Hay oats per 100 lb.		4		1		6
Straw load	2	2		-		-
Bread per lb.			2	-		-
Beef " "			1½			½
Mutton			1			½
Pork.		Uncertain.			Uncertain.	
Veal		"			"	
Flour fine per 100 lbs.		16		12		6
Flour second.		14		-		-

Statement of Produce brought into Town from the
30th December 1828 to the 5th January 1829 inclusive. ^{1.}

<u>Date.</u>	<u>Leaguers.</u>		<u>Muids.</u>			
	<u>Wine.</u>	<u>Brandy.</u>	<u>Wheat.</u>	<u>Barley.</u>	<u>Oats.</u>	<u>Pease.</u>
Tuesday 30.	148 $\frac{1}{5}$	5 $\frac{5}{8}$	200	74	65	3
Wednesday 31.	37 $\frac{5}{8}$	-	81	11	2	-
Thursday 1.	-	-	-	-	-	-
Friday 2.	-	-	-	-	-	-
Saturday 3.	54	2	-	-	-	-
Sunday 4.	-	-	-	-	-	-
Monday 5.	75 $\frac{3}{8}$	-	73	57	46	-
TOTAL.	315 $\frac{1}{8}$	2 $\frac{5}{8}$	354	142	113	3.

Average market prices this week:-

Wine per leaguer from ----	£.	S.	D.
2 $\frac{5}{8}$ do.		5	8 to

354	Wheat	per 10	Muids.	6/9	to	£7.14.6
142	Barley	"	1 "	6d.	"	6 2½
3	Pease	"	1 "	13/6		
113	Oats	"	1 "	4/6	"	4 8½

From 6th January to 12th January.

Date.	Leaguers.		Founds of Flour.	Muids.			
	Wine.	Brandy.		Wheat.	Barley.	Pease.	Oats.
6th	1368 ⁶	7 ⁷	850	27	163	128	- 23
7th	1538 ²	½	1600	10	168	101	- 90
8th	3238 ³	4	-	2	194	89	- 189
9th	1478 ³	48 ³	-	-	532	290	- 162
10th	102	2 ²	300	10	420	93	- 175.
11th	-	-	-	-	-	-	- -
12th	468 ⁵	2	-	10	416	354	1 192
10th			Rye 6 Muids.				

These prices did not bring the farmers a fortune, with the result that they could not pay high wages. In Albany and Somerset with populations of 6,254 and 11,117 respectively ^{1.} wages for white labourers 22/6 to 37/6 per month with food or 2/6 to 4/6 per day; and for Hottentot herds and drivers 4/6 to 15/- per month with food or 1/- to 1/6 per day. ^{2.} White labourers who came to the Cape were not prepared to work for the wages the farmers could afford to pay, these labourers who came out soon began to farm on their own account; the Hottentots, also dissatisfied with the ^{low} wages, went to the towns where they acquired habits of vagrancy and vice. ^{3.} In Graaff-Reinet the population was Public Functionaries 25, farmers 2,054, Slaves (both sexes) 1,716, Hottentots, 1102,

1. Cory C.A. IV 1825-35 P. 106.
 2. Ibid.
 3. Ibid.

Natives 99.^{1.} As the prices for produces were even lower here, the wages showed a corresponding decrease namely for Hottentots 6/- to 9/- per month with food,^{2.} and other labourers 9d. per day.

LABOUR AND WAGES.

The wages were so low even with the gifts of cows or bullocks now and again that the labourers could not feed or clothe themselves properly, the Mauritius Blacks would certainly not be able to exist on these wages.^{3.}

How could a white man be expected to come from England to work for these starvation wages? Besides this it was not politic to have Whites and coloured and free and servile working side by side. These Europeans would not do slave labour, slavery has had a demoralizing effect wherever it had been practised, especially at the Cape. German or Scotch settlers in the Eastern Districts would help to defend the country and expand trade.^{4.} The Hottentots and tribes beyond the frontier could be used to supply this shortage of labour.^{5.} A few people emigrated to the Swan River because of this shortage of labour and the economic position at the Cape.^{6.} A report by the Governor on the people who sought emigrant labour is interesting, e.g.^{7.}

P. Adams: This individual had failed entirely in his agricultural pursuits, if not in every pursuit throughout his life.

R.I. Stapleton. Has been a preacher and not an agriculturist.

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1. Cory: G.A. IV 1825-35 P. 117.
 2. Cory: C.A. IV 1825-35 P. 117.
 3. C.O. 1444 P.55.
 4. C.O. 1445 P.78.
 5. Ibid.
 6. C.O. 1317 No. 1070.
 7. C.O. 1445 P.82.

Miles Bowker is a British Settler and one of the few successful ones in the pursuit of agriculture, but he reasons in emigration from home rather than on the demand of this colony for emigrant labour.

W.M. Harries. came lately from England with the intention of farming but became a Trader.

P. Rucker was a French-Dutch farmer, whose imagination seemed to outstrip his judgment.

Twenty boys who were running wild in the streets of London were sent to the Cape, under the auspices, of the Society for the suppression of juvenile Vagrancy.^{1.}

Cole had to pay the master of the ship £60 for the passage and £20 for clothing i.e. £80.^{2.} England thus, have liked to have used the Cape as a clearing ground for her Vagrants, but where could the Cape send her Hottentot vagrants?

The rates of pay had slightly improved in Albany and in 1832 were-

Mechanics	5/- per diem.
Labourers (European)	3/9 " "
Ditto (Coloured)	1/6 " "

without food or clothing and for House servants (European £2.5/- per month House servants or waggon drivers (free coloured) received 15/- per month with food and lodging.^{3.}

The report of the Civil Commissioners and the contracts between the native tribes beyond the frontier and the farmers showed that wages were often as low as 1/6 per month.^{4.} These natives were permitted to enter the colony in search of work by Ordinance No. 49 - promulgated by Bourke. In August 1828 no less than twenty applications were made for twenty-seven male and eight female servants, from the Bechuana and Kaffir tribes.^{5.} Below are

1. C.O. 1320 No. 1360. 2. Ibid.
 3. S.A. Almanac for 1832 P. 188.
 4. C.O. 1444 P. 262.
 5. C.O. 580 No. 204.

Date when applica- tion received.	Names of applica- cants & their re- sidence.	Descrip- tion of people re-applied for.	Sex. M. F.	Period for which ser- vant requi- red.	Amount of monthly wa- ges offered.	Mode of payment.	Date of transmis- sion to missiona- ry sta- tion.	Name of Mission- ary and station.
--------------------------------------	--	--	---------------	---	--	---------------------	--	--

Aug. 7	John Stanley. near Gra- hamstown.	Bechua- na.	3. 3.	1 Year.	None.	-	Aug. 27	Messrs. Hodgson & Arch- bell.
" 14	Alexan- der Big- gar.	do.	3. -	do.	1/6 cash.	plus cow.	" "	Bechuana country.
" 14	Neil O' Dogetry. Grahams- town.	Cafres.	3. -	do.	3/- each.	Cash	" 28	Mr. Thomp- son Chu- mie.
" 22	I. Smith.	Bechua- na.	1.	do.	36 Rd.	Cattle	- -	Bechuana country.

Four names at random from the list of applicants.

The issuing of the new Currency. - *should have been taken will find*

The Lords Commissioners of His Majesty's Treasury commanded, that all rix dollar notes above 10 rix dollars each, be replaced by the new red stamped notes.^{1.} By July 21st, 1831, it had been decided to replace all rix dollar bills by English currency.^{2.} The Governor would be furnished with sufficient notes to replace all the Rixdollar notes in circulation, but this was to be done gradually and the Rixdollars would be cancelled by the new notes of equal value as they came into government hands.^{3.} On the 2nd of December 1829 a chest containing the new Promissory Notes had been sent to the Cape.^{4.}

No. of Notes.	Value.	Money.
15,040.	1 £ notes.	- £15,050.
5,000.	5 £ "	- £25,000.
3,000.	10 £ "	- £30,000.
2,500.	20 £ "	- £50,000.
1,000.	30 £ "	- £30,000.
166.	60 £ "	- £ 9,960.
26,706.		- £160,000.

In issuing the new notes the governor had to be careful not to issue a single note unless in exchange for old notes of Rixdollars of the same value as the new notes. These old notes must have been effectually cancelled.

A few extra notes were enclosed to replace any which might have been soiled or disfigured.^{5.}

1. C.O. 1318. No. 1218.
 2. Ibid. & C.O. 1444. P. 225.
 3. C.O. 1318. No. 1259.
 4. C.O. 1317. No. 1140.
 5. C.O. 1317. No. 1140.

No. of Notes.	Value.	Money.
60	1 £ Notes	£60.
50	5 £ "	£250.
20	10 £ "	£200.
20	20 £ "	£400.
10	30 £ "	£300.
10	60 £ "	£600.
170		£1610.

Cole was against the issuing of notes of less than £20 if they were not exchangeable at will for Bills from His Majesty's Treasury by the holder. This was bound to cause distress as the depreciation of the Rixdollar already had done.^{1.} The new notes of above £20 were issued immediately according to instructions, and the governor was of the opinion that the issue of the stamp would decrease the danger of forgeries.^{2.} Not only were there forgeries of the 40 Rixdollar Bills but also of the 200, 100, 50, 25, 20 and 10, the value of these forged notes was in the neighbourhood of 5¼.185 Rixdollars.^{3.}

Murray's instructions were carried out. Old and soiled paper currency was withdrawn and replaced by new notes of the same value i.e. £1120. The gross currency thus remained the same and the available balance in the Treasury on the 8th of February 1831, was :-^{4.}

In paper money fit for circulation	£1025. 3.3½
In copper money	£ 208.10.0
TOTAL.	£1233.13.3½
The immediate demands on the Treasury were	£1120. 0.0
Payment of 4 warrants issued	£ 280.14.10
TOTAL.	£1400.14.10.

1. G.O. 1445 P. 12.
 2. Ibid.
 3. C.O. 1444 P. 307-9 & C.O. 1444 P. 229-230.
 4. C.O. 1444 P. 446.

TOTAL	£1400.14.10.
	£1233.13. 3½
DEFICIT.	<u>£ 167. 1. 6½</u>

The notes in circulation at the Cape were valued at £180,000 and those sent by the Colonial Secretary at £160,000 leaving a deficit of £20,000.^{1.}

The appropriation of £8112.7.10 in aid of the revenue caused no addition to the gross paper currency. Since the 4th of March 1814 no paper money had been issued except twice by Somerset, and all these bills had been destroyed in 1823. This £8112.7.10 had been deposited by Lord Howden in the time of Caledon; and was now used to meet the deficits of 1829 and 1830. The fund of £18,692.9.4. with the Lombard Bank had been used only as loans.^{2.} If the Lombard Bank was to be paid immediately from the sinking fund in the Discount Bank, Cole would have to recall a like sum from circulation, and this would cause a great degree of embarrassment.^{3.}

Cole was prohibited from making loans. There was very little paper money in circulation, most of the notes had been deposited in the military chest, bank and the Colonial Treasury. When the rixdollar was reduced from 4/- to 1/6 the country was flooded with silver coin. "Silver money is in the greatest abundance so much as to embarrass the Public Departments in which receipts and payments are made, and the scarcity of the paper money is everywhere complained of, particularly in the country districts".^{4.} If the £56,375, which was the balance on the Building loan were repaid then the withdrawals from circulation would also cause embarrassment. Provision should also be made for the building of proper prisons and public offices,

1. C.O. 1444 P. 133.
 2. C.O. 1444 P. 449. & C.O. 1444 P. 198. & C.O. 1317 No. 1190
 3. Ibid.
 4. C.O. 1444 P. 451.

these loans should be repaid from time to time.^{1.}

FINANCE OF THE DISTRICTS.

Cole protested against any increase in taxation, because the country had suffered so greatly from droughts and the invasions of locusts and natives.^{2.} For the benefit of the Colonial Secretary, the Governor sent a budget of the money collected in the various districts by the Civil Commissioners.

Sums paid into the Treasury to May 30:

	<u>1829.</u>	<u>1830.</u>
	£34,969.3/-	£40,100.17/-
Collected by the Civil Commissioners of:		
Swellendam to 30 April	£ 726.5/-	£1840.4.
Uitenhage & George 31 May	1213.7	2382.6.
Graaff-Reinet 31 March	542.14.	531.16.
Stellenbosch 31 March	411. 7.	893. 4.
Albany & Somer- set 31 March	1428.13.	2820.
Worcester Feb. 28.	217.	333.13.
	<hr/>	<hr/>
TOTALS	£39,507.19/-	£48,902. 0.0.
Increase in 1830.	9,394. 1/-	
	<hr/>	<hr/>
	£ 48,902. 0.0.	£48,902. 0.0. ^{3.}

The British Government were warned not to build false hopes on this increase in the budgets as the vicissitudes of farming were so great in the country that

1. C.O. 1444 P. 451.
2. C.C. 1444 P. 94.
3. C.O. 1444 P. 248. & C.O. 1444 P.250.

all might be lost before the end of 1830. A glance at the revenue will show, that the districts namely Albany, and Somerset which were supposed to have suffered most from Kaffir depredations were bringing in the greatest revenue. These were the districts where the 1820 settlers let their influence be felt. Why did fairly populous districts like Stellenbosch and Worcester lag so far behind? In 1831 there was a deficit on £2068.3.4.^{1.}

And Scher antwortet?

POST OFFICE - POSTAGE RATES.

Ordinance No. 25 of the Cape Council "for the better regulation of the Post Office, in the Colony of the Cape of Good Hope,"^{2.} was referred to His Majesty's Post Master General for consideration. The Ordinance was allowed except that Section II, the part which gave the Military Secretary to the commander of forces the privilege of sending and receiving letters and packets free of postage; and also Section XIV in as far as it gave the Military Secretary and the chief secretary to the Government the right to frank letters on their own behalf.^{3.} Only letters franked in England by His Majesty's Principal Secretary of State, and their Under Secretaries of State, and their competent officers, by the Lord Commissioners of His Majesty's Treasury, and their secretaries by the Secretaries of the Admiralty by the Military Secretary of General Commanding in Chief, by the Quarter Master General, and Adjutant General, at the Cape. All other officers, some of whom franked their letters in England had to pay full postage.^{4.} The Secretary of war was also added to this list.^{5.} This prohibition was afterwards amended, and

1.C.O. 1444 P. 94.
 2.G.G. 23 No. 25 9 Feb. 1829. & Harding II P. 13.
 3.C.O. 1316 No. 18.
 4.Ibid.
 5.C.O. 1316 No. 1094.

all people who had free postage for official work in England and replies to their correspondence were to enjoy the same privilege here.¹

The effect of this amendment was not to entitle Officers of the Military and Naval Departments to correspond with each other in the Colony, without payment of postage. The Colonial Post Officials were to find out from the British Statute Law who the favoured people were.¹ The Military and Naval officers had to send their printed returns under a flying envelope, and a smaller rate of postage had to be charged for all papers delivered "in that form to the Post Office for transmission to the interior of the Colony."²

ORPHAN CHAMBER.

Bourke had informed the Colonial Secretary that the private fund of the Orphan Chamber amounted to £39,000.³ All people, who had a claim to this money could claim from the Orphan Chamber, but if the money were used for the public service, they could claim from the Government. There was thus no doubt who had control of the money. Murray suggested that the greatest part of this private fund of £29,00 be used for repayment of the heavy debt contracted to the East India Company in 1825. The Colony did not seem able to pay this debt.⁴ The Government was also to pay £18,750 into the Military Chest and send the receipt to the Colonial Secretary as soon as possible. On the 23rd of July 1832 £10000 was paid into the Military Chest, and on the 22nd of September, 1827 a further £4000. The Orphan Chamber was not to lend any more money

1. C.O. 1317 No. 1112
 (2) C.O. 1319 Despatch received 30 Nov. 1831.
 3. C.O. 1316 No. 55
 4. Ibid

to public bodies, but to place it in the Discount Bank, as a security against any considerable loss, which the Orphan Chamber may sustain.^{1.} On the 31st December 1827 the Private Fund of the Orphan Chamber stood at £40,392, 2, 11 $\frac{1}{4}$ but towards the end of 1831 it had decreased to £30,392, 2, 11 $\frac{1}{4}$.^{2.}

The Orphan Chamber had advanced £6427.10.0 free of interest to the Government for erecting churches in the districts, the support of the Orphan House and the erection of the Public library in Cape Town. £3201 had been advanced to the Burger Senate and the districts of Swellendam and Tulbagh, As these districts and town treasuries had been abolished, the Colonial Treasury ought to have taken over the local debt. Bad debts amounted to £2650 and with the estates to be wound up, the fund would be reduced to between three and five thousand pounds by the end of 1831.^{3.}

As the affairs of the Orphan Chamber were being taken over by the Master of the Supreme Court, Goderich commanded that they be completed by the 31st of December 1832,^{4.} to facilitate this £465 per annum might be spent on employing extra clerks.^{5.}

LAND GRANTS.

The farms granted to the settlers were much too small, and "daily applications for additional grants" were being made.^{6.} The quitrent on these farms was from £4 to £5. If these farms were granted to clergymen great expense would be incurred in getting them into condition. The total quitrent was £12,000, while the sala-

1. C.O. 1316 No. 55.
 2. C.O. 1444 P. 544.
 3. Ibid.
 4. C.O. 1444 No. 1208.
 5. Ibid.
 6. C.O. 1444 P. 607.

ries of the clergy amounted to \$7,500.^{1.}

Farms were now being offered in Somerset's Neutral belt. These farms were to be sold in all future cases, as was already done in British North America and Australia; this rule was not to be amended in the future under any circumstances; and the land was to be disposed of at a certain sum per acre.^{2.}

The Colonial Secretary suggested the following conditions under which land could be granted. The Commissioner of the Crown Lands, at the Cape he was the surveyor, had to issue a report yearly of the ground available for sale for the ensuing year. The land had to be previously surveyed and valued - it was not stated who would value the ground. In the report the nature of the ground available had to be stated. The surveyor was to receive the assistance of the Deputy Surveyor. Unfortunately there was no Deputy Surveyor at the Cape, nor was there any one capable of valuing the land. Lots were to be 100 Acres, and the plans could be inspected at a fee of 2/6.^{3.} Cole had already informed Goderich that these settler farms were too small, but apparently no attention was being paid to this advice.^{4.}

Notice had to be given in the "Gazette" of the time and place where the sale of lands was to take place. The land was to be sold to the highest bidder, but if the upset price was not reached the farm was to be held over "for a future sale in a similar manner by auction".^{5.}

The purchase money had to be paid at the sale or in four instalments. The first was to be paid at the sale and the other half-yearly plus interest. "If the instalments are not regularly paid the deposit money will be forfeited and the land again referred to sale".^{6.} The

1. C.O. 1444 P. 607.
 2. C.O. 1318 No. 1265.
 3. C.O. 1318 No. 1265.
 4. C.O. 1444 P. 607.
 5. Ibid.
 6. C.O. 1444 P. 311-13.

transfer was not to be given to the farmer until the whole price have been paid. The names of those in arrears were to be published in each district before the sale, If the money was still not paid the lots were to be sold, but the owner was to receive the value of the produce on the land. These land were not chargeable with quitrent or further payment beyond the purchase price and the expense of the patent.^{1.} If the farmers wished to purchase land which had not been surveyed, then the purchaser had to pay the surveying - the charge depending on the value of the land.^{2.}

The officers of Tithes and Transfer Duties, which Bourke had retained though the Commissioners of Enquiry had recommended their abolition were bringing in between £11,000 and £12,000 per annum. Cole recommended that the salary of Mr. Klerck which was £225 be increased.^{3.}

In 1830 the land position was as follows;-

Land occupied freehold	63,834	Acres.
do. quitrent	4,494,046	"
do on loan	8,595,000	"
	13,152,000	^{4.}

The Colonial Secretary was not satisfied with the land grants of 1831; Grants and a few inconsiderable purchases amounted to 153,089 acres 3 roods 119 feet, yet the total quitrents was only £65.16.10, i.e. ⁴¹100th part of a farthing per acre. The Colonial Secretary rightly remarked, that land could not be granted on these terms. Then a typical Goderich remark was passed. He wanted an explanation because the grantees were Dutch, and no further grants of land had to be made before further instructions were received.

1. C.O. 1444 P. 607.
2. Ibid.
3. C.O. 1444 P. 503.
4. C.O. 1318 No. 1223.

CHAPTER II.SLAVERY.

The African slave trade was probably begun in 1441 by Antonio Goncalvez, a trusted officer of Prince Henry the Navigator. Negroes were preferable to Moors as they were not only a source of gain, but could also be converted to Christianity. The Spaniards needed negro slaves to work the mines in America, and thus a ready market was supplied. In 1582 John Hawkins brought English competition into the field; and by the Assiento of 1713 England obtained the monopoly of the slave trade with Spanish America. *W. L. C.*

Although Slavery was abolished in Holland in the Middle Ages it flourished in the Dutch Tropical and semi-tropical possessions, including the Cape.^{1.} Slaves had been introduced into the Cape under van Riebeeck, as Hottentots were useless for hard work.

The horrors of the Trans-Atlantic passage excited the attention of philanthropists in England during the second half of the 18th Century. The Quakers sent a petition to the House of Commons on the 17th of June 1782, and soon afterwards as a result of this petition, the Anti-Slave trade Committee was founded by Granville Sharp and Thomas Clarkson.^{2.} By 1792 the Anti-Slave agitation was so great that Wilberforce's motion for the gradual emancipation of Slavery was passed by the House of Commons by a great majority. On the 25th March 1807 the King signed the Bill for the Abolition of the Slave Trade in the British Empire. From the 1st of May 1807 no slaves

1. Wessels : History of Roman Dutch Law P. 412.

2. Stockenstrom E: Vrystelling van die Slawe. P.11.

were to be exported from British harbours, and no slave might be landed in a British possession after the 1st of March 1808.^{1.}

The Cape of Good Hope became a British possession in 1806 with the result that the Slave Laws were applicable here also. By 1793 there were 16,767 slaves at the Cape and when the British took over in 1806, 29,361; in this year the European population was only plus minus 25,000.^{2.} Morally this left very much to be desired. From 1807 the proportion began to incline in favour of the Europeans. As the Cape society was based on slave or servile labour, the Cape civilisation became patriarchal. The Cape coloureds, who had so far been in the Cape and yet outside its laws, were now looked upon as a source of labour^{3.} - this led to the clash with the Missionaries. The slave, Cape coloureds, native, Bantu, and economic (including poor whiteness) questions of the Cape are inter-related.

From 1807 to 1828 the Cape - like all the other British possessions - was bombarded with slave regulations. On the 27th November 1812. Sir John Cradock passed a regulation forbidding any slaver from calling at any Cape Harbour.^{4.} In the Cape itself de Vos led a movement, which aimed at forbidding the sale of slaves who were christians.^{5.} This movement in Cape Slave history of giving Christian slaves their freedom or privilege to purchase their freedom, encouraged the farmers to neglect to have their slaves baptised; they were thus practically forced to become Mohammedans.^{6.}

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1. Theal : Records of the C.C. VI P.75.
 2. Fowler & Smith: Geskiedenis: P.227. Stockenstrom E: Die Vrystelling van die Slawe P.27.
 3. Mac Millan : The Cape Colour Question P.P.66 & 71.
 4. Stockenstrom E: Die Slawestelsel aan die Kaap. P.29.
 5. Stockenstrom E: Die Slawestelsel aan die Kaap. P.30.
 6. C.O. 1444 P.284-297.

In 1816 all slaves had to be registered, to stop smuggling, this met with no opposition from the colonists.^{1.} The "Magna Charter" of the slaves was passed in 1823. According to this regulation slaves could marry, working hours were fixed, Sunday labour was forbidden, members of a family might not be separated, and slaves might possess private property.^{2.} When Bourke became acting Governor, Earl Bathurst instructed him to appoint slave protectors and assistant-protectors in the districts;^{3.} this met a great deal of opposition. Most of these regulations were suggested by West Indian rather than by Cape conditions, and they came thick and fast.^{4.} A protest meeting was held in Cape Town against these appointments, and Andries Stockenstrom suggested in Grahamstown that all female slaves should be freed so that slavery could be abolished gradually.^{5.} Somerset in answer probably to a letter from Bathurst proposed a scheme by which all female slave children would be set free at birth, and the owner would receive £12 Compensation.^{6.} In 1823 Buxton also favoured this gradual abolition,^{7.} but Canning would have none of it,^{8.} at last even Buxton was persuaded that "all attempts at gradual abolition (were) utterly wild and visionary".^{9.} This new attitude was the direct result of the uncompromising spirit evinced by the West Indian planters, who would not make the Negroes fit for freedom while they could hold them in a state of Slavery.^{10.} Again the Cape had to suffer for the actions of the West Indian assemblies.

British

The ~~Buxton~~ Government had to deal with slavery as a whole, and the conditions in the West Indian Islands

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1. Stockenstrom E: Die Vrystelling van die Slawe. P.36 & Macmillan: The Cape Colour question. P.73.
 2. Stockenstrom E: Die Vrystelling van die Slawe. P.39-42. & Macmillan: The Cape Colour question. P.73.
 3. Ibid. (4) Ibid.
 5. Macmillan: The Cape Colour question. P.74.
 6. Stockenstrom E: Die Vrystelling van die Slawe. P.45.
 7. Buxton: Memoirs. P.243.
 8. Stockenstrom E: Die Vrystelling van die Slawe. P.42.
 9. Buxton: Memoirs. P.244.
 10. Ibid.

where the majority of the slaves were to be found, were bound to dominate their policy. They could not make allowance for the Cape, and did not seem to understand that conditions were entirely different here. When Macmillan¹ stated, "There is no clear evidence that Cape Slavery differed from that which prevailed elsewhere"¹, he was attacking the institution of slavery as wicked and immoral, a fact that was also admitted by many of the colonists. On pages 74 and 75 of "The Cape Colour Question" the case of the farmers is stated in a very sound and logical way, and the culminating argument that "the issues raised by emancipation were far too complex to be settled by a single measure like the Emancipation Act of 1833"², reaches the whole crux of the matter. Points like the difference between Cape and West Indian Slavery and insufficient compensation have become very hackneyed; but others which are also discussed in these pages have in my opinion not been sufficiently noted in the past; namely the right to slaves as property had been secured by the terms on which the Cape had capitulated to Great Britain; the obstructions raised by the West Indian assemblies caused Great Britain to send more frequent and numerous instructions to the colonists; while slavery and this is an important point, was legally tolerated, the authority of the master was systematically weakened and undermined. Slavery in its very essence was the rule of the master over the slaves who were his property; by their interference the British Authorities denied the master his rights and encouraged insubordination among the slaves, so much so that in 1825 some

1. Macmillan : The Cape Colour Question. P.75.

2. Ibid.

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some slaves in Worcester murdered their masters.

This feeling of unrest among the slaves as well as their masters, not the pecuniary losses, might be used as a very important cause of the Great Trek. These slave laws together with the Hottentot regulations made the Eastern Districts unsafe for the white colonists. In the Western Province, where there were more slaves the farmers could be mutual assistance to each other, for the farms were smaller. In the Eastern Division where the population was small there were less officers to maintain order though the distances were much greater. Then too, would slave owning landdrosts and field cornets, whose nerves were already harrassed by marauding Hottentots and Kaffirs use their influence to soothe the enflamed tempers of the farmers?

Psychologically the Afrikaners of those days were a race of people who clung to tradition and the accustomed mode of life. Slow thinking and cautious, they had developed a high sense of religion and justice, but unfortunately they were individualistic and race-conscious, and this was where they clashed with the Missionaries and philanthropists.

Cole became governor when these people were being galvanised into action. Newspapers like the Zuid Afrikaan were making them acutely race-conscious. The Slave Laws published after 1827 served only to aggravate the situation. It was Cole's task to apply laws which had been passed and to prepare the Cape for the ultimate victory of the Anti-slavery movement. Cole's whole rule was a fight against the speedy application of these laws.

During Cole's time Ordinance No. 19, passed by

^{ieu}
Luitenant Governor Bourke on the 5th of March 1826, seemed to be foundation of all slave legislation. This rounded off the Magna Charter of the Slaves passed by Somerset on the 18th of March 1823. It contained fortyseven clauses based on the Trinidad Ordinance and was totally unsuited to local conditions. The following is a very short summary of the most important clauses;-¹

A slave registrar and guardian of the slaves was provided. The guardian had to attend court and act if necessary for a slave. No market was to be held on a Sunday. Any owner stopping a slave from attending Divine Service on Sunday would be fined a £1.

Slaves might do housework on Sundays but not field work. Fines for the breaking of this law was fixed at from £1 to £5.

Slaves had to had sufficient food of good quality. Fines £2.10/- to £5.

Working hours were fixed at ten hours in the winter and twelve in the summer per diem.

If during ploughing and harvesting season slaves worked overtime, they were to be adequately paid. Female slaves might not receive corporal punishment and not more than 25 lashes might be administered to males. If a slave were placed in chains the matter had to be reported to the nearest protector within twenty four hours.

A slave might not be buried until the death had been reported to the local authorities, if this was not possible within twenty-four hours then two independant neighbours had to give all particulars about the slave and his death. Slaves could marry and husbands and wives were not

1. Stockenstrom : Vrystelling van die Slave P. 45.

to be sold separately. A child of less than ten years might not be separated from his mothers. A child had to be baptised within twelve months of birth and registered a month after baptism with the registrar or his assistant; failure to comply entailed a fine of from £2.10/- to £10. Children of Christian Slaves were to be sent to school for three days per week when between the ages of three to ten years.

Slaves might own property. Slaves having money in the Savings Bank might after death leave it to whom-ever they please. No registration fee would be charged when slaves were freed. Slaves might purchase their freedom but had to satisfy the registrar that the money had been honestly obtained.

Slaves might act as witnesses in a case in a Court of Law.

If a slave were illtreated the law could decree that he be sold and the owner punished. In the case of grievous punishment or injury the slave might be given his freedom. If death resulted from such treatment the master might be charged with manslaughter.

Ordinance No. 19 showed clearly how ignorant of the situation at the Cape British statesmen were. Slaves on the whole were household slaves and even on the Western Province farms they were not chained in gangs. Most of the slaves were born with the family which owned them.

The Boer as a good Calvinist might look upon the natives as the sons of Ham, but his intense religious feeling made him an anti-slaver. The Boer was slow moving but sincere at his best, it was probably the fear of a sudden change and the feeling that slavery was fundamentally wrong

that forced the Graaf-Reinet farmers to pass their famous resolution. Professor Walker was not quite correct in stating that the Graaf-Reinet proposals were only excepted because the Mantatees were supplying the labour, and the proposals were so made to "have left the adult slaves and with them the domestic institutions untouched for an indefinite period".¹ In October 1826 the farmers of Graaff-Reinet offered to free all female slaves at birth - this was adopted unanimously, and the males also, though some farmers asked for compensation in this case.² This gradual emancipation would have suited social conditions at the Cape, with the result that similar resolutions were adopted all over the country.

The farmers had not the education to fill in the Record and Punishment Books. No wonder the more thickly populated areas like Cape Town and Stellenbosch were opposed to the Ordinance; the President and two members of the Burger Senate resigned,³ and in Cape Town a meeting was held which petitioned for representative government.⁴ The Zuid Afrikaan organised a petition in favour of the emancipation of female slaves in exchange for the grant of representative institutions.⁵ The Zuid Afrikaan was making the Dutch not only race-conscious, but also conscious of their numerical power. This newspaper felt, that the salaried people at the Cape were in favour of emancipation, besides this the slave laws by fixing the working hours of slaves were robbing the owners of their right of property. By prescribing the punishment for slaves and placing the onus on the master of proving the falsity of the slaves' accusations,⁶ the authority of the master was being undermined. Many people refused to accept or sign the Punishment Record Books

1. Walker: History of South Africa. P.178.
 2. Stockenstrom: Die Vrystelling van die Slawe. P.53.
 3. Walker History of South Africa. P.177.
 4. Walker History of South Africa. P.178.
 5. Zuid Afrikaan Deel I No. 43.
 5. Ibid.

which the field cornets gave them. The parsons did their
 their best to soothe the tempers of the people.^{1.} As
 the people felt that the British Government had no right
 to touch their private property; and if England did de-
 mand the complete abolition of slavery will they give
 full compensation? The riots and murders in the Bokke-
 veld by slaves and coloureds still further enflamed the
 white population "There (was) a rebellious spirit ^{in the} grow-
 ing in the minds of the slave owning population of this
 country; which only needed ~~coalition~~ ^{to make it} efferversee"^{2.}
 Verily these slave ordinances were ~~imperilling~~ the lives
 of the colonists on the isolated farms.

The clause against paying a fee to any person
 on freeing a slave was probably aimed against the paying
 of fifty Rixdollars to the poor fund of the Dutch Reform-
 ed Church. The Church also covered itself by obliging
 two other persons to bind themselves in solidum that the
 emancipated slave would not be a burden to the church with-
 in twenty years.^{3.} People were not able to fulfil these
 conditions of the Church. From 1816 to 1824 only 266
 slaves were manumitted, while in 1826 alone 210.^{4.}

Slave owners did not quite understand the laws
 which were being showered upon them. The laws were there-
 fore not carried out either through ignorance or active
 resistance. Religious instructors in the outlying dis-
 tricts was difficult if not impossible. In the towns
 themselves there were difficulties in practice. Mohamme-
 don priests had a grip of the slaves. As they were not
 opposed to polygamy, they performed the marriage ceremo-
 ny for a slave who wished re-marry and had been separated
 from his wife - before the ordinance forbidding such
 separation had been passed.

1. Zuid Afrikaan Deel I No. 41.

2. Zuid Afrikaan Deel I No. 42.

3. Theal: Records of the C.C. XXXV P.361.

4. Ibid.

The fact that English was adopted as the medium of instruction in the free schools "may have deterred the Dutch Proprietors from sending their slaves to be instructed in (them), and also had its effect in impeding the success of the schools formed upon the model of the National system in England"^{1.}

In Paarl the slaves seemed to have proper religious instruction, no less than 300 attending church, regularly.^{2.} There were, however, 846 males and 422 females slaves who were Mohammedans, in Cape Town alone.^{3.} Unfortunately the churches were becoming too crowded in Cape Town with the result that the Reformed Church in Cape Town proposed a separate place of worship for the slaves; where they would be under the guidance of a preacher acquainted with the Malay language.^{4.}

Before discussing the laws of the British Government, and the fears of the Cape Colonists any further it might be profitable to give a very short resume of the attitude of the British Government towards the Slave question. In a crowded house in the Freemason's House with Wilberforce in the Chair a series of motions proposed by Buxton and seconded by Lord Milton were adopted namely 1 "No proper or practicable means should be left unattempted for effecting at the earliest period the entire abolition of slavery throughout the British Dominions," also, "The time is come when we should speak out, and speak boldly, our determination - that slavery should exist no longer."^{5.} In Edinburgh Lord Jeffry urged the meeting to aim at nothing short of "abolishing slavery at the earliest practicable period".^{6.} Buxton spurred on by the abolitionists

1. Theal : Records of the C.C. XXXV P.366.
 2. Theal : Records of the C.C. XXXV P.367.
 3. Ibid.
 4. Theal : Records of the C.C. XXXV P.370.
 5. Buxton: Memoirs. P. 2 and 7
 6. Ibid.

urged the British Government to take decisive measures. By 1830 Mr. Brougham had persuaded Parliament to decide in favour of ultimate abolition, and by July 1830 Buxton had appealed that "the first step towards emancipation should be the abolition of the practice of flogging females"¹. The abolitionists admitted that where the West Indian proprietor lived on his estate the slaves were happy and well treated, also that slavery existed in its mildest form in the four crown colonies.² At the Cape which was a crown colony the slave proprietors were always in personal contact with his slaves which were household slaves.

Buxton then approached the churches to make 16 January 1833 a day of prayer on the subject of slavery.³ He himself never forgot the slaves in his prayers. A wave in favour abolition now swept over Britain. These abolitionists held that as no man had the moral right to claim possession of another he was not liable to compensation, but the leaders in Parliament realised that the safest way of getting the measure accepted by Parliament would be to propose compensation. Lord Stanley thus proposed that slavery be abolished; that the present slaves be apprenticed to their former owners for a period; the slave was to work for his master for three-quarter of the day this would compensate him in part for his loss - owner was to feed and clothe the ex-slave; as a further compensation the British Government voted £15,000,000 later £20,000,000, all children under six years were to be free automatically; Negroes would still be liable to corporal punishment. The Anti-slavery party was opposed to compensation and apprentice-

1. Buxton: Memoirs: P.249.
 2. Buxton: Memoirs: P.252.
 3. Buxton: Memoirs: P.301.

ship, Buxton favoured both. These zealous people became so enthusiastic that they did not see these obstacles in the way and Buxton was often accused of infidelity to the cause. Buxton's amendment that the apprenticeship period should be one year was lost, by only seven, but Lord Stanley agreed to reduce the period from 12 to seven years. A further amendment of Buxton that half the compensation should be paid at the end of the apprenticeship as a guarantee of proper treatment was also thrown out. On the 7th August 1833 the Bill for the total abolition of Colonial Slavery,^{1.} passed the Lower House.

As a result of these many laws passed through the influence of the abolitionists many slave officials had to be appointed at great cost to the Cape Colony, a colony which already had great difficulty in balancing its budget.

Major Rogers was appointed Guardian of the Slaves at a salary of £1000 per annum, but he had to be Registrar of Slaves and Deeds as well.^{2.} As he could not do all the work Rogers was permitted to appoint two clerks at the salaries of £75 and £45 per annum.^{3.} As Rogers was already getting £800 the new appointment actually cost the Colony an extra £200 per annum.^{4.} The guardians of the slaves and their assistants had to send in their reports every six months.^{5.} Some of these numerous slaves' Officials received hopelessly inadequate salaries, which could be increased when the finances of the Colony permitted.^{6.} This was tantamount to saying the salaries would never be increased. The guardian of the slaves was expected to attend the Circuit Courts to assist the slaves, yet when Mr. George Pigot was appointed Guardian for the Eastern Districts,

1. This summary is taken from Buxton Memoirs.
 2. C.O. 1317 No. 1148.
 3. C.O. 1444 P. 246-7. & C.O. 1444 P. 204.
 4. C.O. 1444 P. 35.
 5. C.O. 1444 P. 110. & C.O. 1444 P. 203.
 6. C.O. 1317 No. 1182.

there were no offices for him at Grahamstown neither were there any horses for him to use on Circuit.^{1.}

Rogers while trying to protect the slaves tried to avoid any injustice being done to the owners. Thus he proposed that in three cases the fines should be remitted, where the owners did not register the deaths of their slaves in the time prescribed.^{2.} When a slave Frans sent in a memorial demanding his freedom for 800 Rixdollars he supported the slave's mistress who claimed, that the slave was worth the 1600 Rixdollars he had paid for him.^{3.}

Cole dismissed Mr. Faure the Magistrate of Stellenbosch, who did nothing to quell the riots which lasted for two days, when the proprietors came to hand in their punishment books on the 11th April 1831. Faure had openly showed his sympathy with the rioters. His place was filled by Mr. Murphy, this appointment saved the Cape Murphy's pension of £166.13.2.^{4.} The Colonial Secretary sanctioned Cole's prompt action to suppress lawlessness.^{5.} In his half yearly report Rogers pointed out that it was becoming impossible to enforce the numerous slave regulations. Greater precautions had to be taken after the riots at Stellenbosch. Not only the more disreputable but also many members of the best families were implicated, on the advice of their counsel all pleaded guilty and were fined £10 plus a guarantee of £20 to keep the peace.^{6.}

Rogers as registrar of the slaves had to attend the Circuit Court, but then his other work was neglected and he did not have the time to check the books of the assistant registrar.^{7.}

The Supreme Court had decided he had to

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1. C.O. 585 No.69. & C.O. 620 No. 20.
 2. C.O. 585 No. 71.
 3. C.O. 585 d.d. 1 Nov. 1828.
 4. C.O. 1444 P. 505.
 5. C.O. 1319 No. 1281.
 6. C.O. 1444 P. 604.
 7. C.O. 621 No. 26.

III.

take all evidence in cases of slaves seeking their freedom, and had to decide whether the case would be brought before the Court or not. To do this he had to consult an attorney, this was attended with great cost especially if the people and witnesses were far from town. He had neither the means nor the authority to incur such expense.^{1.} From England he received authority to obtain advice from the Attorney-General in all such cases.^{2.} The Attorney-General Mr. Olifant agreed that somebody be appointed to do this work when he was on Circuit.^{3.} Before this concession had been granted Murphy had fought for legal advice for the Guardians of Slaves for a long time especially "where the decision of the question rested solely on some nice and obstruce point of law"^{4.} He proposed that an attorney should be consulted for each case and not that an extra state appointment be made, but the Colonial Secretary solved the problem as stated above. Murphy also complained bitterly because his salary was the same as that of the Guardian of the slavery in the Eastern Division, while he had four-fifths of the Slaves under his protection, besides this the Commission of Enquiry had recommended that the salaries for the Western and Eastern Divisions be £600 and £400 respectively.^{5.} As Murphy had too much work to do Cole suggested the appointment of Mr. Bergh as his assistant.^{6.} On the other hand the protector of slaves in the Eastern province had to travel over long distances, as well as coming to Cape Town to make his half yearly report personally to the governor. Besides this according to the 9th section of the order-in-council the protector was not permitted to leave his district without the

1. C.O. 621 No.7.

2. C.O. 1317 No. 1123.

3. C.O. 620 No. 116.

4. C.O. 621 No. 55.

5. C.O. 621 No.7.

6. C.O. 1444 P.213. & C.O. 1445 P.63.

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permission of the Secretary of State, so Cole proposed that Moodie would be allowed to send his report to the Governor after taking an oath before the Magistrate.^{1.} Moodie had been appointed Guardian of the Slaves of the Eastern Division at a salary of £400 per annum.^{2. by Pigot} He thus succeeded Mr. Pigot ~~in his death~~ - Pigot was Moodie's father-in-law.^{3.} Although there were so few slaves in the Eastern Division it was considered necessary to appoint an Assistant Guardian at Fort Beaufort.^{4.}

The Colonial Secretary was not satisfied that the guardians of the slaves were doing their work properly, and the guardians were often allowing the slaves to bear the whole burden of fighting for their freedom, and Slavery was in this way being perpetuated.^{5.} In future all evidence was to be given in full and the assistant guardian was not only to state that the charges were frivolous; there was the case of Horak who was acquitted after giving a female slave twenty ~~out~~ with a horse whip, in direct contravention to Ordinance No. 19. If this were left to form a precedent then other owners would also punish their female slaves.^{6.} The Colonial Secretary was also very displeased because 17 slaves in the Uitenhage districts had been severely punished for making unproved complaints against their masters.^{7.} Apparently Sir George Murray did not realise that such complaints were being encouraged by their laws, which at the same time made it unsafe for the colonists in the districts to own slaves; or perhaps he did, and this is a very ungenerous comment to make, and hoped that by causing a state of unrest and lack of discipline among the slaves the owners would get rid of them and slavery would be quickly terminated. The fact that the slaves

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1. C.O. 1444 P. 213. & C.O. 1445 P.63.
 2. C.O. 1556 P. 406.
 3. C.O. 1444 P. 259. & C.O. 1556 P.4.
 4. C.O. 1556 P.59.
 5. C.O. 1556 P.60.
 6. Ibid.
 7. C.O. 1556 P. 323.

were encouraged to appeal to the Attorney-General for legal advice and protection, only served to increase the state of insecurity.^{1.}

Murray also insisted that owners who punished their slaves severely or with illegal implements, should be fined to the uttermost limits of the law; as the law would fall into contempt.^{2.} Together with some of the philanthropic missionary party the Secretary of State cast aspersions on the Colonial Government by stating that, "the principles which guide the administration of justice towards Masters and towards slaves, requires the most serious consideration of Government".^{3.} The tempers of some of the farmers had been so roused that some refused to answer the summonses of the Guardian's of the slaves.^{4.} Legally this was serious if the officials could not enforce the law, but was it politic to do so? The slave laws were not working properly, and the Governor did not agree with the protector that a heavy tax should be levied on female slaves to assist the Philanthropic Society, thereby the discontent would only be increased.^{5.}

The Governor was informed that the Registrar of Slaves was not to be paid his salary unless he made his reports regularly.^{6.} As a result of the Slave Laws of November 1831 and February 1832 the slave protection staff had too much work to do.^{7.} The slave complaints were to be taken under oath, but the evidence of the coloured people was so confusing that it was a whole time job to get the truth out of them. Besides this few could speak English and most of them spoke a mixture of Dutch and Portuguese which made the taking of evidence very difficult.^{8.}

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1. C.O. 1556 P.324.
 2. C.O. 1317 No. 1123.
 3. Ibid.
 4. Ibid.
 5. C.O. 1445 P. 52.
 6. C.O. 1320 No. 1361.
 7. C.O. 678 No. 46.
 8. Ibid.

This work accumulated when the court was in session. If the Punishment Record Books were properly kept and handed in twice a year two or three new clerks would be needed.^{1.} The expense of these books would be nearly £200 for the Western Division alone. If this law was carried out literally the Protector would have to be in more than one place at a time. The Clerk of the Peace could not do all the work for his district with 2000 slaves and how could the Protector do it for his Division? Mr. Bergh or Stellenbosch was added as Assistant Protector at a salary of £150 per annum, as the staff of three clerks could not cope with the work.^{2.}

The Cape could not pay its way and yet all these additional appointments had to be made to enforce irksome and unnecessary laws. The Cape Government had been informed that the British Government would not bear the cost of the Protector's Office.^{3.} Yet at whose instigation were these offices created?

M. J. Menzies Menzies was very outspoken in his criticism of these offices; to him the posts of Guardian of the Slaves in the Eastern and Western Divisions were utterly useless.^{4.} "Attempts to smuggle slaves into the Colony, or to reduce free blacks, whether natives of foreigners, into a state of slavery are utterly unknown".^{5.} Why should a slave have a Guardian to protect him when he committed a crime while the whites and free blacks did not have this protection? This protection was not necessary for the slaves as his master would assist in protecting him so that he would not lose his services.^{6.} Mr. Justice Menzies pointed out, that the clerks of the peace who were under the

1. C.O. 678 No.46.
 2. Ibid.
 3. Ibid.
 4. C.O. 620. No.33.
 5. Ibid.
 6. Ibid.

direct control of the Attorney-General, would be more capable to settling slave and master quarrels than the Young Assistant Guardians who received on £25 per annum.^{1.}

As if this list of Slave officials was not long enough Slave Protectors were established at the Cape in 1832, as a result of the Orders-in-Council of the 2nd of November 1831.^{2.} The Governor who was opposed to the form in which the Slave Laws arrived at the Cape, was permitted to make a few small alterations in them, like the size of the fines or the punishments for certain infringements of the provisions of the order.^{3.} From now on every facility would be given to slaves to prove ill-treatment by master,^{4.} and Cole had to change the law to force people to attend Court, when a complaint had been made against them.^{5.} Goderich admitted that a recent ordinance of the Cape denied the right of assistance by a Counsel for someone accused of a crime. This apparently applied only for free people, but the slaves had to be helped by the protector as "their ignorance and the influence of the owner in cases where he is concerned seemed to require that in every stage of the proceedings they should be assisted by an advisor capable of interpreting their meaning and assisting their judgment".^{6.}

The reports of the Guardians of the slaves and the replies to them of the Colonial Secretary indicated that there had appeared in the Cape, even in administrative circles, a Colonial as opposed to a British attitude. The local authorities either stated the different cases and left the comments to the Colonial Secretary or in a few instances tried to play up to British sentiment. Major Pigot for instance, complained that Christianity could not

1. C.O. 620. No. 33.
 2. G.G. 26th Aug. 24, 1832.
 3. C.O. 1356 P. 412.
 4. C.O. 1317 No. 1123.
 5. Ibid.
 6. C.O. 1317 No. 117.

spread among the slaves in his area as the clergyman at Beaufort required at least four sponsors at the baptism of infant slaves.^{1.} Pigot suggested that there should be legislative interference, but Murray ordered Cole to hold a private enquiry. It was found that two sponsors were the greatest number that had ever been required.^{2.}

Civil servants at the Cape were not allowed to possess slaves except in cases of urgent necessity and then only in their capacity as "private individuals".^{3.} Cole himself was accused of having brought a slave from Mauritius, but he had sold the slave at a loss.^{4.} Mr Murphy suffered considerable loss when he sold his slaves on receiving an official position.^{5.} The British Government wanted an inventory of all the slaves in the Colony with special reference to those possessed by officials in their private capacity.^{6.}

As a result of the slave laws from 1807 to 1826 the slaves could increase only through birth. There were however rumours from time to time that a modified slave trade was being carried on. Mr. Bannister, late Attorney-General at Sydney and Colonial Secretary, informed ¹⁸⁴⁴ Lieutenant Colonel Bell "that he was going to publish in England his conviction based on information received that a modified slave trade was being carried on in the North Eastern frontier".^{7.} Bannister had been given leave to travel in Kaffirland,^{8.} as he would not disclose the source of his information, Cole could not ascertain its veracity.^{9.} It would be interesting to find out who his informants were, he had spent three weeks in Kaffirland travelling with a Kaffir interpreter, and sometime

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| 1. C.O. 1317 | No. 1123. |
| 2. C.O. 1444 | P. 205. |
| 3. C.O. 1445 | P. 62. |
| 4. Ibid. | |
| 5. C.O. 1444 | P. 279-80. |
| 6. C.O. 1444 | P. 544. |
| 7. C.O. 1444 | P. 106. |
| 8. C.O. 1572 | P. 8. |
| 9. C.O. 1444 | P. 106. |

at Theopolis and Bethelsdorp, Was he too like Bigge sending information received from the London Missionary Society? Bigge was the only other correspondent who supported Bannister. In his report Bigge recommended, that the registry of slaves be strictly enforced and there be a personal inspection of the slaves as "there was positive evidence of increase from illicit sources on the frontier from sources beyond the frontier".^{1.} Again the vagueness, why did he not quote figures or the source of his information? If this/^{source} was given then a proper inquiry could have been held. The Civil Commissioners of Albany and Somerset denied such a possibility, as the Magistrates would have detected such a practice. The Civil Commissioner of Graaf-Reinet writing to the same purpose stated that "in fact I have no reason to believe that such a practice has been attempted or is in existence in any part of this country."^{2.} Campbell doubted the accuracy of these assertions of Bannister and Bigge, because the Bechuanas and other broken tribes in the north were supplying the labour at a very cheap rate. Starvation had driven these remnants of tribes into the Colony and definite cases were cited of natives trying to contract themselves or their children under the terms of Ordinance No. 49. Many of the weaker children were abandoned to their fate. The farmers clearly showed that they fully understood and carried out the terms of the above mentioned ordinance.^{3.}

From 1820 to 1825 births among the slaves were 6634 and deaths 4407 showing an increase of 2227.^{4.}

Underfed and maltreated slaves could not have increased at such a rate. Because of this rapid increase 371 per

1. C.O. 1319 enclosed with No. 1271 and Theal : Records of the Cape Colony XXXV. P. 352.
2. Enclosed in C.O. 1444.
3. Cory : C.A. Vol IV dated 12 June.
4. C.O. 1319 enclosed with No. 1271 .

annum, Bigge jumped to the conclusion that slaves were being imported from the adjoining territories and suggested that all slaves be personally examined and registered.^{1.}

In 1825 the Slave population was 35,509 and in 1829, 35,934^{2.}; in 1829 the free coloureds were supposed to be 68,406.^{2.} Goderich thought that this rapid increase in the slave population had to be accounted for, and in his estimation it was due to importation "as food was not abundant".^{3.} Much he knew about slave conditions at the Cape as the laws on food (to be discussed later) proved. Cole and his Commissioners to Goderich's way of thinking had not done their work properly in 1829, "I earnestly recommend therefore, to be prosecute with energy and much more generally the enquiries which I am aware that you have already instituted upon this subject in the year 1829, and which so far as they proceeded led to the satisfactory conclusion that in two of the frontier districts the crime of illicit importation could not have been practiced without being detected."^{4.} The Secretary of State was also worried because there were many more male than female slaves.^{5.} The slave population continued to increase at the Cape, in 1830 there were 11,929 slaves in Cape Town, 197 in Simonstown, 20,745 in Stellenbosch, in Clanwilliam and Beaufort the number was negligible, in Albany less than 110 and in Worcester, Swellendam, George and Graaff-Reinet about 1500.^{6.} Despite the fact that there were only 197 slaves in Simonstown the Colonial Secretary wanted an Assistant Guardian to be appointed there as a female slave had received a few stripes from her master.^{7.} Below a specimen page from the

1. C.O. 1319 No. 1271 & Theal Records of the C.C. XXXV P. 352-379.

2. Ibid.

3. Ibid.

4. Ibid.

5. C.O. 1319 No. 1271.

6. Ibid.

7. C.O. 620. P.19.

the Slave Register is given:-

Marthinus Christoffel Koen, Jacobus Son.

Date of Registry.	Names.	Sex	Age and Date of birth.	Mother's name.	Country	Occupation.
2 1831.						
March 9th.	Lievina	F.	About 17 years.		This Colony.	
" "	Spaas.	F.	About 50 $\frac{1}{2}$ years.		Mosambique.	housemaid.
1832.						
Oct. 28th.	Japhet	M.	Born 4th Sept. 1820.		This Colony.	
1833.						
Nov. 18th.	Dalina.	F.	About 39 $\frac{1}{2}$ years.		do.	Cook.
" "	Silvia	F.	Born 20 Nov. 1823.	Dalina	do.	
" "	Clarina	F.	Born 8th June 1826.	do.	do.	
" "	Daniel	M.	Born 7 Nov. 1829	do.	do.	
" "	Bury	M.	Born 27th June 1832.	do.	do.	

An eighth column was also supplied at the end for remarks; facts about sale, manumission or death had to be filled in, in this column.

In 1832 there were a hundred and twenty-nine slave owners within a radius of twenty miles of Graaff-Reinet, and together they possessed 353 slaves; from twenty to forty miles there were seventy-nine slave owners in possession of 490 slaves.¹ Owners living over forty miles

1. Cory : C.A. IV (1825-35) P. 174 & C.O. 691 d.d. 12 th September 1832.

from Graaff-Reinet could only be visited once per year by the Assistant Protector of slaves, and they were divided into field cornets as under:-

Field Cornet	S.J. Scheepers	9 owners	22 slaves.
"	" A. Paull.	14 "	73 "
"	" J.J. Burger	31 "	150 "
"	" P.J. Liebenberg	31 "	111 "
"	" P. Aucamp.	46 "	238 "
"	" C.J. Visser	14 "	61 "
"	" M. Oberholzer	18 "	48 " 1.

see Meals's list

From the above it will be noted that the slave owners possessed in the Eastern Districts sufficient slaves to be irritated by the slave regulations.

Bigge thought that the slaves in Cape Town were well treated, but they dreaded being sold to some one in the country districts, where the clothes consisted only of skins. The best slaves were thus to be found in and near Cape Town, while the very lowest characters were in the country districts.^{2.} Might not this be given as a partial explanation of the hostile spirit in which the Slave Laws were received in the country districts?

The Colonial Secretary was unable to believe, that in 1827 there could be no cases of slaves complaining about ill-treatment or being sent back to their masters with severe punishment in the Eastern Division.³ Despite this uniform good treatment of slaves, fines^e for the same year for infringements of slave laws in that division were £172.10/-, and then the Protector complained^{4.} that there was no uniform way of receiving these fines.

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1. Cory C.A. IV (1825-35) P. 174 and C.O. 691 d.d 12th September 1832.
 2. C.O. 1319 enclosed with No. 1271.
 3. C.O. 638 d.d. 9th Feb. 1830.
 4. C.O. 6238 No.7.

Though Goderich complained that nothing was being done for slave education and they would have to be sent to the free schools,^{1.} yet Mr. Hyman teacher and church clerk for slaves and coloureds at Uitenhage asked for more books as his numbers had increased so greatly.^{2.}

Although Bigge was so much under Dr. Philip's domination as to accept his views almost verbatim,^{3.} his conscience still told him that something was radically wrong. He did not favour the entire repeal of the Pass Laws for Hottentots and slaves, because they gave the employers security against those who tried to break their contracts - and there many such cases. Pass Laws would also check theft and the concealment of stolen property. As this system was open to abuse, he would limit the passes to slaves and hired servants during their period of contract only.^{4.}

The Slave Officials were already overworked, yet Murphy was removed from his post to act as interpreter, and the guardianship of slaves was given to Rogers who was already vainly struggling with three departments.^{5.} Rogers was to have assistance but Moodie with a district twice as large, granted he had less slaves, had to^{do} all the work alone; besides the guardian of the slaves' salary was reduced from £600 to £200 per annum.^{6.}

The Slave regulation also raised a constitutional point of considerable interest. On the 20th of March 1829 Cole placed an ordinance before the Council of Advice amending the ordinance of the 19th of June 1826.^{7.} The Secretary of State had indicated that the amendment had to be published with or without the consent of the

1. C.O. 1319 No. 1271. & Theal Records of the C.C. XXXV P. 352-379.

2. C.O. 617 d.d. 4th March 1829.

3. Theal: Records of the C.C. XXXV P. 306 & C.O. 1319 No. 1271.

4. Theal: Records of the C.C. XXV P. 200 & C.O. 1319 No. 1271.

5. C.O. 1506 P. 146.

6. C.O. 1506 P. 154.

7. C.O. 1444 P. 62

Council. The position now was, had the Governor the right to issue an ordinance subject to the approval of His Majesty's Government on his own responsibility and in opposition to the Council or could the Supreme Court as stated in the 33rd Section of the Charter of Justice question the regality of his action? The Council refused to pass the amendment, but the Judges concurred that Cole could act without the support of the majority of the Council. In other words the advice of the Council did not bind the Governor in his executive capacity. The Judges, however, gave it as their opinion that as Governor he was, "not competent to issue any legislative enactment without the intervention of the Council of Government."^{1.} All law must then have the form of an ordinance of the Governor-in-Council. The Judges thus indicated that they thought that the Council was an essential part of the legislative ^{branch} government. Cole wanted this point cleared up, "as circumstances may hereafter occur to render any doubt upon the subject a matter of serious inconvenience."^{2.} The matter was settled by the Legislative Council which was introduced by Sir Benjamin D'Urban in 1834.

Money could be raised on mortgage on slaves more easily than on any other property,^{3.} so much so that the Cape slaves were heavily bonded. The Colonists were willing to free female slaves at birth and males with compensation,^{4.} and the Graaff-Reinet farmers asked for £8000 per annum for this purpose.^{5.} This meant that in ten or twelve years all young slaves would be free. The Zuid Afrikaan organised a petition in favour of emancipa-

1. C.O. 1444 P. 499.
2. Ibid.
3. C.O. 1319 enclosed with No. 1271.
4. Stockenstrom ; Vrystelling van die Slawe. P. 53.
5. Walker ; History of S.A. P. 178.

V. P. H. A.

tion of female children in exchange for a grant of representative institutions,^{1.} and following on further regulations the Koeberg farmers hinted broadly on rebellion.^{2.} If the British Government had only favoured gradual emancipation at the Cape all these difficulties would have been overcome.

In 1828 a Cape of Good Hope Philanthropic Society had been established for the purpose of aiding "deserving slaves and slave children to purchase their freedom".^{3.} This society by ordinance was permitted to purchase slaves for the purpose of manumission.^{4.} Such a society was essential if the gradual emancipation of the slaves was to be affected, as slave births continued to outnumber deaths and manumissions combined, even after its foundation the society could not cope with the situation and asked for official assistance.^{5.} The laws of the British Government were two edged. Slaves were prohibited from working on Sundays, thus they were deprived of a useful source of income. They could not receive donations nor could they borrow money with which to purchase their freedom. They were in practice deprived of all honest means of raising money.^{6.} Proprietors at the Cape usually freed slaves by testimony but the will made no adequate provision for the freed slaves.^{7.}

On the 16th of July 1829 Cole wrote to the Secretary of State for the Colonies to give particulars of the Philanthropic Society of Cape Town. Within the first year the revenue of the Society from subscriptions was £268.2.9; from this twelve female slave children had been purchased. The sales had been carried into effect "without prejudice to the interest or interference with the existing claims of the proprietors many of which latter

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1. Walker : History of S.A. P. 178.
 2. Ibid & C.O. 1445 P.40-44.
 3. Cambridge: History of the B.E. VIII P.270.
 4. G.G. 24, 3rd Feb. 1830. & Harding Vol II P.92.
 5. C.O. 1316 No. 1077.
 6. C.O. 1319 enclosed in No. 1271
 7. Ibid.

class are zealous supporters of the Society - and should its funds continue to be administered as judiciously as at present from great effects having frequently proceeded from inefficient causes, this may be regarded as an opening - a distinct prospect to the total abolition of slavery in this country. I therefore beg to recommend the interest of this Society to your generous encouragement and protection and to solicit your most favourable consideration of the enclosed application." ^{1.} As no notice was taken of the Society's application Cole himself wrote to Sir George Murray to press the Society's memorial praying " that all fines levied ^{der} on the local slave laws of the colony for maltreatment of slaves together with such fines and forfeitures as by the Order-in-Council of the 2nd of February 1830 ^(now to) are adjudged to go to His Majesty but which by the provisions of the 19th Ordinance were made applicable to the purposes of the Society may be restored to their original appropriation" ^{2.}

Cole realised that the abolition of slavery would come and that it was essential to enact such abolition in a way which would excite least unrest and suspicion at the Cape. By adhering to its original plan of purchasing only slave children the Society was fulfilling this function in an admirable way, therefore the Governor pressed that at least half the fines mentioned above be placed at the disposal of the Society. ^{3.} Cole emphasised the fact that the second annual report of the Society showed receipts upwards of £415 in subscription and donations and the manumission of 31 female children du-

1. C.O. 1444 P. 101.
 2. C.O. 1444 P. 372-374.
 3. C.O. 1444 P. 373.

ring the year.^{1.} As result of these pressing memorials, and in recognition of the excellent work of the Society Goderich replied, " I am happy, therefore, in having to ~~authorise~~ to give directions for paying over to the Society at least one half of the fines and forfeitures which should accrue to His Majesty. When-ever the state of the finances of your Government will admit it you will consider yourself authorised to pay over to the Society such funds and forfeitures in full!"^{2.}

Mr. J.A. Tredgold the secretary had made the Society's aims appear feasible to the Secretary of State, when he pointed out that as female slave children between three and twelve years of age were being freed at the rate of from, £11 to £25 for each manimission,^{3.} ~~and~~ "The whole number^{4.} of female slave infants born annually in this Colony does not exceed 600,^{4.} and the Society if properly assisted would have been able to abolish slavery at the Cape in about one generation, without any injury to the property of individuals."^{5.} Goderich had repeated Murray's decision not to donate any of the public revenues to the Society, but the British Orders-in-Council still handicapped the activities of the Society. These orders prohibited the lending of money to slaves to purchase their freedom, and their working on Sunday. Owners would have paid the slaves for this work then they could have earned the money honestly. The Society had no authority to exert any pressure in the purchase of a slave child and had to confine its operations to cases in which the owners of the slaves are consenting to the sale of their freedom, or to cases in which such owners

1. C.O. 1444 P. 372.
 2. C.O. 1319 No. 1242.
 3. C.O. 1316 memorial enclosed.
 4. Ibid.
 5. Ibid.

are not disposed to raise any objection".^{1.} The Society was permitted to purchase slaves only under these conditions.^{2.}

Cole had always taken a very active interest in the Society, as its Patron-in-chief. At its fifth annual meeting he bid the members farewell.^{3.} During 1833 24 slave children were freed making 127 in all, but unfortunately the Society showed a deficit of £12. At this meeting Dr. Philip thanked Indian and other benefactors and Dr. Barrow proposed a resolution expressing regret at the departure of their Patron and thanking him for his zealous support of the Society and other similar institutions.^{4.}

[The following annual reports of the Society were taken from the South African quarterly Journals.

Stockenstrom was in the chair when the society was founded on the 3rd of September 1828.

The account of Receipts and Disbursements of the Philanthropic Society from July 24, 1828 to July 23 1829 were:-

To amount paid for manumission of 12 female slave children.	£235.15.0.	By total amount of Donations	£157. 0.9
To amount for printing advertisements etc.	£ 25.16.0.	By total amount of annual subscriptions	£111. 2.0
To balance in Bank	<u>13.13.9¹</u>	By amount received for interest on Sums placed in Savings Bank.	£ 7. 2.0 ³
Total.	<u>£275. 4.9¹</u>	Total.	<u>£275. 4.9²</u>

By balance in favour of the Society £13.13.9³

H.E. Rutherford. Treasurer.

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1. C.O. 1317 No. 1157.
 2. C.O. 621 No. 17.
 3. G.T.J. II. No. 89.
 4. G.T.J. II. No. 89.

The annual report for the year 23rd July 1829 to 24 July 1830 was:-

To amount paid for 31 female slave children for manumission.	£632.10.0	By Balance on last year's account	£13.13.9¼
To Printing Postage etc.	£ 2. 8.6	Annual Subscription	131.9.6
To balance in hand	£111.13.0	By amount received in Donations	283.9.6
Total.	£746.11.6	By amount received from the Board of Directors appointed for the application of funds, by the 13th Section of the Proclamation of the 18th of March 1823.	£318.13.10
			<u>£746.11.6</u>

Balance in favour of the Society £111.13.0.

Rutheford. Treasurer.

1833.

To amount paid for the manumission of 24 female children	£471.15.0.	By Balance last year's account	£ 59. 5.5
Printing Report etc	9. 3.4	Amount of Subscription received	£175. 0.6.
Transcribing Postage etc.	<u>7. 2.3</u>	Amount of Donations.	£ 11.15.6.
	£488. 1.0	By Lord Bishop of Calcutta.	£25.
		Donations from Bombay	£19.
		Amount Donations from England remitted through Messrs. Bainbridge & Co. per John H. Tredgold Esq.	£46.15.6
		Amount donation of Society for promoting Christian knowledge	£20.

£488. 1.0	. Amount received being balance of sum raised by the Theatrical performance to raise funds for the Society.	<u>£13.15.4$\frac{1}{2}$</u>
	Total	<u>£475.12.3$\frac{1}{2}$</u>

Amount due to the Treasurer. £12. 8.8. $\frac{1}{2}$

July 17, 1833 examined by Thos. Sutterland.
Joseph Dixie.

The Society always published the list of names of donors, among these names we find Dr. Andrew Smith £1.1.0; there were also many Dutch names, some donations were received from Somerset East and Albany.

It was a great pity that this Society was allowed to decline, for it fulfilled an essential task. In reply to the British desire for compulsory manumissions the Court of Policy for ~~Demarara~~ had pointed out that they ~~endangered~~ ^{endangered} private property as slaves could be freed without the consent of the master; more over slaves freed in such a way " did nothing to live and would be a drag on the community and a danger to the white population ---- (before the slaves were freed) the attention of your Majesty's Government should be turned towards their moral intellectual and religious improvement. ^{1.}

Janssens and de Mist, who were opposed to slavery decreed that if a slave made a complaint against his master he was to be kept in prison until the day of the case. ^{2.} If the case appeared well founded it was prosecuted by the Landdrost before a Court of Justice;

1. C.O. 1317 d.d. 18 March 1829.

2. Theal : Records of the C.C. XXXV P. 370.

if the complaint were unfounded the Landdrost could upon consultation with the owner order the punishment of the slave. This was still the practice during Cole's governorship. The Colonial Secretary could not see that by placing the slave in custody he was given a place of abode till the hearing of the case.^{1.} As regards^{2.} the punishment of slaves, whose complaints were unfounded the attitude of Goderich was "its strikes me as being unjust to condemn a slave to twenty-five or thirty lashes or, to solitary confinement for a certain number of days upon a low diet for failing to prove that which the slave was unable to substantiate, but which is not therefore proved to be false".^{2.} The Guardians of the slaves and Goderich himself admitted that some masters themselves had stopped the punishment of slaves who had complained through malicious intent.^{3.}

There were cases of harsh treatment, for most of the officials at the Cape were free people who were slave owners, and in a country like South Africa people have perhaps always been too colour conscious. There was the case of the slave Philida who had been sentenced to solitary confinement on "congee soup" for eight days - really spare diet. Philida had complained about being illtreated, apparently she herself could not prove it, but the defendant himself stated "that he gave the complainant about ten or twelve lashes with a double bullock strap on her naked back after having tied her to a cart".^{4.} The Guardian referred to article 13 of Ordinance No. 19, and asked if any white child would ever be treated in this way. The Magistrate however,

1. C.O. 1317 No.1123.
 2. C.O. 1318 No. 1213.
 3. Ibid.
 4. C.O. 1317 No.1177.

declared the defendant not guilty and sentenced the complainant as above.

It is clear to an impartial observer that the slaves laboured under great disadvantages. A slave would find difficulty in collecting evidence of ill-treatment because other slaves working for the same master would be loth to give it, as they could be severely punished afterwards on some trivial pretext. Many complaints which were apparently groundless might not have been so, thus the severe punishment of slaves for these complaints was perhaps an injustice. On the other hand the authority of the owner - a white man - had to be upheld. Distances were great, the white population small, thus the white man's discipline had ^{priority} above all things to be maintained.

The Abolitionists in England were intensely religious men and looked upon their work as a "holy enterprise", and feared that "while we continue to commit such a sin (slavery), how can we ask forgiveness of our sins."^{1.}

The slave question had become an emotional affair of honour and religion, but there was a faint suspicion that these people were encouraged by a sense of power. Their deliberations were "long and deep" as they were drawing up measures, "which were to change the structure of society throughout the Western World."^{2.}

In his very first speech Buxton clearly stated that he aimed at nothing less than the extinction of slavery in the whole of the British Dominions.^{3.} In the beginning Buxton was very moderate for he favoured not "the rapid termination of that state (slavery); not the sudden emancipation of the Negro; but such preparatory steps, such measures of precaution, as, by slow degrees, and in a course of years, first fitting and qualifying the slaves for the enjoyment of freedom, shall gently conduct us to

1. Buxton : Memoirs . P.119.

2. Buxton : Memoirs . P.124.

3. Buxton : Memoirs. P.129-130.

the annihilation of Slavery"^{1.} But in time his ideas became his master and Buxton burned with impatience. By March 2, 1826 he wrote "Last night we had our debate. Canning was not satisfactory. He preferred to give the West Indians another year, and to legislate. We are going to have another debate tonight."^{2.} The work Buxton was putting into ameliorating the position of the unfortunates of the Empire - Hottentots and Indian widows came into the scope of his interests - was ruining his health, but it was also antagonising the Colonies.

Innumerable laws were raised on the Cape and then co-ordinated in the preparation for a new and perhaps greater and for the colonies a more irritating batch.

The slaves at the Cape were tolerably well treated. There was a hospital for old and infirm slaves, under the director and staff of three overseers and a porter. This staff was not sufficient to cope with the work and at least two overseers were required at a time if the wards were to be properly looked after and cleared.^{3.} Tenders for supplied to this slave lodge for 1829 were:-

G.H. Ban,	Bread	per 100 lbs (Eng weight)	7.1½d.
G.H. Michan	Meat	per 100 lbs (" ")	£3. 15.0.
G.H. Michan	Offal	per 100 lbs (" ")	£2. 5.0.
Alex van Breds	Dry Firewood	per 2000 lbs.	£1. 7.0.

These tenders were accepted, but that of I. van Reenen of for 1000 lbs of meat at £4.13.0 was turned down.^{4.}

On the 15th of May 1823 the House of Commons passed three resolutions about slavery, the third one stated. "That this House is anxious for the accomplishment of this purpose (abolition of slavery) at the earliest period tht shall be compatible with the safety of the Colo-

1. Buxton. Memoirs. P. 129-130.
 2. Buxton. Memoirs. P. 156.
 3. C.O. 585 No. 84.
 4. C.O. 585 enclosed.

nies, and with a fair and equitable consideration of the interests of private property"^{1.} The Lords adopted a similar resolution on the 7th March 1926.^{2.}

The Court of Policy accepted all the laws passed by the House of Commons except the one on the "compulsory manumission" of Slaves. The Court maintained that the clause endangered private property as the slave could by it be freed without the consent of his master; also that slaves freed suddenly did nothing for a living and would be a drag on the community and a danger to the white population. The memorialists of the Court suggested, "that before the gradual emancipation of the slave population in the West Indies can be brought about without ~~injury~~ to the slaves, with safety to the state and without injustice to the interests of private property, the memorialists submit that the attention of your Majesty's Government should be turned towards their moral, intellectual and religious improvement"^{3.} There were cases of voluntary manumission and these slaves were not a drag on the community.

As the result of a resolution placed before the King, His Majesty-in-Council desired the following returns from all the slave owning Colonies, including the Cape. The date from which the statements were to be taken was 1st January 1825. Information was desired about (1) The numbers of Slaves imported and exported by licence or otherwise, distinguishing sexes, and specifying the places whence exported with the names of the vessel and the date of importation or exportation (The Council did not seem to realise that such importations became illegal from 1807).

1. C.O. 1317 At the Court of Windsor 18 March 1829.
2. Ibid.
3. C.O. 1317 18 March 1829.

- (2) The list of manumissions effected by purchase, bequest or other-wise.
- (3) A list of runaways, claiming to be free;
- (4) A list of all slaves escheated to the Crown, sex ages and manner of disposal, and if sold the date and price, and to whom sold, and the appropriation of the net proceeds.
- (5) A return of all slaves taken and sold under execution or any other legal proceeds.
- (6) The number of marriages legally solemnized between slaves, free blacks, or colonial persons and whites since 1st January 1825.
- (7) A list of the schools established in such slave colony belonging to the crown for the purpose of education, specifying the numbers in each school together with the names of the teachers with their salaries and emoluments, hours of attendance, nature of instruction which the children received whether oral only or otherwise; elementary or other books used in the schools. The teachers and pupils were also to be divided into white, free black and slave." ^{1.} This was nothing but looking for work for the colonial officials.

The Colonial Secretary wanted the Council Of Advice to pass an Ordinance by which the owner would be obliged to produce evidence that he had a legal right to his slave; this certificate should carry back the proof till before the abolition of the Slave trade - January 1808. Cole simply neglected to propose this measure to his Council. ^{2.} If a slave complained of illtreat-

1. C.O. 1317 dated 3 June 1829.

2. C.O. 1317 No. 1123.

ment by his master, the burden of proving the falseness of the complaint was to be borne by the master, punishments for such slaves should be established by law and they were not to be treated as criminals. Punishments were not to be severe, in other words the Secretary of State was consciously and actively engaged in breaking all the authority of the master.^{1.} Slave owners had to provide for aged slaves, if they were financially incapable of doing so, the state at large was to bear the expense.^{2.} Apparently Murray was not aware of the fact that there was a slave hospital or lodge in Cape Town for aged and infirm slaves. A great fear, that Cape Slaves, especially in prison were underfed and badly clothed seemed to have grasped the Secretary of State, afterwards an ordinance regulating the diet of the slaves was passed. In discussing the proposed diet it was found that most of the Cape owners gave their slaves better food and clothing than that laid down by the law.^{3.}

The British Government now realised that something had to be done to co-ordinate and clarify the multitude of slave laws. The result was "An order of the King-in-Council for consolidating the several laws recently made.

For Improving the conditions of slaves in His Majesty's Colonies of:-

Trinidad, Berbice, Demerara, St. Lucia, The Cape of Good Hope, and Mauritius.^{4.}

This order was passed on the 2nd of February 1830 formed the basis of all slave regulations from this

1. C.O. 1317 No. 1123.
 2. C.O. 1317 No. 1123. & C.O. 678 No.53.
 3. Ibid.
 4. C.O. 1317 passed 2 Feb. 1830.

date to the final manumissions of all slaves. To the British public it was a great advance in slave legislation, the colonies on the other hand now realised fully that final and complete emancipation would come in the immediate future. No previous slave laws were to be rescinded.

The Ordinance ran as follows:-

1. The ^{then} Lieutenant Governor of Berbice petitions that the law to the effect that a slave can be freed without the consent of his master be rescinded. The Privy Council do not see why the law should be rescinded the arguments given did not apparently satisfy them. (Among the arguments mentioned ~~are~~ (1) that slaves freed through compulsory manumission did not work. (2) that they were a danger and a drag in the community. (3) they were a danger to the white population (4) that the good slaves freed through the free will of their owners were an asset to the community). The Privy Council also insists that there shall be one uniform law for all the Colonies ^{on} slavery, (this despite all the petitions from the Cape, the confession that the arguments of Berbice were fairly sound).

2. Slave protectors shall be appointed in all the Colonies.

3. Salary of the Protector shall be decided by His Majesty and before being appointed he shall take the following oath before the Governor of the Colony. "I A.B. do swear that I will to the best of my knowledge and ability faithfully execute and pefform my duties of the Office of Protector of Slaves in the Colony of --- without fear favour or partiality. So help me God." 1.

C. P. H. H.

4. Protectors shall have an office in the principal town or seat of Government in each of the said colonies respectively, and shall be at the office as the Governor shall order and "shall at such office and not elsewhere keep deposit and preserve the several records, books, papers and writings here-in-after directed to be kept by him" (Rogers always complained bitterly that he had no such office).^{1.}

5. Slave Protectors may not be owners of managers of slaves on pain of forfeiture of office. They may hire slaves for domestic purposes if unable to hire free servants.

6. The Protectors to be constantly resident in the colony concerned except by licence of the Secretary of State. In case of sickness the Governor may grant leave of absence for a limited time "twelve months in the Cape of Good Hope and Mauritius, not exceeding six months in the colonies of Trinidad, Saint Lucia, Demerara and Berbice".

7. On the death of Protectors or other avoidance of office temporary assistants are to be appointed with the same salaries and qualifications if possible of the principals.

8. Assistant Protectors to be appointed to execute all lawful instructions of the protector.

9. In cases of complaints by or against slaves the Protector or Assistant Protector cannot act as a Magistrate.

10. The Protector or Assistant Protector is to

1. C.O. 1444 P. 515 & 519 and C.O. 1444 P. 604 and C.O. 1318 No. 1213.

have notice of all prosecutions against slaves in capital or transportable cases, and of suits affecting their freedom and property, and of prosecutions for offenders affecting their freedom and property and of prosecutions for offences against their persons and is to attend on behalf of the slave.

11. The Protector or Assistant Protector receiving notice of an injury done to a slave, is to enquire into the case and if necessary is to sue or prosecute the wrong-doer.

12. Sunday markets are absolutely prohibited.

13. Fines for holding markets on a Sunday to be from 5/- to 20/- for each offence.

14. If shops sell goods on a Sunday, goods to be seized and seller fined from 5/- to 20/-. Goods to be sold and half proceeds given to the poor and the other half to the person making the seizure.

15. Perishables (milk, fresh meat, fish and turtles) may be sold except during Divine Service. Cole asked about
1.
vegetables).

16. The Governor is to appoint a market day to suit each town. A slave may not be seized, in execution under any civil process whatever, if going to or from a market.

17. Slaves in the colonies shall not work for the benefit, profit of advantage of his or her owner, or of any person or persons whatever, on any Sunday throughout the year. (except cases stated afterwards).

18. Penalties for working slaves on Sundays to be

from £1 to £3.

19. "Provided nevertheless, and it is further ordered that nothing herein contained shall extend to any domestic work or labour which may be performed on Sunday by any slave employed as a domestic, nor to any labour performed by any slave, in the tending or care of cattle."

20. Slaves may be employed on Sunday in works of necessity. The Governor by proclamation was from time to time to define what works of necessity are. Notice of such employment is to be given to the Protector or Assistant Protector within 48 hours of such employment (This is practically in a country like South Africa).

21. The whip may not be carried in the field as a stimulus to labour, nor as an emblem of authority, nor used except for the punishment of a fault previously committed.

22. Females may not be punished by whipping. Males may receive not more than 25 stripes for one offence, nor more than 25 lashes on one day, nor any whipping while any unhealed scars remain on the body, nor unless a free witness or six adult slaves be present.

23. These provisions do not extend to any punishment which may be inflicted upon any male slave by virtue of the sentence of any court of competent Jurisdiction within the colonies.

24. The punishment of slave children is to be "not more severe than punishments legally inflicted in schools on children of free condition."

25. The Governors are authorised to prescribe the

modes of punishment which are to be substituted for punishment by whips in the cases of female slaves.

26. In December of each year the Protector or Assistant Protector shall supply the manager of slaves with a printed book which is to be used for the beginning in January. In this book all punishments to be recorded (Punishment Record Book) Protector to charge 1/- for the book, each manager or slaves must supply himself with such a book every.

27. The manager to insert in the Book an account of every punishment, the age and sex of the slave the offence, the time and place where committed.^{1.}

In the punishment Record Book shall be placed the extent of the punishment by whom authorised, inflicted and the witnesses present.

28. The Punishment Record Book to be filled in two days after punishment inflicted or penalty of £2 to £20. Also same punishment for false or fraudulent entries erasure etc.

29. Half yearly returns to be made of the entries in these books on the oath of the manager on

First Monday after 5th April and
First Monday after 29th September each year

for half yearly returns, five days grace will be allowed. The managers of Slaves shall go to the Protector or Assistant Protector, and produce their Punishment Record Books.

30. If the manager of slaves cannot write then he may employ somebody to keep the records.

31. If no punishment was inflicted during the half year, then a special return on oath to be made to

to this effect.

32. The Protector is to supply the managers with each of the blank forms at least 14 days before they are required to appear for six consecutive days "day by day" before the protector. If the manager is ill and receives a medical certificate then the Protector must go to him for the returns.

33. Fines for not making these returns from £10 to £50.

34. The Assistant Protectors to transmit their records within 10 days together with names of defaulters if Assistant Protector also a slave manager shall enclose his own Records.

35. The Protector may send back for correction Returns improperly or irregularly made.

36. The Protector is to transcribe all returns to him in his Books Returns of each district to be kept separate "for the better and more convenient keeping of Record"

37. Slaves are declared competent to marry. A slave desiring to marry must apply for a licence to the Protector and produce the owners consent. If owner refuses he is to be summoned before the Protector; and if the Protector is not satisfied that the marriage would be injurious to the slave, he is to grant the licence (the owner having answered the summons or not) any English, Scotch or Roman Catholic Clergyman or Dissenting Minister must celebrate. Licence without fee or reward.

38. Marriages among slaves are not to be valid

in cases prohibited by law among free persons i.e. which are prohibited by a Priest of Holy Order of the Church of England.

39. Slaves are not to marry to acquire rights inconsistent with the legal Rights of the owner.

40. Registers to be kept of marriages of slaves - penalty if not kept £5 to £20.

41. Slaves may acquire property of any amount and bring and defend actions for it like any free person.

42. Slaves may not be proprietors of boats or vessels, ammunition, gunpowder, fire arms or military weapons of whatever kind or nature.

43. Slaves may not be proprietors of slaves.

44. Slaves may not be taken in execution in satisfaction of debts contracted by themselves.

45. Slaves may not be separated from wife, husband or children.

46. Separation of families are not to take place on the death of the owners intestate.

47. Husbands and wives, parents may not be separated from each other by conveyance contract or will.

48. In cases where it is unknown or doubtful whether a slave has any such relations the Protector is to enquire into and certify the fact.

49. If slaves are willing to separate, the Protector can allow it, if such separation is not injurious to the slaves - except husband and wife.

50. Slave children above 16 years may be separated from their parents.

51. All fees of Office or manumission of slaves abolished except a fee of £1 paid by the Protector to the Supreme Court for the Registry deed of Manumission. This £1 is to be repaid to the Protector from the revenue of the Colony concerned.

52. Persons may manumit slaves so long as no other people have interests which will be damaged.

53. To prevent fraudulent manumission a bond must be given for all slaves willing freed. If under 6 years or over 50, or diseased, bond to be £200.

54. In the case of testamentary manumission, a bond is not necessary, but the estate is to be held liable as if such a bond had been given.

55. Slaves may with the concurrence of the Protector contract with owners for the purchase of their freedom.

56.-62 State that a slave can purchase his freedom by compulsory process. If owner and slave are unable to agree about the price then the Chief Judge of the Supreme Court can require the owner and Protector each to appoint an appraiser. He himself appoints and umpire. If appraisers cannot agree or do not state price within seven the umpire values the slave. The Judge may set aside fraudulent valuations. The amount must be paid within* three months or the valuation must be set aside and no new one can be made within twelve months.

63-64 If money paid by the slave for his freedom be acquired inter vivos with intent of freeing the slave, the Judge must stay the proceeding and make an enquiry, if case proved freedom postponed but without prejudice to

the slave. If a slave has committed a robbery within five years he may not obtain freedom till the end of that term.

65. The Protector may pay to the Colonial Treasury price of a slave after valuation in a compulsory manumission within three months. The slave shall be free after such payment.

66-67. The Governor must establish a table of fees of appraisers etc. These fees shall be added to the value of the slave and be borne by him¹/₂

68. Money paid by the slave in a compulsory manumission shall be held by the State at 5% until the ex-owner shall claim it. He must then pay all dues.

69. The Judge is to make all rules for the conduct of compulsory manumissions.

70. Slave evidence is to be admitted by all Courts.

71. The Court must declare if a slave forfeited through cruelty of the owner.

72. No slave shall be punished "referring, and failing to establish any complaint against his or her owner or manager, unless such complaint shall have originated in some malevolent or culpable motive and in any such case such slave shall be liable to be punished under the authority of any Court or Magistrate in any such Colony, upon proof being given in a summary way, before such Court or Magistrate that the complaint was without foundation and originated in a malevolent and culpable motive".

73. A person making a false entry in the Record Book and erasing such shall be guilty of misdemeanour.

74. Fine for misdemeanour not less than £10 and not more than £500 or one month to twelve months imprisonment.

75. For making a false statement under oath the person shall be charged with perjury.

76. Any penalties paid in evasion of the law shall be paid $\frac{1}{3}$ to the Protector and $\frac{2}{3}$ to the State. The Protector may sue for his share if not in Court.

77. The Governor must state beforehand in what Courts different processes shall be heard and how the Protectors shall defend the slaves.

78. All fines must be paid in British sterling money. Where only lowers and highest fine mentioned the Court is to use its discretion.

79. All proclamations of the Governor must be transmitted for confirmation but must remain in force until disallowed.

80. Protectors must make half yearly returns as a condition of receiving their salaries.

81. Any slaves employed in agricultural or manufacturing labour for any kind between the first January and 30th June or 1st July and 31st December shall for the purpose of the order be looked upon as plantation slaves.

82. It is further ordered that the Governor of every such Colony as aforesaid, shall within one calendar month next after the present order shall be received by him, make known the same by proclamation in such colony; and that

the said order shall be in force in the expiration of 14 days next after the date of such proclamation and not before.

(Further instruction shall be given by

Sir George Murray)

Signed Jas. Buller.

On 19th March 1830 Murray writes his instructions to Cole in connection with the above order. The British Government think that their Policy would be understood better if the rules respecting manumission of slaves be introduced into the consolidated law than under a separate order.^{1.}

A long explanatory note accompanied the British Order-in-Council. The intentions of the British Government had been to consolidate all the slave laws once and for all in all the slave owing colonies, but as a result of the petitions from slave Proprietor and mortgages in Berbice and Demerara the application of the clauses an compulsory manumission was to be postponed temporarily.^{2.} As the question of compulsory manumission had been finally settled it was the duty of the Government to frame the necessary enactments for carrying the general principle into effect. It then appeared to them that all rules respecting the manumission of slaves would be more conveniently introduced into the consolidated Law than made the subject of a separate order.^{3.} The Secretary of State would not enter into any explanation of the law which was sufficiently clear.^{4.} As the order

1. C.O. 1317 No. 1177.
 2. C.O. 1317 No. 1155.
 3. Ibid.
 4. Ibid.

was not all embracing the Governor was authorised to supply the points by Proclamation, but such proclamations would only be relative to those topics"upon which the difference between the systems of jurisprudence in force in the various Crown colonies forbade the application of any one enactment to them all"^{1.} The Governor was permitted to give the Protector six months leave if it would not harm his work, but the Protector might not relax "as his duties are very important"^{2.} Cole created this post (of Protector of Slaves) by an Ordinance issued on the 24th August 1832. These Protectors were to use slaves only if free labour was absolutely unprocurable.^{3.}

Cole had to establish new market days for those towns which held Sunday markets. As the Governor also had to decide which were works of absolute necessity, that could be performed on Sunday, he was given careful instructions by the Secretary of State. The employment of slaves on Sundays had to be restricted by conditions that were absolutely just. Demands for labour which grew out of the course of husbandry or manufacture and encroached on the day of rest had not to be tolerated. Damage done by a hurricane could be repaired on a Sunday, or work arising from unforeseen circumstances might be performed. If in agriculture the postponement of the work might cause serious damage, then such work could be sanctioned, but the service must be given only "with the free consent of the slave - that for every such deduction from the time secured to him for repose by the Law of Religion, the slave is entitled to some just consideration from the owner to whom his services are rendered."^{4.}

1. G.O. 1317 No. 1155.
 2. Ibid.
 3. Ibid.
 4. Ibid.

Some other mode of punishment had to be substituted for punishment by the whip for female slaves. Murray stated that he was not able to offer much assistance in this respect, but Cole had to be guided by local experience, but, "your great object will be to select those modes of corrections which may impair as little as possible the sense of self respect, and may operate rather on the moral feelings than on the mere bodily sensations of the sufferer."^{1.} On the other hand the Secretary of State was absolutely opposed to the custom of locking up the female slave on Sunday as a mode of punishment ~~was~~, "by this method without any deduction from the labour on the estate, the offender is made to undergo an aggravated punishment."^{2.} In other words it seemed as if the owner was intended to suffer for the misdeeds of his slaves, so that all forms of punishment would be either annihilated or impractical, as the owner could not by his own domestic authority inflict such punishment.

The local law courts had to formulate the procedure by which the Slave Protector might defend the slaves in civil or criminal cases. All Ordinances and rules of Court issued at the Cape in connection with this law had to be sent to His Majesty's Government for approval.

Printed forms were prescribed for the use of the Slave Protectors in making their half yearly returns. This half yearly report, made in proper form, was to precede the payment of the Protectors salary as, "This is a Regulation of so much importance to the effective execution of the whole law, that it cannot be observed with too much exactness."^{3.}

1. C.O. 1317 No. 1155.
 2. C.O. 1317 No. 1155.
 3. C.O. 1317 No. 1155.

For the purpose of applying the law the Colony had to be divided into districts, but it would be advisable to adhere to the established districts as far as possible. The greatest length of the time the Governor might suspend the operation of the law was six weeks, as His Majesty's Government had deliberated so long on the measure no governor would be invested with any discretion whatever to suspend the execution of the order beyond the six weeks.

Laws about the duration of the daily labour on plantations, about food and clothing and above all about religious instruction would have to follow but this order would be sufficient for the present to consolidate the Order-in-Council of the 10th March 1824.^{1.}

As it was maintained in popular discussions in England, that when the West Indian plantations were working full swing the hour of the slaves were 18 out of the 24. His Majesty's Government felt that something ought to be done about the matter.^{2.} "but however exaggerated accounts of this nature may be, and I do not quote them as at all applicable to the Cape of Good Hope, it is impossible to doubt that some Legislative Provision is necessary for the prevention of abuses in exacting excessive labor from slaves whatever may be the nature of their employment."^{3.} It is gratifying to be able to write that this same Reform Parliament was also trying to improve the conditions under which women and children were working in the factories and mines. The only difference was that, while all parties were almost hysterical in their support of the slave laws, which did not affect them directly,

1.C.O. 1317 dated 19 March 1830 and 20 March 1830.

2.C.O. 1317 No. 1156.

3.Ibid.

many opposed Lord Shaftesbury's proposals and it was not until 1847 that the working hours of these unfortunate women and children were fixed at ten.^{1.} From the laws which followed later it will be seen that British statesmen thought that slave hours were more worthy of their immediate consideration than those of their own people; for as early as 1826 slave working hours were fixed at ten in the winter and twelve in the summer.^{2.}

The Protectors had to institute enquiries to find out what hour in the morning slaves began to work and when they stopped at night, also how long the intervals of rest were and whether the rest was complete or the slaves were required to perform acts for their master or for their own immediate advantage; and whether they were required to work at night or not.^{3.} Medical practitioners had to make reports on whether the labour expected was detrimental to the health of the slaves, these opinions had to be minuted in detail by the protectors. The Governor himself was to propose regulations by which "any abuses in this part of the colonial system would be most effectually checked or prevented".^{4.} Protectors and medical practitioners had also to make reports on the quantity and quality of the food and clothes supplied to the slaves; in the West Indies the legislative assemblies controlled the food of slaves.^{5.}

The case of Roset raised the question whether a slave could purchase his own freedom at a public auction and whether a duty was payable upon such a transaction. Each of these questions was settled by the recent Order-in-Council, i.e. the slave could purchase his own

1. Fowler and Smit, Geskiedenis : P. 206.
 2. Stockenstrom : Vrystelling van die slawe. P.47,
 3. C.O. 1317 No. 1156. and C.O. 1536. P. 412.
 4. Ibid.

freedom subject to the approval of the Protector, and no fees or dues were to be charged.^{1.} Slaves would have the right to appeal to the Attorney-General for all legal advice, and the Court had to devise a new^{2.} and inexpensive scheme for this process.

On the 9th of August 1830 the Governor issued an ordinance regulating the food, clothing lodging^{3.} and hours of labours for the slaves of this Colony.

Slaves were not to work when ill and not more than 10 hours per day from the 1st April to the 20th of September or 12 hours from the 1st of October to the 31st of March. Fines £1 to £5 for each offence above this, fair compensation had to be paid to the slave for this extra labour. Slaves could work longer if their own free will and consent but in this case the slave had to be given more food or money at his discretion.

Offences against this Ordinances were to be brought by the Protector or Assistant Protector into the Magistrate's Court of the district. Slaves bringing false accusations would be punished.

On the same day a further ordinance was passed stating :-

That all children of Christian slave mothers whether married or not were to be baptised, and the Clergymen were to send in their returns to the Protector on the 1st of March, June, September and December. Fine £1 to £3.

Slaves were not to be buried until the bodies had been inspected by the proper authorities. Penalty £5 (Authorities were a doctor, the Field Cornet or an assistant field cornet). If these local au-

1. C.O. 1317 No. 1177

2. Ibid.

3. G.G. 24 Ordinance 75.

thorities refused to come, penalty £5 to £10. If these authorities could not be summoned within twenty-four hours of the death then two neighbours over 21 years of ages could certify. In this case the certificate had to reach the nearest local authority within 48 hours. If there was a suspicion of foul play the certificate was not to be issued and the case was to be reported to the Protector or his assistant.

All fine and penalties sued for by Protectors or assistants went to the Treasury.

Stripes of punishment of more than 25 were deemed illegal.

Flogging, whipping, scourging or beating of a male slave which shall to the court appear not to be in excess of 25 stripes shall be legal. All punishment of a male slave when sick was declared illegal.

The Lords Commissioners of His Majesty's Treasury complained, that the fees charged in the Vice-Admiralty Courts in cases of forfeitures to His Majesty for breach of the Act for the Abolition of the Slave Trade were too high, Their Lordships thus drew up a table of fees. When slaves, whatever their number might be have been seized by one and the same person under similar circumstances and about the same time one suit only might be instituted for their condemnation "then only can expenses be allowed for such cases"^{1.}

On the 12th August 1830 Cole issued an ordinance, defining necessary works, which a slave could be called upon to perform on a Sunday. This was done with the advice of the Council of Government of the Cape.^{2.}

1. C.O. 1317 dated 30 October, 1830.

2. G.G. 24. 12th August 1830 and C.O. 1318 No. 1212.

1. Ploughing and sowing the land and completing the Agricultural operations in order to secure the favourable season of the year.

2. "Reaping and securing the crops during the season.

3. Pruning vines at the proper time.

4. Gathering and housing grapes.

5. Commencing carrying on and completing the process of wine making.

6. Irrigating in the dry season such fields vineyards or gardens as have but a limited periodical supply of water.

Goderich admitted that the sixth clause might in a country like South Africa where draughts frequently occurred define a necessary work on Sunday. But he stated that if he allowed the other five clauses "the very object of the Order-in-Council will be defeated by the Proclamation which thus professed to carry it into effect"^{1.}

In the despatch of the 18th December 1830 Goderich replied to Cole in the same tone as Sir George Murray about the solitary confinement of female slaves on Sunday. Replying to Cole's statement that for these people Sunday was not a day of rest but open debauchery Goderich stated " If such be really the habits of these women I cannot doubt that their morals must be attributed to their social condition nor can I suppose that the bad character which has been engendered by living in a state of slavery would be improved in solitary confinement on the day appropriate for instruction and repose."^{2.}

Here again the British statesmen did

1. G.O. 1318. No 1212.

not understand the Cape Dutch. Cole enumerated things that might be done on Sunday, but he could rest assured that with their deep religious feeling the slave owners would not make use of this privilege except in the case of absolute necessity. Both Colonial Secretaries took it for granted that the slaves were Christians and wanted Sunday as day of rest, peace and quiet; but many slaves were heathens ~~and~~ heathens in all but name. They were simple children of nature, and on Sunday when the discipline of the master was removed they gave full play to their primitive instincts. Today after a hundred years even the so-called christian natives - the uneducated at any rate - look upon Saturday evening and Sunday as the time for beer drinking, dancing, fighting and ~~the~~ debauching of every kind. These people have not yet learned to sublimate the energy behind their instincts; hence the "skolly" problem at the Cape.

Cole stated also that he did not see why the owner should suffer for the sins of the slave. Goderich admitted that in the case of Municipal law only the criminals should suffer but this apparently was a domestic affair so " every punishment should be a positive inconvenience to the Superior by whom it is inflicted. By thus inducing a wholesome reluctance to punish the best possible security is taken against an arbitrary case of power." ^{1.}

Cole's efforts bore fruit as regards the shortness of the time allowed namely six weeks. Goderich conceded that "in every case of real or presumable ignorances, except in extreme cases no one should be prosecuted under this act, in whose favour that plea can plausibly

1. C.O. 1318 No. 1212.

be urged . You will, however, bear in mind that a very large part of the order is a simple repetition of enactments which have been long in force, and that the novelty consists much more in the form than in the substance."^{1.} That was the whole trouble, innumerable Acts were flowing into the Cape and the poor illiterate farmers were not even given time to digest the "forms" of the previous orders. Clause 32 of the ordinance which required slaves and managers to appear on six consecutive days "day by day" before the Protector was bound to cause much inconvenience and annoyance at the Cape. Besides the question of distances these Hottentot and Kaffir bands which roamed around and were ever ready to plunder. No farmer could afford to leave his farm for at least ten days.

The first five clauses in the Governor's ordinance of the 12th of August was to be revoked and definite cases where slaves could work on Sundays were to be given. Ordinance No. 75 was considered too vague and the Governor was to state definitely the amount and nature of the food, clothing and lodging to be provided for slaves, and above all Murray's instructions about the imprisonment of female slaves had to be carried out immediately^{2.}

Goderich was still pained because slaves were so severely punished especially in the country districts for making false accusations against their masters.^{3.} What he could not see was that in these country areas where a small white population was scattered over a large area and the slaves often made common cause with the vagrants,

1. C.O. 1318. No. 1212.
 2. C.O. 1318. No. 1212. and C.O. 1319 No. 1311.
 3. C.O. 1318. No. 1213.

Wm. C. C. C. C.

the maintenance of discipline was essential. The object was not to stop the punishment^{ment.} of false accusations, "yet it strikes me as being cruel and unjust to condemn a slave to 25 or 30 lashes, or, to solitary confinement, for a certain number of days, upon a low diet, for failing to prove that which^{was} not therefore proved to have been^{false} (Goderich was fond of harping on this string, a typical vague argument of the anti-colonial party who could not produce many sound facts to substantiate their attitude). The effect of such a practice must be to deter slaves from preferring any complaint which they cannot substantiate by credible witnesses, (surely this should have been the object of all the orders,) and consequently to encourage¹ instead of checking oppression and injustice". Was the checking of false or unreliable complaints encouraging oppression? After his metaphysical and ethical generalisations even Goderich has come to earth after an examination of the Guardian's reports, when he admitted "I have been happy to observe the guardians and even occasionally (rather grudgingly observed!) the masters themselves have stopped the punishment of slaves, though it was plain to the Magistrate that the complaint of slave may be due to malicious intent"².

Assistant Protectors instead of Protector could make the personal enquiries whether a slave might be separated from his family. The distances of the owners proved the inaccessibility and permanency of the separation. This was to be avoided for near of kin.³

Despite the fact that no official at the Cape was permitted to have slaves, the Colonial Secreta-

1. C.O. 1318 No. 1213.
 2. Ibid.
 3. C.O. 1319 No. 1311.

ry asked for an account of all persons holding office in the Colony and possessing slaves, distinguishing such slaves as might belong to them in their capacity as private individuals; together with the number of slaves at the Cape under Government.^{1.} In his reply Cole just pointed out that no official was permitted to own a slave, the other particulars required were as nearly correct as possible.^{2.}

As a result of the instructions received a paper for the better treatment of slaves was issued. Here an attempt was made to be more explicit about Sunday treatment and also about clothes and food.^{3.}

Slaves were to be religiously instructed, baptised etc. in the Christian faith.

Slaves were allowed to marry but had to produce to the clergyman the consent of the master.

Families were not to be separated.

No Sunday markets were to be held except for fresh meat fish or milk.

Slaves were to be allowed one day free every fortnight besides Sundays except during reaping season. Penalty £20.

No man could employ the slave of another except with the written consent of the owner.

No work was to be done on crops or mills from 7 p.m. on Saturday to 5 a.m. on Monday. Penalty £20.

Negro slaves were to be given ground to cultivate and were to be inspected once per month, if there was no ground ample provision was to be made for them.

Yearly accounts were to be made of provisions made to slaves as well as clothing, grounds etc - penalty

1. C.O. 1318 No. 1216.
 2. C.O. 1444 Despatch No. 52 and C.O. 1444 P.544.
 3. C.O. 1319 dated 21 Feb. 1831.

£100.

Adequate protection should be afforded to the personal property of the slaves.

Bequests could be made to or by slaves.

Female slaves with six children - her own or adopted - had to be freed from hard labour and the owner from the tax.

Owners might not get rid of injured slaves.

Wandering slaves might be taken up and sent to a workhouse till trial.

Justices and vestries had to ^{levy} lay taxes for injured slaves in the community. Old and infirm slaves manumitted were to be allowed £10 per annum.

As a result of the Order-in-Council of the 2nd of November 1831 slave protectors and Assistant Protectors were established at the Cape.^{1.}

The Colonial Secretary continued to be worried about the moral and religious condition of the slave population, and was "apprehensive that everything remained yet to be done".² Only 255 slaves attended public worship so Goderich suggested that a missionary with a knowledge of Malay be appointed for the Cape and Stellenbosch. "However urgent may be the necessity for the most rigid economy in the administration of the Colonial Government, this is an expenditure which is criminal as well as most impolitic to spare".^{3.}

Slaves had to be sent to free schools or fines were to be imposed. He suggested a partial remission of the slave tax for those who sent their slave children to school. Besides this Goderich wanted to introduce legislation forbidding the carrying of "Sambocks", as the Boers

1. G.G. 26, August 24, 1832.

2. G.O. 1319 No. 1271.

3. Ibid.

were too free in the use of these instruments against slaves and free blacks. Who would have thought that the South African "sambocks" ^{has been} was once so important that the Colonial Secretary ^{once} considered introducing legislation about them ^{1.} *Notably by an ordinance in 1811*

No slavery to be allowed in the Ceded Territory and no grants of Crown lands should be made unless ^{2½} the grantees undertook to cultivate it by free labour.

has always been
By. Decree That the slaves were showing a preference for Mohammedanism and the apparent indifference of the masters to this, was also causing concern. Goderich was very pleased to note that Paarl was doing so much for the religious instruction of the slaves; in Cape Town however, 846 male and 422 female slaves were Mohammedans and 42 and 16 females in the Country Districts, while 372 children ^{3.} were attending the Mohammedan Priest's school.

On the 31st of February 1831 another slave ordinance was passed. ^{4.}

Disabled slaves of insolvents were to go to the parish where the owner resided.

Field slaves were to be granted half an hour for breakfast and two hours for dinner while the working hours were from 5 a.m. to 7 p.m. except during the crop.

Slaves had to have holidays at Christmas and Easter but the break was not to be longer than three successive days.

Slaves taking up runaways or discovering their being harboured, were to be rewarded at the discretion of the Magistrate.

1. C.O. 1319 No. 1271.

2. Ibid.

3. Ibid.

4. C.O. 1319 dated 21 Feb. 1831.

Persons wilfully killing slaves were to suffer the death penalty.

Rape was to be punished by death.

Slaves cruelly treated, branded or mutilated had to be freed and the owner fined £10 per annum.

Justices of the Peace were to go into the above cases. If the complaints of the slaves were frivolous they were to be handed over to the owner for punishment.

No slave was to have more than ten lashes at a time or thirty-nine on one day. No slaves were to be received in any workhouse for punishment without a written order. Slaves sent for punishment were not to be employed by the workhouse keepers without permission.

Complaints of slaves were to be gone into at once, if true offenders had to be punished if not the complainant.

The placing of iron collars on slaves was prohibited. Penalty £5 to £50.

Slaves were not allowed to travel without a ticket except to market. If the owners did not supply the necessary passes they were to be fined 40/- and if the Justices of the Peace did not impose this fine they forfeited £5.

Slaves away from home for 5 days or more than 8 miles without tickets were deemed runaways. Runaways for longer than six months had to be handed over to the Court for punishment.

Justices had to grant warrants to search for runaways. A man finding a runaway slave was to be paid 10/- and 1/- per mile for the first five and 6d. per mile for the rest. All apprehended runaways were to be handed over to the owners or workhouse. Workhouse keepers were

to advertise weekly the names of the slaves they had. The cost of these advertisements was to be paid annually by the Treasurer. Workhouse keepers could demand 6d. per day board for slaves detained in confinement and 2d. per day for medicine when necessary from the owners. Slaves in workhouses were to have sufficient provisions. No slaves detained in workhouses might be sold.

Slaves trying to escape were to be punished by the Court and any free person helping them was to be fined £300 or be imprisoned for a year.

A penalty of £50 was fixed for all persons who did not try to suppress unlawful assemblies of slaves. Civil and military officers were to suppress such meetings. Slaves have divergence on the property to which they belonged if no military drums were used.

Negro burials had to be over by sunset and in towns before sunset or the owner would forfeit £50. The penalty for permitting an unlawful assembly of slaves was 14 days.

Nobody was allowed to buy slaves for the purpose of resale; such sales were declared void and the sales were forfeited.

Slaves concerned in rebellion or murder were to suffer the death penalty.

For assault on owners slaves were to be punished at the discretion of the court, also if they possessed fire arms. Slaves pretending to have supernatural powers to be sentenced to death.

Nightly and other meetings of slaves were declared unlawful. Slaves trying to poison people had to suffer the death penalty.

Slaves stealing horned or other cattle were to suffer the death penalty or transportation.

If slaves had meat, which was unaccountable for, might receive up to thirty-nine lashes if quantity was more than 20 lbs, if the quantity was less the punishment was at the discretion of the Court.

If a slave wilfully cut or chopped another slave sentence was death or transportation for life.

Slaves were to be tried before the quarter sessions, special slave courts and by indictment before the grand and petit¹ juries. The death sentence was not to be carried out, but order the Governors warrant except in cases of rebellion.

Slaves not indicted within six months were to be discharged.

Every parish had to employ a professional man to defend slaves. Penalty of £20 was fixed for people who were warned to attend trials and did not, Records or all trials were to be kept.

Owners concealing slaves against whom warrants were issued were to be fined £100, owners should be given six days notice of trials.

Punishment of death had to be public and solemn.

When the British Government¹ drew up the preceding ordinance they had intended to pass a special one for the Cape as conditions here were so different from the West Indies. Slavery had been recognised by the Ordinance, and much had been done to establish the security of possession for the owner, attempts had even been made to protect the owners. At the same time everything

was done to prevent the misuse of power by the master. "All wise legislation must be directed in the first instance to the moral improvement of the slaves"^{1.} No wonder the slave laws caused so much dissatisfaction for Goderich himself admitted that he was in a predicament. "Slave laws will be anomalous and inconsistent as he (Goderich) has to uphold an order which he himself admits to be unjust. He must maintain domestic authority and yet at the same time pave the way for freedom."^{2.}

The Cape Judges and petitioners objected to the provision that one free or six serviles had to be present when a slave was being punished, as the country was so thinly populated that this was impossible in practice, especially as the Cape colonists were not large slave owners. Goderich would not modify this clause, as it was an excellent means of restraining the power of the owner, who was "at once the accuser, the judge, and the punisher of his fellow subjects and these powers he claims in cases, where his own passions are engaged, his own interests are at stake". This dangerous authority had to be controlled at all cost.^{3.} Both Goderich and Murray admitted that the Punishment Record Book was not well adopted to the conditions of this colony,^{4.} but there had to be some record of the Law the owner used his authority. The Governor was given the authority to modify the law to suit the conditions in this colony, but in no way could the general principle of making these returns be relinquished.^{5.}

The flogging of female slaves was forbidden because this mode of punishment was morally bad for both the slave and the party which inflicted it. Modern pseudo-psychologists tell us that corporal punishment

1. C.O. 1319 No. 1311.
 2. Ibid.
 3. Ibid.
 4. Ibid.
 5. Ibid.

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is demoralizing for both the teacher and the pupil. Personally I fail to see any improvement in the South African children since this mode of punishment has been virtually banished from our schools. In fact children have become so mentally lazy that ~~may~~^{many}, if not most, of the so-called backward children are people, whose brains have never been used, and never will be used as there is no method of making them think for themselves. Ambition they have none, as they hope to live on government subsidies, this is also the attitude of many parents. In all strict discipline there must be a certain amount of fear, and the thought that misconduct might lead to corporal punishment would not make female slaves insubordinate it might lead to repressions, that would cause misconduct when an ~~over~~ severe discipline was removed. A judicious use of this form of punishment makes the unambitious work at school and it would stimulate the slave who was not working for his own personal gain. I am in no way pleading for an indiscriminate use of the cane or whip or for severe punishment, this certainly would encourage the more primitive instincts in man. We must find the happy medium. The Colonial Secretary was quite correct when he stated that slave^s-led to abuses which were approved by nobody "except amongst those, who, by the constant contemplation of Slavery have become unconscious of its real character."^{1.}

Cape society was based on Slavery when there was a fear of slavery being abolished, mentally at any rate, the colonists looked to the Hottentots and Kaffirs to take the place of the slaves. This abundance of servile

labour has created a feeling of superiority amongst the white population. A feeling which the accomplishments of this section in no way justify. The result was that the colonists frowned on "harde arbeid",^{1.} and one often meets with the peculiar mental attitude of a highly paid and qualified engine driver who is ashamed to be seen in his working clothes. Does this attitude not explain the peculiar position in South Africa today, that artisans have to be imported, while whites in South Africa who have the innate ability to perform this work have not received the training. Why should a man who is a great liability to the state be given the vote just because he has a white skin? These people cannot accommodate themselves to the rapidly changing social conditions today, now we have the injured ~~superiority~~ superiority complex, which in the unconscious mind has changed to an inferiority complex, giving ~~vent~~^{ing} vent to an intense hatred against anything and everybody who is successful. It is not a significant fact that the politicians who feed this hatred and rank nationalism have not told the "Poor whites" to work hard "instead of talking about their rights. Is the overpayment for inferior work - worth the government scheme - a "right" of the white man. Have many of these professional politicians who run around the country done a day's really hard work. The depression nearly taught the South African to work, but the old milk cow of the government the gold mines enabled him to live in abundance and security - for a depression and when compared with other countries at the same period.

The official British attitude was that, when it came to choosing between the master's loss of disci-

1. Marais : The Cape Coloured people P.4.

pline and moral badness to the female slave, the latter would receive more sympathetic attention from them. The outbursts against this legislation when proposed were so vehement, that nothing would have been done in the matter had the Government listened to the forebodings.^{1.}

How did the Cape react to these Orders-in-Council? The Governor was inundated with petitions "from all parts of this extensive colony signed by all ranks and descriptions of slave proprietors praying for the suspension or repeal of several provisions of the Order-in-Council dated February 2nd".^{2.} Cole prayed that the memorials receive the earliest attention of His Majesty's Government. If the documents forwarded seemed to be worded in an offensive manner or wanting in respect, it should be borne in mind that the persons translating the memorials were in a great measure ignorant of the English language. Their language was strengthened still more by the exacted feeling caused by the promulgation of a law to many of the provisions of which "I am bound in truth to say obedience impracticable and which though apparently recognising the right of property in slaves, virtually denies it by placing in the way of the slave owners in this colony, such obstacles to the management of their slaves, as to render that species of property worse than useless, and this I believe I may state to your lordships to be the universal opinion of the colonists whether slave proprietors or not."^{3.}

The Order-in-Council had been published six months and people from the remotest parts of the Colony had waited on Cole to represent the excessive hardships to which the strict enforcements of this Order would subject them, and requesting that he repeal or suspend the

1. C.O. 1318 No. 1311 (enclosed) (2) C.O. 1444 P. 411-422.
3. Ibid.

most obnoxious provisions. These people stated that however willing they were to obey the laws it became^{1.} in this instance utterly impossible.

The Governor could only reply that he had no right to use his discretion, as the commands of the Secretary of State were imperative, he requested them not to resort to violence, and he would send their petitions to England. The Colonists seemed to be prepared to suffer the utmost penalty of the law. They objected especially to the Book directed to be kept for recording punishment. Cole asked his Council if they thought he could suspend^{2.} the law, and they agreed with him that he could not.

The clauses of the Order-in-Council chiefly complained of were :- Firstly: the Punishment of female slaves.

Secondly: The Book directed to be kept for recording punishments.

Thirdly: To the employment of slaves on Sunday.

Fourthly: To the number of persons^{3.} required to witness the corporal punishment of a slave.

Knowing the fixed determination of His Majesty's Government in the first point, Cole could out no prospect of alteration here. In 1825 His Majesty's Government had listened to the objections to a Punishment Record Book and no clause to this effect had been included in Ordinance No. 19. These objections still continued in full force.

The idea of framing an ordinance to assimilate the slave laws in force in the various Colonies of the Empire might have abstract merits, but the former "seems to have entirely lost sight of the great diffe-

1. C.O. 1444 P. 411-424.

2. Ibid.

3. Ibid.

rence between the local circumstances of this and any other of His Majesty's Slave colonies either in respect to extent or wealth; and to have forgotten that what may be very right and feasible in a colony of the extent of any of the West Indian Islands or Mauritius may be perfectly inapplicable as well as impracticable in one like the Cape, with a scanty population widely scattered over an immense tract of poor land not even susceptible of cultivation".^{1.}

The size of the minimum fines showed how little consideration had been given to the peculiarities of this colony; while there was no actual poverty there was no wealth and a minimum fine of £10 which would hardly be felt elsewhere was iniquitous here.^{2.}

If these laws were persisted in, the military forces at the Cape would be insufficient to enforce them, particularly the cavalry. "The Boers who are naturally peaceable people and well disposed to obey the laws" seemed to be determined not to comply with these.^{3.}

These objections which Cole raised had been ^{presented} again and again to his Majesty's Government but as he had been granted no discretionary powers Cole could do nothing but give the law a fair trial. The Governor did not object earlier "as I am well aware of the public feeling in England upon the slave question, and the disposition there is to consider every person who is not disposed to go all lengths for the immediate abolition of Slavery as unfriendly to that cause".^{4.}

Two letters had been addressed to the

1. G.O. 1444 P. 411-422
 2. Ibid.
 3. Ibid.
 4. Ibid.

Chief Secretary, one by Merchants of Cape Town, and the other by the various Slave proprietors in the neighbourhood; the former wished to select a committee to consider the best means of abolishing slavery in this colony and the latter contained a like request, but "coupled with the further intentions of discussing other topics affecting the general interests of the Colony at large",^{1.} Cole refused both requests because of the excitement prevalent at the Cape.^{2.} A pamphlet on Slavery published by Mr. Muller, who had been acting Clerk of the Council and aide-de-camp to the Governor increased the tension. The public thought that this pamphlet was supposed to speak the sentiments of the Government, and had been put forward to try their sentiments. This of course was contrary to fact.^{3.} Cole feared, that his refusal to comply with the request for a public meeting might be brought in the shape of a complaint against him.^{4.}

The Cape Protectors had been commanded by the Governor to collect all information they could about the slave laws, especially the Punishment Record Book.^{5.} The reports of the Protectors and their assistants were transmitted to England "with the view of affording your Lordship with a stronger proof of the inapplicability of the Slave Law to this Colony in those provisions which relate to the punishment of slaves and to the book directed to be kept for recording punishments".^{6.} These reports showed firstly that the farmers were too far apart and secondly that they did not have enough slaves to comply with the order.^{7.} If the law were strictly applied each slave owners would have to possess at least seven

1. C.O. 1444 April 6th 1831 marked Separate.
 2. G.G. 26, 6th June 1832.
 3. C.O. 1444 April 6th 1831 marked Separate.
 4. Ibid.
 5. C.O. 1444 P. 433.
 6. Ibid.
 7. Ibid.

adult slaves; viz. the culprit and six witnesses, before punishment could be inflicted.^{1.} There were 6385 slaver holders in the colony and of them 4888 did not possess seven slaves, and 221 did not have eight slaves. Of the slaves at least one or more would not have reached their majority, so they were incapacitated by Law from witnessing the punishment of a fellow slave. Thus these 4888 slave owners were legally debarred from punishing a slave however in need of correction he might be. As farms were such a great distance from each other neighbours could not be expected to come personally or lend their slaves just to witness a punishment.

Bigge's report dated 11th of August 1831^{2.} also threw an interesting light on the slave question. Mohammedan priests complained that many people, who were arrested passed as Mohammedans when they were not. Bigge was of the opinion that the separation of husband and wife encouraged Mohammedanism and polygamy, as they would remarry a husband who had been separated from his wife and also the wives if the former husbands consent was obtained. He also suggested, that owners who did not send slave children above four years of ages to free schools, should be punished and that the school days be raised from three to five per week.^{3.}

No proper buildings were available for the religious instruction of slaves on Sunday, this deficiency should be corrected. The Dutch Church Clergy suggested that as the churches were crowded separate places of worship should be provided for the coloureds, as well as a clergyman who understood the Malay language as in Batavia.^{4.}

1. C.O. 1318 No. 1212 and G.G. 24, 12th August, 1830.
 2. C.O. 1319 enclosed with 1211.
 3. Ibid.
 4. C.O. 1319 P. 85 and C.O. 1319 P. 90.

Except in Stellenbosch the slaves were scattered in the country districts and it was not uncommon that the farmers themselves acted as Catechists of the slaves; this attitude should be encouraged.^{1.} Here one of His Majesty's Commissioners has drawn the attention of the British Government to something which was more common than most of them would have credited. The old Boers very often made the attendance of their slaves at family devotions compulsory.

According to this commissioner slaves did not suffer from severity of labour at the Cape, but of punishment in some of the remote districts of the colony, where the distances from the Magistrates encouraged the owners to act atrociously towards their slaves and deterred the slaves from making complaints. The appointment of Guardians of Slaves in Cape Town and assistants in the districts would give the slaves more confidence. Whips were not used in the Cape but a special prohibition against the use of the "Sambock" should be made. A few things are worth noting here. Bigge went only to the large centres, where did he get his information about the remote districts, certainly nor from official sources. The Colonial Secretary had initiated legislation about "Sambocks" before he had heard about Bigge's "Sambocks". Who had informed him about these instruments of torture, which were supposed to be used to indiscriminately, probably those other sources of information about which Cole was from time to time informed, a source which to the Secretary of State was even more reliable than the Governor's official returns.

The hardest work the slaves did was in the

vineyards, ordinary operations of agriculture, herding of sheep and cattle and the driving of waggons.¹ Slaves were used in Cape Town as course machanics, or domestic servants and those born in the Colony were generally found superior in intelligence and dexterity to those who have been imported. Did this statement support all those numerous accusations against the colonists, which were believed in England; or did it prove that the numerous slave laws were unnecessary, and that the assertions of the colonists which were not believed were correct?

I do not for a minute want to defend slavery and as I have already stated, I am convinced that the South Africans inability or disinclination to work can be traced directly to slavery and thereafter the semi-slavery of the coloured races. "Some of the most skilful are allowed to carry on trades on their own account and to reside in houses apart from their masters, paying them a monthly sum for the indulgence" To the better slaves the whole of the Sunday was given off, some employed this in working on their own account and others in intoxication.²

Near Cape Town Slaves had sufficient fresh or curried fish, meat was plentiful but not vegetables; they also received course bread but the quantity was not fixed, also a modest allowance of wine. Food to the slaves was of the coursest but there was every reason to believe that it was sufficient.

Bigge rightly pointed out that slavery had a demoralizing effect on the whites. In Albany where there were very few slaves much more work was done, even today nearly all the so-called poor whites bear Afrikaans names.

1. C.O. 1319 enclosed with No. 1211. P. 97.

2. Ibid.

3. Ibid.

Under the conditions at the Cape it was very difficult, the moral state of the slaves at the Cape, as there were no facilities for the educations of the farmer's own children. These people had to rely on itinerant and often very badly qualified teachers for the instruction of their own children.^{1.}

On the 2nd of November 1831 another Slave Order-in-Council was passed, but Cole was given the power to make rules and regulations that would be better for safeguarding the interests of the owners and get better food and furniture for slaves under Cape conditions than this order.^{2.}

The Order-in-Council of the 2nd of November 1831 was as follows.^{3.}

In the Cape two Protectors of Slaves were to be appointed, one in the Eastern and one in the Western Division. Each province had to be considered as a districts and separate colony. Assistant Protectors had to be appointed in each district of the Colony.

The Protectors and Assistant Protectors, held office during His Majesty's pleasure and not otherwise. The following oath had to be taken before the assumption of office "I A.B. do swear that I will to the best of my knowledge and ability, faithfully execute and perform the duties of the office of Protector (or Assistant Protector) of Slaves in the Colony of ----- without fear, favour or partiality. So help me God."

Those who became Protectors or Assistant Protectors as a result of the Order-in-Council of the 2nd February 1830 were to retain their positions.

1. C.O. 1319 No. 1211.

2. C.O. 1320 No. 1355.

3. C.O. 1319 - A printed form unnumbered fitted into the volume.

*Magistrate to a
Assistant*

"Protectors of slaves shall keep office in the principal towns of their divisions and the hours shall be fixed by the Governor. Assistant Protectors shall do work in each district."

"Protectors of slaves shall not possess any slaves on penalty of forfeiting their office. But the protector may hire slaves for domestic purposes if he be unable to hire free servants."

"The Protectors are not permitted to leave their colony except on licence from the Secretary of State. In case of sickness the Governor may grant leave of absence for a limited time."

"On the death of a Protector a provisional shall be appointed."

Protectors may communicate with slaves and the owners shall not be allowed to stop them.

Slave may resort to the Protector to make complaints and may not be punished if going to or from the Protector without a licence.

Nobody may stop a slave from going to the Protector and the Protector or his assistant has the power to summon witnesses. If the person summoned be a slave the summons is to be delivered to his owner.

Protectors may proceed with their enquiry if the person does not appear to take down all evidence and witnesses refusing to attend may be arrested. If a witness refuses to swear he may be jailed by the protector until he does submit; such prisoners may be discharged by the Chief Justice.

In cases by or against slaves the Protectors or assistant cannot act as Magistrate. The Protectors are to

given notice of all prosecutions against slaves in capital or transportable cases and those affecting their freedom and property and of prosecutions for offences against their persons and shall attend on behalf of the Slave.

If the Protector or his assistant receives notice of an injury against a slave, then he must institute an inquiry and if necessary prosecute. The Protectors must be the coroners in the case of the death of a slave and all notices of sudden deaths of slaves must be given to the protectors.

Sunday markets are absolutely prohibited and no shops may be opened, perishable goods may be sold except during divine service.

The Governor is to appoint one market day per week. No slaves are to work on Sundays except (1) Labours of domestic servants and (2) Works of necessity "But for the prevention of abuses herein, it is further ordered, that no description of agricultural labour, or of labour performed in the manufacture of Sugar, Rum, Molasses, wine, Indigo, Coffee or Cocoa shall within the meaning, or for the purpose of this order, be deemed a work of necessity, unless such labour be undertaken to prevent or arrest, or remedy the effects of any fire, flood hurricane, or tempest or other such like casualty".

The whip may not be carried in the field as a stimulus to labour nor as an emblem of authority.

Females may not be punished by whipping, males may not receive more than 15 stripes for one offence or 15 lashes per day nor any whipping so long as unhealed scars remain on the body.

Only one punishment must be given for one offence. Six hours must elapse between the offence and the punishment which had to be witnessed by one free person or three slaves. Here was an attempt to meet the difficulties of the Cape. Previously six witnesses had been demanded. The number of stripes was also reduced to 15 from 39; 15 stripes were quite enough for minor offences over which the master could decide. Surely there could now be less complaint. Could one free black witness such punishment; apparently there was no objection to this legally.

The court could inflict other punishments on slaves.

Punishments of female slaves under ten years shall be the same as for school children of free condition.

The Governor must authorise the mode of punishment for female slaves in place of the whip.

Owners forfeit slaves on conviction for cruelty and on repeated convictions all slaves may be sequestered.

Slaves may receive up to 39 lashes for making false complaints, surely a strong enough deterrent.

The Protector of slaves is to deliver to every manager of slaves annually a Book for keeping a Record of all punishment inflicted on slaves. The manager is to insert in the book an account of every punishment, the age and sex of the slave, offence, the time and place where committed, by whom authorised and inflicted and the witnesses present.

If the owners do not fill in the form within two days of the punishment fine £2 to £20. If there is any fraud or wilful destruction of ^{it} then the offender

slave be guilty of misdemeanor.

Half yearly returns shall be made on oath by the manager, i.e. on the first Monday after the 5th of April and the 29th September each year.

If the manager cannot write then he must get another person to fill in the form. Here a different oath is required.

If no punishment has been made then a special form must be filled in on oath.

The Protector is to supply all managers with blank forms of returns and to publish the time and place when he will receive them. In case of illness the Protector must go to the manager's house. Refusal to fill in the returns entailed a fine of from £10 to £50.

Assistant Protectors must send their returns to the Protector with a list of defaulters.

The Protector may send back for correction all forms incorrectly filled in.

The Protector is to keep all returns made to him in books.

Slaves could marry. When wishing to marry the slave must get a licence from the Protector on producing the owners consent. If the owner refuses his consent he must be summoned by the Protector. If the Protector is not satisfied that the marriage would be injurious to the slave he can issue the licence to any clergyman. (Here as usual the British Government was prepared to place the slave before the owner.)

Marriages of slaves are bound by the same laws as free persons and registers of their marriages are to be kept.

be kept.

Slaves may acquire property but may not be proprietors of boats, ammunition fire arms or military weapons of any kind. Nor may they be proprietors of slaves themselves.

Slave families shall not be separated even when the owner died, also husbands and wives, parents and children. If the slaves are willing to separate and the protector is sure that such separation is not injurious to them then he can permit such separation except husbands and wives. Slave children above 16 may be separated from their parents.

All persons may manumit slaves belonging to them with the concurrence of all the joint owner. If a slave is manumitted in such a way a bond must be given if the slave is under 14 and over 60 years of age. In the case of testamentary manumissions the estate is held responsible as if a bond was given.

With the consent of the Protector slaves may contract with their owners to purchase their freedom.

Con This then was the general act for all the slave owning colonies, most of the clauses were repetitions of old Orders-in-Council, with some slight modifications. Some brought in to meet the special difficulties of the Cape. But the Secretary of State went still further, and in his attempt to alter the laws to meet local conditions special powers, which were denied to the other colonies^{1.} were given to the Cape Governor and local Judges.

As the Cape of Good Hope differed from the other slave colonies "by the nature of the agricultural employment carried on thereby, the general extent of the

1. 1319 enclosed with Despatch of 29 July 1832 Marked Separated. Order-in-Council of 6 February 1832.

of the territory and the dispersion of the population thereof, and by the scarcity and consequent value of money within many extensive districts¹, the slave laws were to be adopted to suit local conditions.

In other colonies the power to modify the law was vested in the Chief Justice alone but in the Cape in all and every one of the other judges as well. The judges could reduce the fines here to one half of the said order.

Children under sixteen could not be separated from their parents but the Protectors could use their discretion e.g. if a girl younger than sixteen could be given leave to marry. Goderich agreed with the petitioners that Protectors should not be awarded one-third of the fines and they should have no direct interest in the results of the prosecutions.¹

Goderich agreed with Cole in his representation about the fines being too great for the Cape, hence provisions were made for special reductions here.

Punishment Record Books were still to be kept but only in the towns of Cape Town and Grahamstown and by people living within twenty miles from them. Here again very important concession was made to the Cape. The other people would be bound by the orders issued from time to time by the Governor with the advice of his Council, provided they help to apply the order as far as possible. Such edicts had to be sent to His Majesty's Government for approval or disallowance; they had the force of law until the approval or disallowance were made known.²

Books about the food and rations given to slaves were not to be handed in at the beginning of each year but this did not mean that the slaves were not to re-

1. G.O. 1319 No. 1311.
2. Ibid.

ceive proper food, seed and land for their own use.^{1.}

The Order-in-Council of the 2nd of November 1831 was published in the Colonial newspapers;^{2.} these documents caused a great sensation amongst the slave proprietors, a considerable number of whom met on the 25th of May 1832 at the "Koeberg" about 15 miles from Cape Town, and passed some drastic resolutions.^{3.} In these resolutions they declared that, "every one of us is too much impressed with the feeling of the right of property, of personal liberty and security, and of the unviolable house right which is held sacred by the most uncivilised nations, not to look forward with dismay but at the same time with calmness to the period on which it appears to be the intention to bring the so-called new slave laws into operation in this colony, and upon which our national rights will induce us to defend our persons and property".^{4.}

Another declaration concluded "We are quiet and inoffensive inhabitants of Koeberg nevertheless we are men, and members of a civilized society who are not totally unacquainted with their rights".^{5.} Cole described the inhabitants of Koeberg as quiet but they had fallen under the influence of a political party in Cape Town who through their newspaper the Zuid Afrikaan, were charging the feeling of the great mass of the Dutch Inhabitants against the British Government.^{6.} The Governor went still further and warned the British Government that any rumour of a new enactment made the people think of something rigid and totally unsuited to this colony.

The Governor was convinced that the farmers

1. C.O. 1319 No. 1311 attached.
 2. Zuid Afrikaan Deel III No. 109.
 3. C.O. 1445. P. 40-44.
 4. Ibid.
 5. Ibid.
 6. Ibid.

did not know the laws; the Attorney-General had informed him that there was no law under which he could proceed against the Farmers. The Stellenbosch farmers and other districts quickly followed suite and "Acts of open sedition and even rebellion might soon follow I judged it to be, not only proper, but absolutely necessary to take immediate measures for suppressing as far as possible every indicative of dissatisfaction or disobedience of the laws"^{1.}

As prompt action was necessary Cole published an Ordinance, against the advice of majority in the Council, prohibiting public meetings.^{2.} Since the passing of the Charter of Justice the Supreme Court had "no power to apply, judge and determine upon any legislative enactments contained in any proclamation of the Governor made or issued"^{3.} The fact of an emergency and instant proceedings placed the responsibility on Cole alone, and this alone to his way of thinking far outweighed the objections which were raised by the Council. Delay would have permitted the spread of the spirit among a generally dissatisfied people.^{4.} Cole was under the impression that his action was favoured by the more quiet people and the news that the slave laws had been suspended by an Order-in-Council also satisfied the slave owners.

Modes of punishment of female slaves to be substituted for punishment by whip.

The Order-in-Council of 2nd November 1831 forbade punishment by whip and ordered the Governor of the Colony to prescribe other modes of punishment. Now follow crimes and punishments:

1. C.O. 1445 P. 40-44.
 2. G.G. 26, 6th June 1832.
 3. C.O. 1445 P. 44.
 4. Ibid.

Crimes.

1. Insolence.
2. Neglect of work.
3. Disobedience of Orders.
4. Lateness in coming to work.
5. Abusive language.
6. Violence of demeanour.
7. Wilful destruction of any article of Food, furniture, clothing or other property of her manager.
8. Habitual filthiness of person or dress.
9. Indecency of behaviour.
10. Absence from work without leave.

Punishment.

1. Solitary confinement in some dry ventilated place, dark or not on full allowance of food not exceeding three days or three hours per day for 60 days.
2. Solitary confinement as above not exceeding three days on half allowance of food or 1lb bread only with water or allowance of not less than 8 ounces of rice per diem, into two quarts of soup, without salt or seasoning.
3. Solitary confinement in such a place as aforesaid, not exceeding seven days, between the hours of labour and during the night on full allowance of food.
4. Reduced allowance of food, but not less than half the usual allowance, on Sundays only, not exceeding four inclusive Sundays.

On second repetition of the above offence punishment may be doubled or the repetition may be punished by-

5. The substitute of any unusual article of wearing (such article being sufficient for warmth and decency), for any article of clothing legally directed or authorised to be worn and by the compulsory wearing of which the slave may be exposed to shame and derision, or by the addition of any badge or mark to be attached to and worn with any article of clothing for the like purpose, provided such badge or mark do not put the wearer in bodily pain or inconvenience while at work, such substituted
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article or mark to be worn on any day, and for any number of days, not exceeding one calander month.

For any of the following crimes, or any of them the following Punishments, that is to say -

Crimes.

1. Drunkenness.
2. Desertion.
3. Obsenity of language.
4. Gross indecency of behaviour.
5. Cruelty to children or animals.
6. For a third, or any subsequent commission of any of the offences mentioned in the first section of this Proclamation.
7. For refusing to wear, or for destroying any articles or any badge or mark abovementioned.

Punishment.

1. Confinement to the Stocks, not exceeding 14 hours, in any place not exposed to the sun or rain, between the hours of labour only, in full allowance of food.
2. Confinement in the Stocks, not exceeding one week, in such place as aforesaid, from sun-rise to sunset, with half allowance of food.

Stock must not be so made that they cause bodily pain. Penalty £1 to £5 for each offence. Punishment by stocks may not be repeated within 24 hours of the last one, penalty as above. No female may be kept in solitary confinement or stock on Sunday penalty as above.

Signed. G. Lowry Cole,

27th August 1832.

Cole was to divide the Cape into the, Western and Eastern Division in each division a Protector was to be appointed. Each Division was to be redivided in Districts for Assistant Protectors - according to the Order of the 2nd of November 1831.

Western Division.

1. Cape Town and the District thereof and the Cape District.
2. Stellenbosch.
3. Swellendam.
4. Worcester.
5. Clanwilliam.

The Eastern Division of this Colony shall be subdivided into six Districts i.e. (1) Albany. (2) Graaff-Reinet (3) Beaufort. (4) Somerset. (5) Uitenhage. (6) George.

In each district shall be an Assistant Protector, the Governor will appoint Assistant Protectors who will keep to their offices at the principal Towns or Villages of the said Districts respectively.^{1.}

Signed G. Lowry Cole,

28th August, 1832.

As a result of the order of His Majesty-in-Council dated 2nd November 1831. Cole published the following order slave rations for every slave above^{2.} ten years of age.

Ration No. 1 Not less than one pound and a half of bread, made of meal of wheat or Indian corn, barley, oats or rye. Such meal must be sifted; or if no bread is given three-quarter pound of sifted meal, 1 lb good beef mutton or goats flesh.

1. G.G. 26, August 31, 1832.

2. G.T.J. I, Sept. 28, 1832, No. 40 and G.G. 26, Feb. 16, 1832.

✓ Zuid Afrikaan Deel III No. 108.

Ration No. 2. 2 Lbs bread or $1\frac{1}{2}$ lbs meal and $\frac{1}{2}$ lb meat.

Ration No. 3. 1 lb bread or $\frac{3}{4}$ lbs meal and $1\frac{1}{4}$ lbs meat.

Ration No. 4. $\frac{3}{4}$ lbs bruised or pounded grain or corn or 14 ounces raw broad beans, peas or lentils or 12 lbs raw green turnips or pumpkins or 6 lbs of carrots or 3 lbs potatoes. 1 lb raw dry rice cleared from husks and $1\frac{1}{4}$ lb meat.

2 lbs fish could be substituted for each 1 lb of meat.

Children from 3 to 10 years half the rations.

Domestic slaves could have the same food as the family with which they were living.

Protector of Slaves had to use his discretion to see if attempts were being made to carry out the order.

The manager could at the request of the slave give other kinds of food but the quantity was to remain. No tobacco, wine or spirits however, might be given in lieu of the above.

Even these concessions of the British Government did not seem to satisfy local opinion, and the Governor, himself thought the laws still too rigid. As late as the 15th of March 1833 Cole wrote^{1.} :- "I am fully aware of the extreme delicacy of this venturing to express opinions opposed to those of His Majesty's Government in regard to slavery in this Colony", (but while not objecting to the principles Cole regarded the "vexatious details and methods of enforcement" as totally unsuited to this country.^{2.} This colony should thus be allowed to change the details though not the principle of the law made it more suited to local conditions. Slavery should be abolished but His Majesty's Government in England though best

1. C.O. 1445 P. 98.

2. Ibid.

capable of seeing the evil effects of slavery, the people on the spot should be given an opportunity of applying the slave laws to suit local conditions, which as a result or a desire for uniformity and haste in enforcing the slave laws, have been overlooked by the best statesmen. Besides the laws as promulgated were totally unsuited to the Cape and were defeating their own ends.^{1.}

The Cape slave proprietors were anything but angels and it is idiotic of the modern South African to pretend that slaves were never ill treated here. The punishment meted out to the female Sophia by S.C. Bosch was cruel and disgusting. She was placed in the Stocks the whole of the Monday night, made to walk over duwvel-tjies on Tuesday, on Tuesday night she was fastened to a beam. In the stocks was made to sit on a piece of thorn tree. All witnesses agreed that Sophia was in the Stocks for seven days and received only rice water and a small piece of flesh. Parts of her body were exposed to view.^{2.}

14-5800
Moodie asked if it would be worth while to prosecute an owner where the female slave had received only a slight blow. The Protectors to use their own discretion in such cases.^{3.}

Roger's report on the Order-in-Council of November 1832 is interesting.^{4.} He too emphasised the fact that the Order might be applicable to the Slave colonies in general but certainly not to the circumstances in the Cape.

Rogers agreed that Cole's Ordinance about the food met the contingency and proposed that the law remains^d the same for at least twelve months as there have already been so many changes that the laws did not get a

1.

1. C.O. 1445. P. 98 and C.O. 706. No. 21. No. 21

2. G.T.J. Vol. II Feb. 21, 1832. No. 61.

3. C.O. 706 No. 8.

4. C.O. 706 No. 21.

chance to be applied properly.^{1.} In any case he knew very well "that very many Slave Proprietors in this Colony exceed that allowance"^{2.}

If any changes were to be brought about he would suggest that each adult shall receive a daily ration of 1 lb bread, 1 lb meat, and $\frac{1}{2}$ lb rice together with a monthly pocket allowance of $\frac{1}{6}$. For ages 10 to 14 allow two-thirds of the rations and $\frac{1}{2}$ from 3 to 10 years, and one-third for infants to 3 with half the pocket allowance to the first group. Fruit and vegetables ~~was~~^{were} always obtainable and given on the farms.

Slaves at the Cape were well clothed, and many slaves were tailors and others had friends who were, so their clothes were well and cheaply made.^{3.} Rogers did not agree with the rigid type of clothing laid down in the order as the owners here gave the slaves clothes more suitable for the climate. Clothes should be issued twice per annum. Mozambique slaves did not look after their clothes and the better type always found means of getting more ornamental clothes. The cost of clothing for slaves was:

Males. £2 to £2.5/-

Female. £1.10/- if the clothes were made at home.

years of age per annum	£.	S.	D.
1 cloth jacket.		12	
hat of chip, straw or felt of other durable matter.		1.	6
2 cotton check shirts		7	6
2 pair Osnaburgh trousers		9	

1. C.O. 1444 P. 284- 297 and C.O. 706 No. 21

2. C.O. 706 No. 21.

3. Ibid.

1 Blanket	£.	6.	-
2 Pairs shoes.		12	-
1 knife			9
1 Razor.			9
	£2.	9.	6

Slave owners in this colony generally furnished the male slaves with:-

	£.	S.	D.
Hat of chip straw or two handkerchiefs		3.	9.
1 cloth jacket.		12	
1 Osnaburgh or Lenthem Jacket.		7	6
2 pairs of Trousers of leather		9	
2 Shirts		7	6
	£1.	19.	6

According to the Order each female slave of over 13 years had to receive the following:-

	£.	S.	D.
1 Chip or straw hat		1	6
2 gowns or wrappers		6	
2 cotton check shifts.		3	9
2 Osnaburgh petticoats		6	
2 pairs shoes		9	
1 Blanket		6	
1 pair scissors.			9
	£1.	13.	0.

The annual allowance of clothing to an adult female slave in this Colony had hitherto been:-

	£.	s.	D.
2 Handkerchiefs		3	9
2 gowns		9	
2 shifts		3	9
2 Petticoats.		6	
	£1.	2.	6.

Goderich had stated peremptorily that the Governor could not change the hours of labour and could only ameliorate them where manufacturing slaves were concerned.^{1.} As there were no manufacturing slaves at the Cape the hours could not be changed. Working hours at the Cape were usually ten and if the slave worked more he was given other hours of rest or compensated.^{2.}

As regards agricultural slaves the British Government had ordered that no work had to be done between 6 p.m. and 6 a.m. This could not be obeyed during harvest time as grain ripened quickly here and it had to be removed quickly from the lands. Cattle herds could also not be bound by such an order.

By allowing Magistrates to try smaller cases the delay and waiting for the circuit court was avoided.^{3.}

Slave owners were greatly disappointed that the vexatious details with which the former orders were encumbered have not been obliterated and "no small discontent is manifested and this must I fear continue so long as His Majesty's Government at home, will frame the details of the Slave Laws, and include the Cape of Good Hope in the Same Order-in-Council which is to regulate the manufacturing slave colonies, the situation of the slaves here being so totally different, and the country, the cli-

1. C.O. 706 No.21.

2. Ibid.

3. C.O. 1444 P. 284-297.

mate, supplies, customs and local impediments so dissimilar that it is impossible this colony can be equitably governed by the same detail!"^{1.}

At last the bomb shell came, the slaves were to be freed, This Bill^{2.} was passed on the 12th of June 1833.

It was resolved "the immediate and effectual measures to be taken for the abolition of slavery throughout the colonies, under such provisions for regulating the conditions of the Negroes as may combine their welfare with the interests of the proprietors."

Children born after the passing of the Act or under 6 years at the time of the passing of the Act shall be free, subject to temporary restrictions for their support and maintenance.

All persons now slaves are to be registred as apprenticed labourers and acquired thereby all rights and priviledges of free men, subject to the restrictions of labouring, under conditions and for a time, to be limited by Parliament, for their present owners.

Compensation of proprietors and owners. His Majesty's Government grants a sum not exceeding £20, 000,000, to be appropriated as Parliament shall direct.

His Majesty shall be enabled to defray any such expense as He may incur in establishing an efficient stipendiary magistracy in the colonies and in aiding local legislatives in providing upon liberal and comprehensive principles, for the religious and moral education of the negro population to be emancipated.

Cole had tried to apply laws which were wholly unsuited to the Cape, and it said much for him that there were not great upheaval during his time. There were

1. C.O. 706 No. 21.

2. C.O. 1321 No. 1384 and C.O. 1321 No. 1392.

murmurs and slight risings but nobody ever tried to accuse the genial Irishman of lack of sympathy for the best interests of the colony. He always tried to defend the colonists especially the Dutch. In one¹ of his last despatches he still pleaded for them, he said he had great difficulty in making the laws known, for the people were scattered, translation and publication of the laws was an added difficulty here, most of the colonists were illiterate, and it was not obstinacy on their part that they could not understand the laws, but it was always difficult for a nonprofessional people to understand the law¹. Time should have been granted or left to the discretion of the Governor so that the laws could be explained to the illiterate slave owners. Although copies were always supplied to the Judges, Magistrates, clerks and Justice of the Peace, you could not fine people heavily for breaking a law which they did not know.

The proclamation of the 12th of August fixed the market day for Wednesday instead of Sunday.

Much against his convictions Cole carried out the numerous laws, but the prohibitions of solitary confinement on Sundays for female slaves was too much for him, he did not agree with the abolition of corporal punishment for them and said so. He thought that debauchery and dissipation was more degrading for the character than corporal punishment. The only place where Cole deviated from his instructions was with regard to the keeping in of female slaves on Sundays². He also said did not understand how a man could be forced to educate his slaves when no provision was made for the compulsory education of his own children. He asked the Colonial Secretary what His Majesty's

1. C.O. 1444 P. 286.

2. C.O. 1444 P. 293.

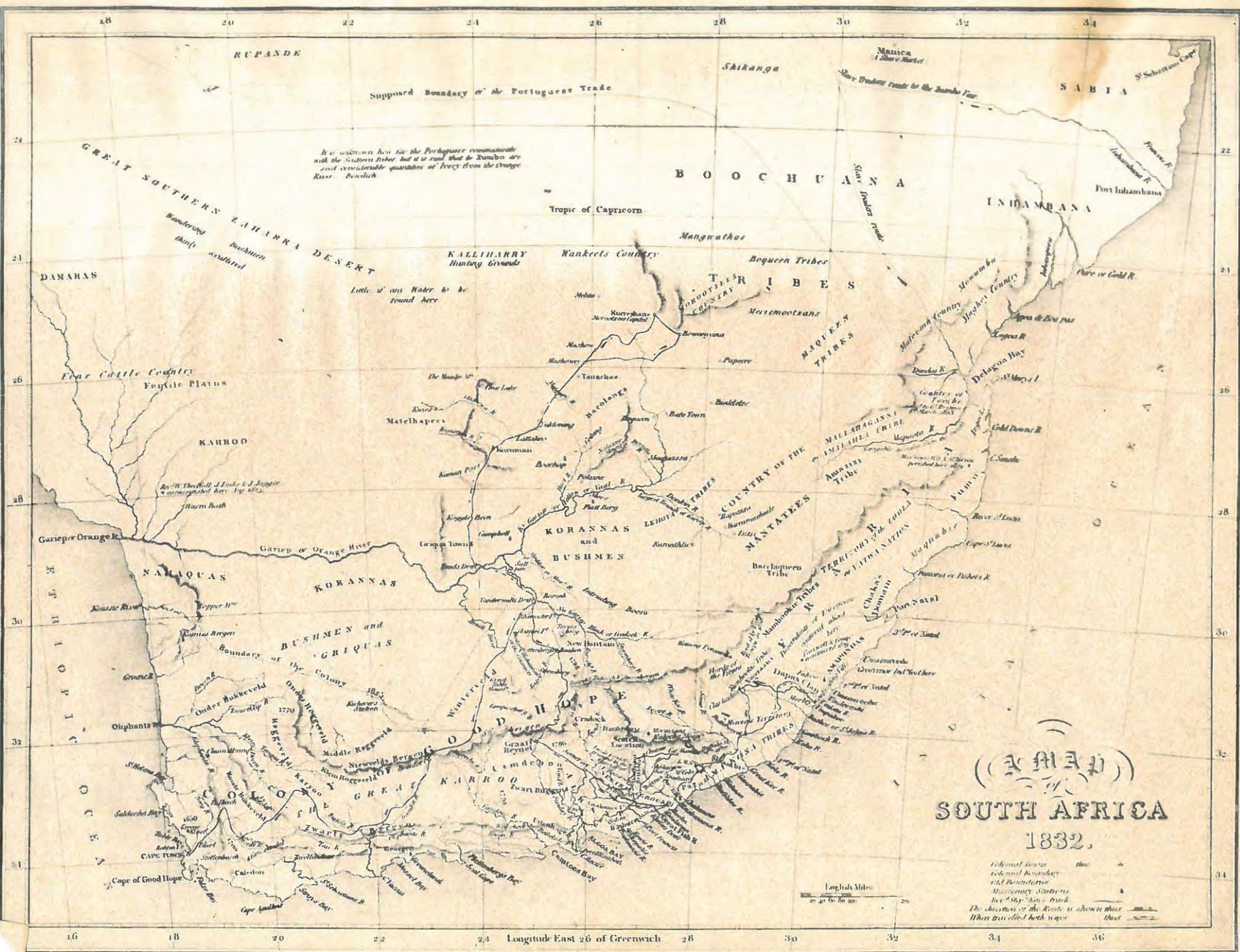
Government had to say about that.^{1.} He also complained that the Orders were crammed with unnecessary and irritating details, and things which were essential for his guidance e.g. what were legal or illegal instruments, were omitted.

Although the Cape was supposed to have a Council of Advice it soon became apparent that it was the policy of His Majesty's Government "to give full and entire effect to a new system of slave law in this colony by its own authority or by that of the Governor without the intervention of the Council of Government". In this ~~law~~ the slave laws which were the foster children of the British Government could be protected by her, and forced upon the unwilling and stubborn colonists.

But did these laws protect the colonists? All good laws should assist the whole community. These freed slaves fled to the kaffirs and assisted in the raids against the Dutch. While the apprentices spent their Sundays in orgies as they could not be forced to work on Sundays.^{2.} A Slave woman summoned her mistress before the judge because she did not like the dress her mistress had given her. The trial showed that the dress was the same as her mistress had on and had been supplied by the "bBoard of Relief"^{3.} after the sixth Kaffir War.



1. C.O. 1444 P. 297.
 2. Ward H. Five years in Kaffirland P.38.
 3. Ward H. Five years in Kaffirland. P. 36.



It is unknown how far the Portuguese communicated with the Southern Tribes but it is said that the Zumbo are sent considerable quantities of Ivory from the Orange River. Bonthuis

Little if any Water to be found here

SOUTH AFRICA
1832.

English Miles
0 20 40 60 80

*Colonial towns indicated by squares
old boundaries by dotted lines
Missionary Stations by Stars
The direction of the Route is shown where it has travelled both ways*

CHAPTER III.HOTTENTOTS.

There were three races, which were each a very serious and important problem for the Cape Government. Unfortunately the Cape Government, which could collect direct information from all parties concerned was not allowed a free hand in the management of its own affairs; petitions for representative government were not granted. The British Government seemed determined, that all commissioners of enquiry into the state of the Aborigines should be held in England. Two resolutions one by Mr. Bagshaw that, "In regard to South Africa your committee have examined much evidence as will be seen on reference to the Minutes before the House, but it being of a very contradictory character, your committee recommend, from the very great importance of the transactions, as well to the cause of the Aborigines, the various governments that have ruled in that country, and to the Colonists themselves, that a Royal Commission should be appointed to inquire into the conduct of the Settlers towards the Aborigines on the spot",^{1.} And another by Mr. Gladstone that "Your Committee are inclined to believe, that if, in order to the due regulation of our future frontier policy in Southern Africa it be necessary to pronounce a decision upon its past character, and the conduct of the colonists with regard to the Aborigines, the information necessary for such a purpose would be best procured by a Royal Commission issued for the purpose, and instituting investigations on the spot,"^{2.} were rejected by one to eight and 2 to eight respectively.

1. Report of 26th June 1837. P.89.
2. Report of Commission 1837. P.89.

The resolutions were not acceptable to men, who had just "solved" slavery, despite the fact that this new problem was far more complex, and different races namely Bushmen, Hottentot and Bantu, differed in practically every respect.

The mental, physical, economic and political standards of these races were at vastly different levels. The history of their clash or contact with the white colonists and the attitude of the latter towards them during the first 40 years of the 19th century, was of such a nature that no committee with rigid and preconceived ideas was in any way competent to deal with the question. To philanthropists they were all injured aborigines. The defeat of Messrs. Bagshaw and Gladstone's motions meant the triumph of Philip's and his friend's party. Buxton, the chairman of the Committee was a disciple of Philip's and believed that "In the course of these investigations he (Dr. Philip) had become acquainted with the grievous state of degradation in which the Hottentots were held by the inhabitants of the colony, and especially by the Dutch boors"¹. Were these the qualifications most desirable for the Chairman of an impartial committee of enquiry? No wonder the object of the questions set by most of the members of the Committee was to substantiate the London Missionary propaganda. This will be discussed fully later.

The Bushmen and Hottentot "problems" had existed from the beginning, but had been practically ignored by the Dutch East India Company. The commando system had come into being as a result of the raids of the Bushmen. The Hottentots had been in the impossible posi-

1. Buxton's Memoirs. P. 208.

tion of being within the geographical boundaries of the Cape and yet being outside its laws. In 1806 the Cape became a permanent British possession. As a result of the Evangelical Revival in England and the enterprise of the Missionary Societies in the Cape, public attention became focussed on the position of the Coloured races. On the 2nd August 1828 the Colonial Secretary wrote to Cole, "that directions might be given for effectually securing to all the natives of South Africa the same freedom and protection as are enjoyed by other free people resident at the Cape, whether they be English or Dutch"^{1.}

With this object in view a select committee was formed to consider measures to be adopted regarding the Native inhabitants where British Settlements have been made, ^fto that the neighbouring tribes might secure justice, the protection of their rights, the spread of civilization and the peaceful and voluntary reception of the Christian religion.^{2.} What worried the colonists was, could they expect justice and the protection of their rights from the Select Committee ?

MAURITIUS BLACKS.

The British Government realised - through missionary propaganda against the pass laws - that the slave laws enacted from 1807 - were causing an acute labour shortage at the Cape. These missionaries feared, that this shortage would lead to the virtual enslavement of the coloured races - they thought the pass laws had already done so.

In June 1828 the British Government proposed

1. C.O. 1316 No. 5.
2. Report of 1837 P.I.

to the Cape, that negroes from Mauritius known as the "Mauritius Blacks" be transported from Mauritius to the Cape.^{1.} These free blacks could also be used by the British Settlers, who were not allowed to have slaves. Cole stated that, "Whatever advantages may be anticipated for the Colony from the proposed measure I am still of opinion that as regards the individuals themselves it would be attended with great misery".^{2.} The Government Blacks spoke French and preferred to work in gangs. At the Cape the British of Albany would be harder taskmasters and the blacks would be separated. In his reply the Colonial Secretary expressed surprise at the attitude towards the importation of Mauritius Blacks. "I did not expect that this measure could be considered liable to the objections which the Council and the Commissioner-General have held themselves called upon to offer against it. It had long been a subject of earnest representation to His Majesty's Government that there existed a pressing demand for labour in the Colony".^{3.} One emigrant of 1819, complaining of the shortage of labour, actually asked to be removed to Swan River.^{4.} Government officials merchants and settlers have all complained of this labour shortage, but the Colonial Secretary was now, "Informed that so many people have emigrated into the country from the adjacent countries that the price of agricultural labourers is 1/6 per month"^{5.} Cole thought that if the Hottentots and other potential labourers from the adjacent countries were admitted into the Cape Colony, and paid 1/- per diem there would be no labour shortage.^{6.}

1. C.O. 1318 No. 1242.
 2. C.O. 1444 P. 262.
 3. C.O. 1317 No. 1110.
 4. C.O. 1317 No. 1110.
 5. Ibid.
 6. C.O. 1444 P. 262.

Regarding the blacks the Governor said that colonists would not undertake to hire them on a ten year's contract; neither would the colonists be able to pay 100 to 140 Rixdollars to have them transhipped to the Cape.^{1.}

In opposing this importation, through whatever motive, Cole did the Cape a great service. The presence of these blacks would only have complicated the colour problem of South Africa. As it is the Cape Coloureds are keen competitors of the Europeans on the unskilled, semi-skilled and skilled labour market. These Coloureds and the Mauritian Blacks would either have swelled their ranks or formed a separate coloured community - feel that they are the superiors of the Bantu, and wish to be absorbed by the Europeans.^{2.} The reluctance of the Europeans to do so and the keen economical competition are making them anti-white and an easy prey for communism.^{3.}

Cole allowed Bourke's 49th Ordinance to remain whereby the native tribes on the frontier were permitted to seek employment in the Colony. As Bourke's spoor system - according to which Kaffirland could be entered only while the stolen cattle were in sight - had proved a failure, Cole, to safeguard the farmers, allowed them to cross the frontier into native territory to retrieve stolen cattle. Being protected by law the colonists began to draw upon the potential labour supply at their door, and Cole encouraged this development.^{4.}

The importation of convict or European labour was also discouraged,^{5.} as the producer could not pay a decent wage, and it would be impossible to have slaves and freemen, natives and Europeans working toge-

1. C.O. 1444 P. 262.

2. Verslag van die Kommissie van Ondersoek insake Die Kaapse Kleugling bevolking van die Unie 1938 P.14. - -

3.

4. Wilmoth & Chase : History of C.C. P.291.

5. C.O. 1445 P.82.

ther. Such a situation would not be morally good for either party. As a result of poor whitism in South Africa, and the great economic depression of a few years ago South Africa has to face this same problem of colour and labour which Cole sought to avoid in 1833.^{1.}

A few introductory Remarks about the Missionaries.

Between 1652 and 1828 the Hottentots through various causes had become thoroughly detribalised. They were ignored - politically - under the Dutch East Indian Company - and were of the Cape and yet not of it.

George Schmidt had tried to Christianize the Hottentots with a great deal of success. Then came the London Missionary Society under Dr. van der Kemp. The Batavian Republic made a real attempt to solve the problem and gave Klaas Stuurman a reserve on the Gamtoos River.

The Missionaries were now destined to play a leading role in the native affairs of the Cape. The fact that the Hottentots possessed no land except these few small reserves and the shelter of the Missionary stations caused a great outcry from the London Missionaries. Philanthropic ideals and the Rousseau ideal of the noble savage had gained the day in England. Buxton, Lushington and others were intensely religious and their religious principles would not permit them to tolerate anything that seemed like oppression. The missionaries of the London Missionary Society gained the support of these men,^{2.} and through Exeter Hall they had direct contact with the British Parliament.^{3.}

The missionaries became the informants of the party and as they propagated views that fitted the

1. C.O. 1445 P.82.
 2. Buxton's Memoirs. P.212.
 3. Buxton's : Memoirs. P. 209.

Def

ideas of the day they were believed to the exclusion even of the officials. Well might Stockenstrom say when criticizing Philip's Report of 1830, "I am well aware that in making the following observations, I am placing myself in a very delicate position, in as much as experience has too well taught, that independent of the ignorant, prejudiced, and deluded part of the community in England (whose opinion we might contemn) even extensive circles among the truly worthy and respectable, whose approbation and support are in every respect desirable, will at once set down as a narrow minded and oppressive enemy of the aborigines, and other coloured classes and as hostile to every attempt at their amelioration, any man who shall presume in the least to differ with those from whom they have accustomed themselves to borrow their own notions, as to the means by which that desideration is to be attained, and to whose views they have made their own reasoning powers entirely subsequent".^{1.}

Some of Stockenstrom's words were very well chosen e.g. "to borrow their own notions". Is it not human nature to ~~and~~ give full credence to the man, who expresses your own views; and to disbelieve and to be extremely annoyed with anyone who dares to contradict them? The observation that "they have made their own reasoning powers entirely subservient" to the Missionary views is only too plain from the questions asked by the Select Commission of Enquiry, when all the pet complaints of the London Missionary Society ^{were} set in the form of questions. A good example being of this kind of question is to be found on Page 140 of the Report of 1836. No wonder the commission came to the conclusion that "too often, their territory has been

1. Moodie : An enquiry into the Justice and expediency etc. P. 28. and C.O. 647 No. 58.

usurped; their property seized; their numbers deminished, their character debased; the spread of civilization impeded. European vices and diseases have been introduced among them, and they have been familiarized with the use of our most potent instruments for the subtle or the violent destruction of human life viz, brandy and gunpowder"^{1.} A new attitude towards the natives had to be adopted, in the past "If they have been found upon their own property, they have been treated as thieves and robbers. They are driven back into the interior as if they were dogs or kangaroos"^{2.}

The views of Dr. Philip and the London Mission-are Society had carried all before them; and yet Dr. Philip himself when speaking of his subordinates "had reason on occasion to complain of missionaries with no quality but their piety"^{3.} He might have added, and enthusiasm for an abstract ideal, which though perhaps Christian was wholly impractical in a country like the Cape. Well might H. Ward write "Ye philanthropists - fallacious reasoners on subjects of which ye know nothing certain, who romanticise about savages; and slavery till ye get entangled in a web of metaphysics of your own weaving, from which ye have neither the power nor courage to extricate yourselves - who would leave the savage in undisturbed possession of a vast tract of country as much in need of population as England is of the reverse; who would take the yoke from the slaves neck and send him forth - free indeed, in body, but trammelled in mind with sin and sorrow since he knows not how to live, or to earn a living - hear the voice of Truth ! And ye

1. Report of 1826 P.5.

2. Ibid.

3. Cambridge History of. B.E. VIII. P.283.

political economists, who rail at the expenses which fall on the nation by the maintenance of a large army (grumbling at the effect, yet wilfully blind to the cause) -
 1.
 hear the voice of Truth".

This contempt for or failure to recognise the race complexities in South Africa, by some of the missionaries of the London Missionary Society was proved by van der Kemp and Read's rash marriages. Verily they were the actions of "fallacious reasoners" who were accustomed to "romanticise about savages". These marriages with Hottentot maids "At once put themselves (the missionaries) out of sympathy with and in direct opposition of the Dutch colonists, to whom such matrimonial alliances were to the last degree distasteful"^{2.} The evangelical doctrine of Regeneration, clearly taught in the New Testament does not involve a repudiation of national, or even of class, distinction.^{3.} This idea of "securing to all natives of South Africa the same freedom and protection as are enjoyed by other free persons residing at the Cape, whether they be English or Dutch,"^{4.} savoured too much of equality for South Africa. Today the South Africans will grant the natives equality before the law, and even good educational facilities, but there can still be no question of political and social equality - particularly social equality and miscegenation.

The missionaries of the London Missionary Society were essentially party men, and used all the measures today adopted to propagate party propaganda. Granted that they might have done much to ameliorate the position of the Hottentot, yet when they came to trying to interfere

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1. Ward H: Years in Kaffirland P. 27.
 2. Martin. Dr. v.d. Kemp - P.129.
 3. Martin. Dr. v.d. Kemp - P.130.
 4. Cambridge Hist. of the B.E. VIII P. 289.

with Frontier politics they fell very far off the mark. Particular instances will be cited during the course of this chapter, let it suffice to say now that even Dr. Philip the guiding spirit of the Select Committee was not loathe to stoop to questionable party methods. He seemed to suffer from megalomania and at the same time a morbid sympathy for the underdog; with him the end justified the means. Philip's insatiable ambition was partly satisfied by the impression his words made in England; the power he had in South Africa - why even the frontier Bantu believed he had done everything for the Hottentots and would do likewise for them;^{1.} false statements in his Researches in South Africa led to a lawsuit with the frontier official Mackey.^{2.} Shaw complained^{3.} that Dr. Philip had, in various instances, given partial and mutilated extracts from official documents, thereby throwing a false and deceptive colouring apparently on the authority of those documents, over facts of great importance, as affecting the history and character of the Aborigines and Colonists in South Africa".^{4.} This view was also held by Wade and Donald Moodie,^{5.} the latter made a special plea for the publication of authentic records as the parties at the Cape were bitter antagonists and did not publish the facts "in their true light".^{6.} Dr. Philip often used his influence in private to do the Wesleyans injury in public "This (Wesleyan Philip quarrel) has brought to light in how many cases whether in the colony or in England Dr. Philip had mis-represented public men and private and confidential communications which ~~are~~^{were} often meant to influence public measures. These so-called documents had a profound effect on his friends. The name of such offences

1. Report of 1826 P. 287.

2. Cambridge Hist. of B.E. VIII. P.292.

3. Shaw.W. A defence of the Wesleyan Missionaries. VII.

4. Report of 1837 P. 27.

5. Moodie.D. "Publication of Authentic Records". P.34. and C.O. 647 No.58.

6. Moodie.D. "Publication of Authentic Records". P.5

on his part is legion.^{1.}

There were however some missionaries who were not antagonist to the colonists, and defended them. Calderwood regretted "that the missionaries have not worked as much for the white man as the coloured. In this respect the Wesleyans have been the most successful"^{2.} These missionaries and some travellers have informed us that the Colonists were not at all bandits and brigands ever ready to pounce on the poor innocent Hottentots and Bantu. In fact, time and again the Boors were given a good character. Merriman gave perhaps the best testimonial of all, "he was thankful to ~~the~~ be ministering among the Dutch, in preference to any English congregation, whose piety and morals he thought inferior to those of his own flock".^{3.} In criticizing Dr. Philip's returns for the London Missionary Society of 1830 Stockenstrom stated as a definite fact that the mission stations of Paarl, Tulbagh and Graaff-Reinet "owe their origin solely to the zeal and liberality of the white inhabitants of those districts."^{4.} Stockenstrom, who knows Graaff-Reinet well, claimed that the station there was "started by the inhabitants of the district and unconnected with the London Missionary Society".^{5.} The Commissioner-General was most annoyed because, although these stations were particularly indebted to the white inhabitants, he did "not find the slightest acknowledgement of it in the Return".^{6.} Philip could not publish such facts as he wanted to show that the Colonists were antagonistic to the spiritual development of the Hottentots.

The general remarks on the missionaries suffice

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1. Shaw W. A Defence of the Wesleyan Missionaries. P.VIII.
 2. Calderwood: Caffres and Caffre Missions P.17.
 3. Merriman: The Kaffir, the Hott. and the Frontier Farmer P.96.
 4. MoodieD. : "Authentic Records" P. 28. C.O. 647 No. 58.
 5. Ibid.
 6. Ibid.

to prove that they were the central figures in the most important question in South African history. As the Hottentots and Bantu are described this becomes more evident. It is a great pity, that these gentlemen became deeply envoled in party politics,^{1.} because their actions which helped the coloureds to a certain extent, intensified race prejudice in South Africa. Whatever may be said for or against the missionaries, their reports and letters form an essential complement to official reports and newspapers controversies, they help the historian and sociologists to obtain the correct perspective of things.

Dr. Philip was fortunate in that commissioner Bigge fell entirely under his influence and with his report on the state of affairs of the Hottentots and Bushmen transmitted also "the papers and documents relating to them and to the missionary institutions which were delivered to us by Dr. Philip, together with the copies of the memorials addressed to the Secretaries of State for the Colonial Department by the directors of the London Missionary Society".

Even his report was not impartial and was strongly influenced by the London Missionary Society ideas, and he became their accomplice e.g. He stated that the Dutch wanted to extirpate the whole Bushmen race, "Although this purpose was not affected, yet the expulsion of the Bushmen from the lands to which they resorted for pasturage for their cattle, their confinement to those which from the want of water, are frequently fatal to animal life, and the frequent and indiscriminate slaughter which took place whenever the armed inhabitants of the colony attacked the kraals and villages in which they were collec-

1. Theal : Records of the G.C. XXV. P. 306 and C.O. 1319 enclosed with No. 1211.

ted, must have greatly reduced their number"^{1.} As far as I could collect information the Bushmen were so primitive that they did not possess cattle nor live in villages.

Bigge went further he accused the Dutch not only of stealing the Hottentot's land but also of fixing their place of abode in 1787.^{2.}

Bigge sided with Dr. Philip in his quarrel with Colonel Cuyler and reiterated Philip's charges against the Colonial Government,^{3.} apparently Philip's evidence was accepted without query. The report of Rogers was entirely different. He on the other hand emphasised that no complaints were made against the public functionaries, in Somerset East the English stated their regret that both the Magistrate and the Clerk of the Peace were Dutch. These English had, however nothing but praise for the way in which these gentlemen did their work. The public functionaries in the country districts were men of high character, and it was wonderful to see how these civil servants had adapted themselves to the new system of Government after the passing of the Charter of Justice.^{4.}

While the London Missionary Society received free grants of land, the Moravians, who were also doing good if not better work among the Hottentots had to buy land in the Ceded Territory and in the Clanwilliam district for £20,000,^{5.} The Moravians like any other missionaries had the power to sign passes for Natives wishing to enter the colony in search of work. In this and other

1. Theal : Records of the C.C. XXV P. 308. and C.O. 1319 enclosed with 1211.

2. Ibid.

3. Theal : Records of the C.C. XXV P. 346.

4. C.O. 621 No. 88.

5. C.O. 648. No. 13.

cases caution had to be exerted so that the natives could have a fair bargain or the whole object of, Ordinance 49 and 50 would be defeated.^{1.} It was recommended that the Field Cornet be appointed Justice of the Peace in Brakpan and Tarka for this purpose, but ^{only} people who would refuse to ratify the contracts where the disgustingly low wages are offered.^{2.} Meyer wanted to contract a Hottentot for two years for a debt of 163 Rixdollars he was supposed to owe to Louis Trigart. Such contracts were quite legal even according to Ordinance No. 50, if made out in triplo and delivered to the parties concerned.^{3.}

The Zuid Afrikaan not slow to defend the colonists also took up an anti-missionary attitude. Writing on the "Researches" its pernicious tendency, a correspondent said, "From Barrow down to the author of the 'Researches' inclusive, every scribbler has set himself up to libel and vilify the colonists; they have done so with impunity; no man has ever written a line or spoken a word in their defence"^{4.} What has been the result of all this; "England the Home Government, and Europe, believe the colonists generally to be a set of the most savage, brutal degraded wretches of any wearing a white skin within the wide circle of the British Empire". The result was that they were considered not yet fit to rule or defend themselves.^{5.} "Perhaps, no book that ever was written had tended to produce such baneful effects to a country as the "Researches has done to this".^{6.} After attacking two misstatements in Philip's Researches the editor worked up to his climax and attacked all Missionaries, "the

1. G.O. 580. dated 20 Sept., 1828.
 2. Ibid.
 3. G.O. 580 No. 230.
 4. Zuid Afrikaan Deel I No. 40.
 5. Zuid Afrikaan Deel I No. 41.
 6. Ibid.

"the art and mystery of missionary making is one of those occult sciences, which, like the learning of the Egyptians, its professors are very careful to seclude from the eye of the vulgar."^{1.} The missionaries were generally selected from brethren in distress and after some elementary education received a few black suits and a book of sermons to study on the way. They then sallied forth and sent in yearly reports to gaping English readers.^{2.}

Chase also made an attack on Dr. Philip.^{3.} According to Chase the whole idea of the book was to blacken the character of the colonists old and new and to enhance the London Missionary Society. Just a few of Chase's most forceful arguments will now be quoted:-

1. Philip knew he was not telling the truth when he stated that the Hottentots kept the Law of Nations better than civilized nations.
2. Said the Hottentots and Kaffirs had been vitiated by intercourse with the white people and yet among the natives who were away from and quite independent of the white people there was "Idleness, theft, disregard for truth, intemperance, a wandering propensity quite uncontrolled, drunkenness, ill-treatment of women, indifference to the aged, and carelessness of the young, inconstancy in their sexual connections etc."
3. Philip tried to give the idea that the Hottentots were overtaxed and forced to work and at the same time maintained that the Hottentots of Bethelsdorp could earn 2/3 to 3/- per diem with food. Philip said, that the Hottentots could not pay taxes, but it seemed as if he wan-

1. Zuid Afrikaan Deel I No. 11.

2. Ibid.

3. Chase : Some reasons for our opposing the author of "The S.A. Researches".

ted them to be exempt from all taxation. No Hottentot was ever imprisoned for not paying taxes.

Chase maintained that the Hottentots from the London Missionary Society Stations were the worst and did not enter service. These Hottentots had waggons and did transport work but they seldom delivered all the goods. Things were so bad that unless pressed a farmer would not hire a Hottentot from a London Missionary Society station.

No less an authority than Dr. Andrew Smith was quoted by Chase to prove that most of the Hottentots at the institutions were rotten with sex disease^{1.} and "that they are fast diminishing from the effects of intemperance and promiscuous sexual intercourse. Few married pairs have more than one child, some may have two, but generally have none.

A further accusation by Chase was that Dr. Philip influenced Bannister to say that the slave trade existed in the North Eastern Frontier of the Cape. If this had been so, Stockenstrom Landdrost of Graaff-Reinet and later Commissioner-General would certainly have known about it. Nobody could ever have accused Stockenstrom of being anti-native. "His activity, his known humane disposition, his hatred of oppression in every shape, and his official silence on the subject is however a full disapproval of this most atrocious charge against the colonist". In any case most of the histories and facts given about the tribes ^{were} ~~are~~ pure inventions.

Besides there must have been something wrong with the man who tried to work up prejudice against the

1. Chase : Abstract of Documents. P.6.

against the magistrate and people who ^{were} are called upon to govern a country; he also tried to prejudice gainst D'Urban against the Boers whom he was called upon to govern. Philip is quoted as having written that the territory in advance of the Kat River could "at any time muster 1000 men, equally prepared and ready to repress any insurrection which might happen amongst the Boers! or to repel any of the barbarian tribes beyond them" this on the 13th of March 1834 when the Cape was at peace with the Kaffirs, and when he openly declared against taking land from the Kaffirs.

Like Stockenstrom Chase also made an attack on Philip's return of 1830 as false and entirely to misinform the Minister of Colonies. In this return Philip had quoted the mission stations of Paarl, Tulbagh and Graaff-Reinet as belonging to the London Missionary Society when they had their origins with the much abused Boers. These stations had been established independently of the London Missionary Society or any mission station and yet Philip accused the Boers of being "adverse to the moral and religious improvement of the coloured races". The people of Graaff-Reinet alone had subscribed £750 or Rixdollars 10,000 to build the handsome meeting house at Graaff-Reinet which Philip now claimed for the London Missionary Society. They had worked it for the coloured until 1828 at their own expense.

Philip also gave a dishonest account of the origin of the Kat River Settlement as the spontaneous emigration of a number of Hottentots from the

other stations of the London Missionary Society e.g. Bethelsdorp, and Theopolis. This settlement had its origin with the colonial Government alone, even Bell complained that Dr. Philip had done all in his power to prejudice the ignorant settlers against the regular clergyman.

Philip was convicted of libel in the Supreme Court of this Colony, he allowed Pringle to say without disproving the falsehood, that the conviction arose from violent pro-slavery prejudices in the colony; when his defence had been that he had obtained this libelous information from Pringle, in whom he unfortunately thought he could confide. He did not seek constitutional means of redress, but the deluded party in England paid his expenses for him.

In South Africa the London Missionary Society under Philip had tried to become an Imperium in imperio. They ~~have~~ tried to be independent of the local Government so that they could form an asylum for idle and indolent Hottentots. Philip's statements were manifestly untrue - there was no large mercantile establishment at Bethelsdorp. Now he was trying to say that the English also illtreated the Hottentots because they would not endorse his accusations against the Dutch. Philip's ~~and~~ party had caused a lot of trouble as many travellers were imbued with their ideas. He and Fairbairn disseminated dangerous opinions here, there-by causing trouble and then they held threats of the British Government ^{over} ~~of~~ the local officials.

THE HOTTENTOTS.

South Africa was not a land where people could make fortunes from farming, droughts and locust were a common occurrence,^{1.} and "at best the country being very poor and undeveloped there was no fat living either for farmers or for Hottentots, and wages were nominal".^{2.} Hottentots were indolent and lazy - temptation and the tendency to covet the fruits of another's labour,^{3.} often made the Hottentot a thief. Martin might have added all thieves are liars - hence the stories, which Read and van der Kemp believed.

Why van der Kemp sunk to the level of the Hottentot when the Hottentot caused ^{him} "Acute distress by his instability,"^{4.} will always remain a mystery. Knowing all this Read could still accuse the Dutch of reducing into drunkenness and degradation the Hottentots who attended his station. No wonder the missionaries of the London Missionary Society were accused of fostering a spirit of hatred in the Hottentots towards Dutch and English Colonists.^{5.} These missionaries did not take the trouble to know the farmers, they kept aloof and were therefore more inclined to stand for one party. Shaw was convinced that some of the difficulties arose because the missionaries did not labour among the Europeans as well.^{6.} ^{Often} After Hottentots left their employers perfectly satisfied, but to ingratiate themselves at the mission station they told tales of cruelty. These were eagerly believed and complaints were made to the nearest magistrate. Moodie quoted the case of a Hotten-

1. C.O. 621. No.88.
 2. Cambridge Hist. of B.E. VIII. P.276.
 3. van der Kemp+Martin- P.126 and C.O. 621 No.88.
 4. Ibid.
 5. Moodie.J.: Ten Years In S.A. P.293.
 6. Moodie.J: Ten Years in S.A. P.294.

tot woman, who showed the Theopolis missionary marks supposed to have been inflicted by a farmer. The missionary rushed to the farmer with armed Hottentots, but on investigation it was proved, that the wounds had been inflicted by the maid's husband. The missionary had to apologise to the farmer on his premises at the Bosjes River.^{1.} Moodie then came to the conclusion, that the London Missionary Society Missionaries should confine themselves to their calling, and leave politics alone, as the law gave satisfaction in the case of all legitimate complaints. It appeared to him that the missionary institutions had become petty semi-independent governments, and this love of power had gripped the missionaries.^{2.}

The Moravian brethren were also doing good work among the Hottentots, and yet they did not clash with the colonists. The methods of the two societies differed greatly, as appeared from Superintendent Hans P. Hallbeck's evidence before the Select Committee.^{3.} There were 3,474 people in the six Moravian missions, of whom 900 were school children. Hallbeck thought they compared favourably with children from any part of the world. They were not only Christianized but taught moral and mental responsibility,^{4.} so that they could be an economic asset to the colony a thorough training in useful trades such as Tobacco Manufacture, Tannery, tailors, shoemakers etc. was provided. primary object was to promote industry. To carry out program there were always four to six missionaries at each station, and the labour was divided between them.^{5.}

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1. Moodie J: Ten Years in S.A. P.295.
 2. Moodie J: Ten Years in S.A. P.297.
 3. Report of 1836 P.335.
 4. Report of 1836 P.342.
 5. Report of 1836 P.344.

Hallbeck had between eighteen and nineteen years experience of the Cape, and his experience had satisfied him, that one missionary at a station could not improve the natives materially, however enthusiastic he might be. Working from these premises he had no reason for complaining about the fluctuation of the mission populations as the other missionaries did.^{1.} The farmers always gave his people work to do, compare this with the attitude towards the London Missionary Society Hottentots.

No doubt the Hottentots from the Moravian missions became useful citizens, but what was the position at the London Missionary Society stations. At the latter stations the chief object was to have converts and a long list of names on the mission roll. Trades were taught, Tzatzoe learnt carpentry at Bethelsdorp,^{2.} but this department was only a secondary consideration. Trades and artificial wants should have been encouraged, only when the standard of living had been raised, could the Hottentots have been useful Christian citizens. Many Hottentots were baptised, because they thought baptism gave them equal status with the white population, and not because they understood Christian doctrines.^{3.} Christianity alone did not make the natives civilized, but the trades and contact with the British settlers, would have assisted the missionaries greatly, if they had been willing to take this broad view.^{4.} The missionaries of Theopolis and Bethelsdorp had a long list of names, but these people did not reside there permanently, and had registered only to

1. Report of 1836. P.345

2. Report of 1836. P.563.

3. Moodie J: Ten Years in S.A. P. 283.

4. Moodie J: Ten Years in S.A. P. 286.

to have a home to come to occasionally. It was notorious that the Hottentots from these two stations made the worst servants, yet they were regarded as perfect saints by the missionaries.^{1.} Moodie gave it as his opinion, that it would have been far better if these missionaries had helped the scattered farmers who needed and asked for spiritual guidance rather than being antagonistic to them.

The "Zuid Afrikaan" of the 4th of February 1831^{2.} stated that sixteen farms in Albany were unoccupied, and gave as their chief causes "the trouble and difficulty in getting servants, they are so refractory and unmanageable when procured, their wages so high in proportion to the work they do and the profits derived from it that I am tired of being constantly in turmoil, for which I receive no adequate remuneration".^{2.} Other reasons were, that depreciation of currency and land value while other prices were fixed; Cole was trying to help the agriculturalist by making roads, but he had not much power and everything rested with the British Government.^{3.} There was this complaint about shortage of labour and yet the Justice of the Peace of Beaufort, Muller, could not get people to apprentice Hottentots and free blacks on the condition of teaching them English and a trade. The definition of a trade caused some difficulty, could field labour, waggon driving, herding of cattle and house work be called a trade? At the same time the missionary stations were overpopulated and Hottentot families were wandering around the country.^{4.}

1. Moodie J: Ten Years in S.A. P. 289.

2. Zuid Afrikaan Deel I No. 44.

3. Ibid.

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7. C.O. 619 No.14.

The Dutch farmers were not the orges the ^{off} British public and politicals were led to believe them to be. The Field Cornets in the country Districts were some of the finest characters in the whole of the machine of Government- without them its affairs could not go on. These men were for the most part very intelligent, active and enduring. Very few of them received any pay, and they had to offer up a great deal of their time.^{1.} All this when many of the Boers were very poor; yet they were proud of their tradition for hospitality, and would do their best to give the stranger a good table.^{2.}

According to Stoffels only the Missionaries assisted the Hottentots, the other whites "have beaten them (natives) to death and otherwise illtreated them".³ For this reason the Hottentots decreased with the farmers and increased on the mission stations. These were the stories credited in England and which the Hottentots themselves were taught to believe. The London Missionary Society taught the Hottentots to expect no good from the Cape officials, and that the people who synpathized with them were to be found in England only and "that justice was here".^{4.} Asked if the Governor of the Cape was not anxious to see justice done Tzatzoe answered,^{5.} "Yes I heard so, but he did me no justice". Stoffels version of the Graaff-Reinet rebellion against Maynier and Bresler is interesting, according to him the sole cause was the protection which the landdrosts afforded the coloureds against the whites.^{6.} It is an accepted,

1. C.O. 621 No. 88.
 2. Ibid.
 3. Report of 1836. P.584.
 4. Report of 1836. P.580.
 5. Ibid.
 6. Report of 1836. P.586.

fact, that Haynier's advanced liberal native policy infuriated the already disgruntled Boors.

Moffat, who was generally recognised as a sincere and truthful man, directly contradicted the above accusations. "The Dutch farmers notwithstanding all that has been said against them by some travellers, are, as a people, exceedingly hospitable, and kind to strangers; Exceptions there are, but these are few and perhaps more rare than in any country under the sun."^{1.} He considered it was not the duty of the missionary to take an active part in political affairs.^{2.} Steedman also waxed enthusiastic in his praise of the religious piety of these people, who were practically cut off from the amenities of life. "The boors with their wives and families, attired in their Sunday apparel assembled in a temporary shed, erected for the purpose of public worship. It was an extremely interesting sight to witness a people whose forefathers had so long been distinguished for their warm attachment to the Protestant cause, and whose mother country had always afforded shelter and protection to such as were driven from their native land by a cruel and persecuting faith—now, deprived of the benefit of regular Christian ordinances, coming from so great a distance to worship the God of their fathers according to the dictates of their consciences, and apparently with sincere feelings of reverence and delight"^{3.} The above was the description of the Nagmaal when the Rev. A. Murray used to visit the newly founded township of Colesberg once every three months.^{4.} More than 230 waggons were

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1. Moffat : Missionary labours and Scenes in S.A. P.175-6.
 2. Moffat : Missionary labours and Scenes in S.A. P.199.
 3. Steedman : Wandering and adventures in the interior of Southern Africa I P.166.
 4. Steedman : Wandering and adventures in the interior of Southern Africa. P.167.

were gathered there, some of which had come over a hundred miles. The Rev. A. Murray used to come from Graaff-Reinet. Already a sum of 7000 Rixdollars had been collected for the Church and 400 Rixdollars gained from the sale of plots.^{1.} While "laudable zeal"^{2.} was being manifested on behalf of the natives the Boers on the Northern Border were thoroughly neglected in their isolated state. They were always kind and hospitable to travellers and the only news they received were vague reports from the "Government Courant".³ Very few opportunities were given for the Boers to have their children educated, and the "meister" whom the farmer hired for the purpose was often a discharged soldier. The farmer could afford no better.^{4.}

This is a brief description of the major actors in the scene. Dr. Philip with the strong party following in England, led the London Missionary Society and accused the Dutch Farmers as a whole of atrocities which no doubt some individuals did commit. On the other hand the Boers who despairing of obtaining any redress decided to quit the land of their birth. Their respective roles in both the Hottentot and Frontier problems will now be examined in detail.

Even Colonel Wade, who was an ardent defender of the Colonists, thought that "the state of the slaves was a thousand times preferable in every point of view to that of this unhappy race".^{5.} Granted, the position of this fast vanishing race was unenviable. What were their educators and protectors, the missionaries to do? It became their first object and duty to attack the

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1. Steedman : Wanderings and adventures in the interior of South Africa. I P. 167.
 2. Steedman: Wanderings and adventures in the interior of South Africa II P.64.
 3. Steedman : Wandering and Adventures in the interior of South Africa. P.63.
 4. Steedman : Wanderings and Adventures in the interior of South Africa II P.63
 5. Reports of 1836. P.287.

system which had hastened if not caused this physical and moral decay. They erred in the singling out of the farmers as the cause when they also were suffering mentally and spiritually from a system inaugurated by the old Dutch East India Company. (Vide references to Steedman and Calderwood above) Unfortunately once they realised that the trouble was political and sociological they entered the area with too much gusto and their criticism became too subjective and they lost the true perspective of things. They became partisans. As partisans they could only tell half truths and often helped natives who had broken the law. (See Read Masoms incident later). As a result of this state of affairs Captain Spiller accused "some of the missionaries (of) attending(ing) more to political subjects than to spiritual ones".^{1.}

The missionaries wanted to sweep away the existing evils - and there were many - with the stroke of the pen, in their enthusiasm they accused all Boors of being hostile to the amelioration of the lot of the coloured population, but there were many people interested in the welfare of the coloured people and they "have more than once anticipated both Government and missionaries".^{2.} Despite this evidence by an old government servant Bigge could write in a report of enquiry that the inhabitants of the Cape were averse to the Hottentots receiving moral and religious instruction of any kind. Also that the missionaries taught their servants to work. Where did Bigge receive such emphatic statements, only one possible source.^{3.} When he singled out the London Missionary Society for praise

1. Report 1836. P.70.
 2. Moodie D: "Authentic Records". P.28.
 3. Report 1836. P.60.

he ceased to be the impartial Government commissioner.^{1.}

The British public believed that when they took the Cape the Hottentots were the actual though not the nominal slaves of the boors.^{2.} The missionaries attacked the Pass Laws on the pretext that they bound the Hottentots to one place and placed them under the control of the white inhabitants, who did not want in frivolous pretexts to detain them for compulsory and unpaid labour.^{3.} These boors according to them did not scruple to oppose any moral and civil advancement of the coloureds, before the passing of the 50th Ordinance.⁴

I think they overstated their case. On the otherhand the Hottentots had for ages been a nomadic race, which could not immediately adopt the European mode of life. Judged from these standards many Hottentots could have been regarded as "idle, drunken and improvident, and requiring) to be held under restraint".^{5.} As the farmers had occupied nearly all the available ground, they could not in their own interests tolerate large bands of nomads in their midst.

Dr. Philip did more than than any other missionary to draw the attention to the depraved state of the Hottentots. His powerful personality made men either his submissive followers or violent opponents. Fortunately for his cause he had the South African Commercial Advertiser at the Cape, and a large and influential body in England at his service. The influence of the latter body exonerated him and Read from all blame and falsehood in direct opposition to the finding of the Supreme Court.^{6.} One did not expect such actions

1. Report of 1836. P.60.
 2. Report of 1836. P.26.
 3. Ibid.
 4. Ibid.
 5. Report of 1836. P.127.
 6. Report of 1836. P.676.

from an impartial Committee of enquiry. Like Lovett they seemed to think that the case was tried "in the midst of local prejudice and without the benefit of jury".^{1.} As stated above British opinion was not without prejudice. Why should their case have been transferred to England? If the colonists had been prejudiced would not "the benefit of a jury",^{have} made matters worse? Is Lovett doubting the judgment and impartiality of one of His Majesty's Judges of the Supreme Court? Such statements should not have gone unpunished. No it was proved beyond doubt that Dr. Philip had the knack of making misstatements and publishing mutilated documents.

Dr. Philip was the most capable of the missionaries, but he was the least capable of viewing his subjects objectively. We agree, that Philip's "appointment was an event of great moment to the after history of both the Society's work, and also of the Colony".^{2.} Philip's appointment was not an unmixed blessing to the Cape, but Sir George Cory put it very strongly in his marginal note to this paragraph when he said "pity it ever took place". Lovett thought that Philip exerted a vast influence "on the side of liberty, justice for all, and true progress",³ and that he was "persuaded with bitter hate by those "whose errors he combated, whose cruelties he exposed, whose tyranny he checked, and whose vices he condemned".^{4.} Again the colonists and Government officials at the Cape were regarded as devils incarnate.

In January 1826 Dr. Philip at the request of the Directors of the London Missionary Society returned to

1. Lovett : History of L.M.S. P. 549.
 2. Lovett : History of L.M.S. P. 539.
 3. Lovett : History of L.M.S. P. 541.
 4. Ibid.

England, in order to assist in their deliberations. While he was there he published his "Researches in South Africa"^{1.} in 1828.

The book was received in England as an authentic document, which had been published under the auspices of the Clapham Section.^{2.} Macaulay, however, could not be persuaded to write an essay on the book.^{3.} The book needed no boasting, and became so well known to British legislators that Hankey in his report on the London Missionary Society for the Secretary of State often just referred to certain chapters.^{4.} "The Researches" were not the only missionary propaganda at the Cape or in England. In England missionary reports and letters were eagerly read, while at the Cape the Commercial Advertiser, with Dr. Philip son-in-law, Fairbairn as editor, gave their viewpoint full publicity. The Tzatzoe cum Brownlee, the Colonist (Dr. Philip) the Bruce and Barrister letters were quoted as authorities on the conditions at the Cape, and of Colonial opinion - At least the opinion of the better and unbiased class. These letters called forth vigorous replies in the Grahamstown Journal and Die Zuid Afrikaan. The questions dealt with will be described in their proper place. The only puzzle to me is, that although Dr. Philip took part in the controversy as "a Colonist" he could tell the select committee, that he did not know much of the Graham's Town Journal, and its attitude towards the natives for "I am not in the habit of reading enough to judge with respect to the controversy which has been referred to"^{5.} Is this statement honest

1. Lovett : History of London Missionary Society. P.549.
 2. I.J. Rousseau: Sir. B. D'Urban. P.161.
 3. Cambridge : History of the B.E. VIII P.298.
 4. C.O. 1317 - separate 25 April 1829.
 5. Report of 1836 P.560.

and truthful, when the man admittedly wrote the letters signed "a Colonist" - and yet he was implicitly believed by the Select Committee.

Dr. Philip realised, that the laws dealing with the Hottentots were defective, so he was always on the look out to see if the local officials made any mistakes. He preferred to have all communications in writing. He was too much of a party man. Hottentots and kaffirs were nearly always innocent, and attempts to recapture stole property were cases of persecution. "The pretence is the predatory habits of the Kaffirs, stealing the cattle of the Colonists. Any lying Boer has only to go to a military post and say he has lost so many cattle" ^{1.} and then the Commandos called out. Philip here again showed his capacity for telling half truths - Commandoes could only be called out after the permission of the Commissioner-General had been obtained. Small patrols could follow the spoor (see under Kaffirs for full discussion).

What Philips and the Missionaries saw, was that the Native problem was a clash between races - two pastoral races hungering for more land. Both used primitive methods of farming and were nomadic or semi nomadic. The London Missionary Society thought, that if natives became Christians all differences except colour would be ^{over} ~~remained~~, if, only equality of opportunity were given. This was the underlying principle of Ordinance No. 50. Philip himself was a victim of this idea. "Whatever ^e the missionary places his standard among a savage tribe, their prejudices against the Colonial Government give way; their dependence upon the Colo-

ny is increased by the creation of artificial wants; confidence is restored; intercourse with the Colony is established; industry, trade and agriculture spring up; and every genuine convert from among them made^{to} the Christian Religion becomes the ally and friend of the Colonial Government".^{1.} Like all London Missionary Society missionaries and unlike the Moravians, Dr. Philip looked at the problem from the wrong end. The mere conversion of the man did not create the artificial wants, Christianity did not ipso facto raise a man's mode of life. Trade and education did so and they held the man to his Christian faith and gave moral stability.

According to Philip the missionaries were accused of training the Hottentots to be a separate people.^{2.} If this were true then they were at fault, these trained native artisans should have been encouraged to benefit the whole community. This the London Missionary Society for fear of oppression was not prepared to do.

The British could not realize that there was a physical and national difference between the native of South Africa and the colonist. Dr. Philip's "Researches" also foreshadowed the new system. Grave mistakes to be made in treating these natives as nations in the European sense of the word. Philip hoped "that the friends of the humanity and of religion in England, will see it to be their duty to petition the British throne and the British Parliament, that the natives of South Africa may have these rights secured to them, which have become necessary to the preservation and extension of religion among them, and I may add, as it regards the

1. Philip - Researches in South Africa P. IX.
2. Philip - Researches in South Africa P. XXX.

the native tribes, beyond the Colony to their existence as a people".^{1.}

It will thus be seen that Dr. Philip and his friends - we may condemn their methods - were fighting for the rights of the Hottentots. They paved the way for legislation, but they could not take full credit for the actual passing of the Ordinance. Bourke was in no way influenced by the Home Government.^{2.} Andries Stockenstrom was the man who actually adopted and prescribed Ordinance No. 50 to the Council of Advice.

While in England Philip did not cease the fight for his cause. He told the British public that the Hottentots were "public property not like the slaves that has protection of its owner, and anyone may seize as many as he needs for his own use."^{3.} At the caprice of the Dutch boors they were subjected to the heaviest labours, to every species of harassing annoyance, to every kind of revolting punishment".^{4.} He also assured his audiences their numbers had diminished and they were so degraded that even the negro slaves looked down upon them.^{5.} Philip arrived in England in 1826 and his book was published only in 1828. Why did he delay two years?

Whatever else Philip had done in England his work assured the 50th Ordinance an excellent reception. I have found no evidence to prove that Philip and Stockenstrom worked in collusion. Although they criticized each other the ex-landdroos of Graaff-Reinet and present Commissioner-General, in the words of

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1. Philip - Researches in S.A. - P.XXIX.
 2. Cory IV P.438.
 3. Buxton ; Memoirs P.209.
 4. Ibid.
 5. Ibid.

Philip agreed "remarkably well on the subject of the Aborigines"^{1.}

Ordinance No. 50 has been given much notoriety, but some such act was necessary at the Cape, provided it protected the industrious Hottentot and farmers against the laggards. (see discussion on the proposed Vagrancy Act) Some Hottentots and especially the Bastards developed^{2.} to such an extent, that their tenure of land should have been made possible and secure. In 1829 Cole wrote that Stockenstrom's experience as a Magistrate and colonist and the attention he has given to the subject "make his opinion" deserving of the serious consideration of His Majesty's Government.^{3.} This man exerting^d his energies on behalf of the Hottentots at the Cape, while Philip^a and Buxton were persuading the British Government to give them equal rights. Murray agreed to the principle of Buxton's proposals on 17th July 1828.^{4.} Bourke signed Stockenstrom's ordinance on 25th July 1828.^{5.} Stockenstrom had actually handed his draft ordinance to Bourke on 3rd April 1828 ^{as a rule from 6.} this was before the publication of the "Researches". The publication could not have brought about the Ordinance, neither could Philip have been the originator of the Ordinance, for this he took and his biographers gave him full credit.^{6.} The Ordinance was notified by Murray on 15th January 1829.^{7.}

The Ordinance fell short of complete legal equality and did not quite satisfy Dr. Philip, who was still in London. After consultation with Dr. Lushington he agreed to be content with it on the addition of the clause prohibiting its repeal or amendment except

1. Cambridge History of B.E. VIII P.290.

2. Lovett ; History of L.M.S. P.550. and Welmot & Chase P.297.

3. Cambridge History of B.E. VIII P.290.

4. Buxton : Memoirs P.212.

5. Buxton : Memoirs P.212. & Lovett Hist. of L.M.S. P.551

6. Report of 1836. P.287.

7. C.O. 1444 P.55.

with the express sanction of the Crown.

Ordinance No. 50 confirmed by the Crown, the Court at Windsor on 15th January 1829. Present. The King's most excellent Majesty-in-Council (

Whereas there was this day laid before His Majesty in this Privy Council, a certain ordinance of the ¹²⁴ Luitenant Governor of the Colony of the Cape of Good Hope, moved with the advice of the Council of Government of that Colony, which ordinance is in the following words, that is to say:

No. 50. *J. W. H. H.*

Ordinance of His Honour the Luitenant Governor in Council. For improving the conditions of the Hottentots and other free persons of colour at the Cape of Good Hope and for consolidating and amending the Laws affecting those Persons.

Whereas certain laws relating to and affecting the Hottentots and other Free persons of colour, lawfully residing in the Colony, require to be consolidated, amended or repealed and certain obnoxious usages and customs are injurious to those persons required to be declared illegal and discontinued.

Be it in acted by His Honour the Luitenant Governor in Council, that from and after the passing of this ordinance the Proclamations of the 18th day of July 1787. shall be and the same are hereby repealed.

9th day of May 1803.
1st day of November 1809.
23rd day of April 1812.
23rd day of May 1823.

1. Provided always that nothing herein contained shall extend to effect or annul any Contracts or Indentures entered into prior the passing of this ordinance, by virtue of Proclamations aforesaid; nor to release the master or employer of any contracted servant or apprentice from any of the provisions of those Proclamations relating to the treatment, payment and food, clothing and instruction of the said servants and apprentices, nor from any Fines and Penalties which may be imposed on any such master or employer for breach thereof.

2. And whereas, ^{by} usage and custom of this Colony, Hottentots and other Free persons of colour have to be subjected to certain restraints as to their residence, mode of life and employment and to certain compulsory service to which other of His Majesty's servants are not liable. Be it therefore enacted that from and after the passing of this ordinance not Hottentot and other Free persons of Colour lawfully residing in this Colony shall be subject to any compulsory service to which His Majesty's subjects therein are not libel nor to any hindrance molestation, fine, imprisonment or punishment of any kind whatsoever under the pretence that such person has been guilty of vagrancy or any other offence, unless after trial in due course of law, any customs or usage to the contrary in any wise notwithstanding.

3. And whereas doubts have arisen as to the competency of Hottentots and other free persons of colour to purchase and possess land in this Colony. Be it therefore enacted and declared that all grants and purchases and transfer of land and other property whatsoever heretofore made to or by other free persons or colour are, and shall be and the same are hereby declared to be of

full force and affect that is and shall and may be lawful for any Hottentot or other free person of colour born or having obtained Deeds of Burghership and to possess by grant purchase or other lawful means any land or property therein; any law custom or usage to the contrary notwithstanding.

4. And whereas it is expedient to protect ignorant and unwary Hottentots and other free persons of colour as aforesaid from the effects of improvident contracts for service. Be it therefore enacted that it shall not be lawful for any person within this Colony to hire or engage by Parole or written Agreement (except as herein provided) any Hottentot or any other free persons of colour as aforesaid, for any period exceeding one calendar month, such engagement being renewable from month to month or for any shorter period at the option of the contracting parties, and any Parole or written engagement for any longer period (except as herein provided) shall be and be continued to be of the same force and effect as if the same had been entered into for one month only.

5. And be it further enacted that in case any person within this Colony and any Hottentot or other free persons of colour as the aforesaid shall be mutually conscious of entering into a written contract for a longer period than one month, that then and in such cases the parties shall appear together, before the Superintendent of Police or any Clerk of the Peace, not being a Resident Magistrate or before any persons specially appointed by the Clerk of Peace of his district, with the approbation of the Governor for the time being, or countersign con-

tracts of service, and shall in the presence of the Superintendent of Police, Clerk of the Peace, or in the presence of such other persons specially appointed as aforesaid enter into any contract for service on such terms as the respective parties shall be willing to subscribe to provide d always that the period of such contracts shall not exceed 12 calendar months, and that in all such contracts wherein it shall not be expressly provided that the person with whom the Hottentot or free person of colour enters into contract is not to supply food and lodging such person shall be understood to have engaged to provide the Hottentot or other free person of colour as aforesaid and such of his or her family as shall be included in the contract in the manner herein mentioned with lodging and sufficient food of good and wholesome quantity during continuance of such contract. And be it further enacted that no liquor or tobacco shall be admitted as payment of money due for wages or in any other manner be charged in account against any such Hottentots or free person of colour, and that the goods or cattle belonging to any such person shall not under any pretence whatsoever be detained at the expiration of any such contract unless by sentence of a competent Court or due legal process and provided further that nothing herein contained shall prevent the renewal of any such contract at the expiration thereof in the manner and subject to the conditions and provisions herein before enacted.

6. And be it further enacted that every such contract shall be made and executed in three parts and countersigned by the Superintendent of Police, Clerk of the Peace, Justice of the Peace, or other persons special-

ly appointed as aforesaid as the case may be one of which part shall be given to each of the contracting parties and in all cases where such contracts shall be made. The man representing the Government keeping his well.

7. If complaint of no payment of wages, Hottentot can bring the case before the Resident Magistrate who shall give a wage as usually paid in the district where the case takes place. If part of the payment is kind prices must be fair and before a witness - the defendant. The wife shall make her own contract, parents can make contracts for children under 18. Ages must be clearly stated and children contracts must not expire after parents. If a child unlawfully detained for excuse of clothing the employer shall pay 20/- per month and the child shall be set free, and returned to his or her parent, or can be apprenticed to some respectable inhabitant till 18 years if a male or 16 if a female or until claimed by his or her parent.

9. If husband shall die then wife and children shall be set free of the contract one calendar month after the death of husband or parent.

10. A Hottentot may keep his children on the premises of employer without contracting them or giving the employer a claim provided the names of the children are given clearly in his contract.

11. If 18 years old Hottentot may make his own contract.

12. Parents can apprentice children under for 7 years or until 18 if a male or 16 if a female provided children taught a trade fed and clothed proper-

ly.

13. If parents die leaving minor children employers shall take them to the Superintendent of Police or Clerk of the Peace to make arrangements for apprenticeship by himself or other - if does not comply shall be fined 20/- per month for each child.

14. If child is brought to the Superintendent of Police it shall be taken to the town Somerset's hospital and shall stay there until it shall be apprenticed. If given to the Veldkornet he shall take it to the District town and deliver the child to the Clerk of Peace. The child shall be apprenticed as aforesaid, relatives shall be given preference.

15. If the parents are contracted to an employer he cannot free children under 18 for boys and 16 for girls to work and cannot be apprenticed elsewhere except in consent of the parents.

16. If a child apprenticed under the laws of 1812 and 1819 he freed for some lawful cause from his contract, then they shall return to their parents or relatives who are able or willing to provide for them, rather than to a new master.

17. These regulations also provide for the protection of natives who under ordinance No. 49 come from the savage tribes to hire themselves to the farmers. In case of a birth or death it shall be at once reported to the authorities or shall be fined 10/- for every birth or death not reported.

18. Every Field Cornet of every division shall make a half yearly return of births and deaths in his

division of Hottentots and Free persons of colour.

19. In the case of a dispute between the master and mistress with servants (Hottentots or Free Persons) then the case shall come before the Resident Magistrate or one or more Justices of the Peace. The Justice of the Peace had no jurisdiction if the dispute is about wages of more than 20/-.

20. Justice of the Peace can Order the master or mistress to appear before him in case of a dispute or take a statement on oath.

21. If misdemeanour on part of the servant, the Resident Magistrate can gaol or fine but not more than 20/- on each count, or discharge from contract if master or mistress agrees.

22. If the master breaks the contract in any way servants are freed and wages are to be paid (Magistrate is to decide) If servant receives an injury can always claim damages.

23. If masters do not pay wages the constable can carry out warrants issued by the magistrate and police officers and sell some of the masters possession to pay the wages, the expense of the sale being paid by the master.

24. If four natives lodge a complaint the case will be free of charge, but if the case be false the complainant can be given up to 14 days hard labour.

25 $\frac{1}{2}$ All fines imposed one half shall be given to the informer and one half to the Colonial Treasury in cases of breach of contract.

Signed John Bell,

Acting Secretary to the Governor.

By order of the Council. Signed Thomas Miller

Acting Clerk of the Council

PROVISIONS OF HIS MAJESTY'S GOVERNMENT ON NO. 50.

Provisions of His Majesty's Government on
No. 50

His Majesty-in-Council accepts this ordinance and further enacts that in case of doubts Hottentots and subjects of colour residing within the Colony "shall be in the most full and ample manner entitled to all and every rights, privileges and benefits of the law to which any other of His Majesty's subjects lawfully residing within the said Colony are or can be entitled."

Further enacted that nobody can be held or detained for debt in expiration of his period of contract.

Hereby further ordered "That this present order and ordinance hereby confirmed shall not in any wise be altered repealed or amended by any law or ordinance to be hereafter made by the Governor or the officer administering the Government of the said Colony, with the advice of the Legislative Council thereof, unless such ordinance shall have been first and expressly ratified, confirmed and allowed by His Majesty's with the advice of His Privy Council; and that every such ordinance, or pretended ordinance, until so ratified confirmed, and allowed, shall be void and of no effect, and shall not be enforced or carried into execution by any of His Majesty's courts, Juudges, Officers and others within the said Colony."

And the Right Honorable Sir George Murray one of His Majesty's Principal Secretaries of state is to give the necessary directions herein accordingly.

The friends of the Hottentots looked upon Ordinance No. 50 as a great triumph for their ideals,

the colonial party thought their rights had been entirely disregarded. There was no great fault to be found with the Ordinance *per se*, just as there was no great evil in the pass laws. The cause for discontent lay in the application of the laws.

Lovett could maintain that the result of the pass laws "had been that of creating perpetual obligation in the Hottentots to enter service"¹. The Pass laws were a temptation to keep the Hottentot in service on the expiration of his contract. Nevertheless the abuses could not have been so universal as Dr. Philip pretended in his "Researches" and Lovett had to admit that Philip possibly made "some slight inaccuracy"². Well his inaccuracy cost him £200 damage and £1000 costs. When reading Lovett's History of the London Missionary Society it struck me that Lovett was under the impression that all the Burgers and Landdrosts had to do was to chase after Vagrants, and cast them into prison, so that they and the keepers of prisons could make money out of their victualling.³ Now the Hottentots would not be "balanced against the oppressive authority of their masters" or the caprices of the landdrosts". Crime among the Hottentots would decrease, as they now could repair to the missionary institutions or engage in any place or in any employment that they chose. Compare Lovett's statements with the actual figures given in Menzie's Report of his circuit where most of the convictions were of Hottentots.

But idleness and vagrancy increased⁴ as the Hottentots were not all capable of using their newly found freedom well.⁵ Two months after the passing of

1. Lovett : History of the L.M.S. P.551.
 2. Ibid.
 3. Lovett : History of the L.M.S. P.549.
 4. Report of 1836 P. 245.
 5. Report of 1836 P. 287.

the Ordinance Cole wished to place the idle Hottentots on vacant lands near the towns, to facilitate their finding profitable employment. Stockenstrom, with his vast experience of the Hottentots apposed this, as they would be placed near the canteens. Instead of this he recommended the occupation of the Kat River in the Ceded territory.^{1.} As a result of the abolition of the Pass Laws, the Hottentots crowded the mission stations, and the farmers could find no servants.^{2.}

In 1836 Dr. Philip admitted, that many of the Hottentots were not even then capable of benefiting from the provisions of Ordinance No. 50.^{3.} The success of the ordinance, however, "went even beyond my most sanguine expectations".^{4.} Looking back now we must admit that it was unfair to expect immediate complete success from so revolutionary an Ordinance. Experiments like the Kat River (to be described in detail later) under strict government supervision, would most probably have met the emergency. Dr. Philip was as usual very vague when he gave evidence about the decrease of crime as a result of Ordinance No.50. "I conversed with several Magistrates upon that subject, and those with whom I conversed, and the missionaries, were decidedly of an opinion that crime had considerably decreased since the passing of the 50th Ordinance".^{5.} Buxton admitted that vagrancy had increased but he thought the laws of the Colony were capable of checking crime,^{6.} and Judge Kekewich thought crime had decreased since 1828. These statements did not tally with the

1. Report of 1836. P.288 and C.O. 586 No.22.
 2. Report of 1836. P.73. and Zuid Afrikaan; II No.91.
 3. Report of 1836. P.760.
 4. Report of 1836. P.642.
 5. Report of 1836. P.109.
 6. Report of 1836. P.26.

figures in the returns, to take only one example the returns of Graaff-Reinet dated 10th March 1831. For the three years 1825, 1826 and 1827 there were 2691 prisoners in the gaol and for 1828, 1829, and 1830; 4297. Surely this did not show a decrease.

After 1828 children could still be apprenticed provided they were taught a trade. This would of course not permit them to be used as herds or in the lands. In this way the labour shortage which the slave regulations had caused became more acute.

The Governor realised that the Ordinance was premature. The standard of living of the Hottentots had not been raised so much that they would benefit entirely from their new liberties. They would be content to live on wild honey, roots or game, which they would poach on the farms. Cole thus rightly pointed out "Unhappily the very act which rescued them from oppression made no provision for the wholesome degree of restraint by which a great proportion of them can alone be induced and made to labour for their maintenance and cease to be a scourge upon their neighbours"^{1.} It was difficult to frame a law, which would not press more on the Hottentots than other idlers of the community, "but the state of society in most of the districts points out the necessity of such a law"^{2.}

Dr. Philip and his party opposed the proposed Vagrancy law with all the means at their disposal. This group alleged that the local authorities were only too eager to go to the straw sheds of the Hottentots and apprehend them as vagrants;^{3.} that the old

L. C.O. 1443 P. 480-482.

2. Ibid.

3. C.O. 1443 P. 758.

Pass Laws did not provide adequate protection for the coloureds; that the Ordinance would be tantamount to the annulment of Ordinance No. 50; and that the coloured people would again have to work in chains.^{1.} Incidentally this last statement of Dr. Philip was an absolute falsehood, the Hottentots did not work in chains. Here again Dr. Philip used his wonderful style full of bombastic and sweeping statements, and generalisations, that would not bear the test of minute scientific scrutiny by a man well acquainted with the facts, to advantage. While admitting that, "a large proportion of the individuals comprising these (namely the coloured) classes was, at the date of the promulgation of the ordinance, and continue to be at the present ~~law~~^{time}, ill-prepared to say the least of it, to receive the gift of civil liberty which was thereby secured to them",^{2.} yet Philip^{dis}-approved an attempt to make these idles^r work, while protecting the industrious. Those very ones who were unfit from Ordinance No. 50 would be affected by the proposed Vagrancy Law. Ward maintained that the ordinance was so ill advised that it "was the cause of the gradual self-extermination of the race".^{3.}

In his condemnation of this proposed vagrancy ordinance we find Dr. Philip using his fluent bombastic style, but^{was} reasoning was more than usual impractical, divorced from realities and prejudiced". Any law in this colony that would attempt to compel the wilfully idle to labour, would be a law which would give back to the masters the whole of the slavery popula-

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1. G.O. 1443 P.759.
 2. Report of 1836 P. 760.
 3. Ward H: Five years in Kaffirland. P.33.

tion under a law more cruel and dreadful in its operation than the old slavery law of the colony, because the masters having no interest in their lives beyond their immediate services they would have no checks upon their avarice"¹. According to Philip then all the masters were greedy and cruel, living on the blood of the Hottentots or worker. He proceeded Karl Marx by thirty years. On his return from England in 1830 he was supposed to have found the Colony in a great state of alarm, because of supposed depredation by Vagrants. At Cape Town he heard of the terrible state at Hottentots Holland, and at Hottentots -Holland of Swellendam, but in the 1400 miles he travelled he found all the coloured men in the service of some farmers or other. Did Dr. Philip expect to find Vagrants along the main roads? They stayed in the bush. This bombastic and untrue epistle in which he repeatedly states that gangs of Hottentots were forced to work on the roads, must have been written for effect in England, perhaps written in England.² All these sentimental lies were for British consumption, who thought of the Cape as the West Indies, that all coloured people were ill-treated, and all Colonists especially the Boors^{as} oppressors. "It is painful to observe how easily and imperceptibly even many well-bred Englishmen imbibed the colonial prejudices against the natives of the colony, and to remark how often they drop all the ordinary remarks of common civility towards them"³.

Now in the words of Wade, "I can conceive

1. Report of 1836. P.761.

2. Ibid.

3. Report of 1836. P.702.

it to be an act of justice to the Colony that statements in Dr. Philip's petitions, and in a great portion of his evidence should be compared with the statements of those who are equally well acquainted with the affairs of the colony on this particular subject."^{1.} Here the attitude of the Select Committee must also be severely criticized. Wade was not permitted to give evidence on the Vagrancy Laws, but Philip could do so twice, he also presented his memorial and that of other missionary institutions. Colonel Wade therefore craved leave to present a memorial on his own account, also on behalf of the colony, besides "the remaining portion of the proceedings of the Council with regard to the Vagrant Law", (Here again Philip had produced half a document as the whole), and also the reports of the civil magistrates of the districts.^{2.}

When Philip stated, that he had a petition signed by 400 Hottentots of the Kat River he omitted the fact, that he and Read had held meetings - both prayer and political - as protests against the Ordinance;^{3.} also that despite all this activity 80 of the better class of Hottentot and Bastard were in favour of the Ordinance.^{4.}

Of all the Civil Commissioners only J.W. van der Riet of Uitenhage supported Philip in his report. He gave the stock theoretic advantages of Ordinance No. 50. They would all have been true, if the Hottentots had been more civilized and had gained a greater sense of responsibility. His arguments were that the proposed ordinance would return the Hottentot to

1. Report of 1837 P.26.
 2. Ibid.
 3. Ibid.
 4. Report of 1836 P.759.

Lawson
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a position of servitude; to obtain taxes a check should be kept by the field-cornets and missionaries on the movements of the whites and coloureds (did and they could do so, Cole spoke of impossibility of collecting the Commando Tax because of vagrancy)^{1.} No Government lands could be occupied without permission and outspans for not longer than 24 hours (but these Hottentots families just squatted on farms with or without stock)^{2.} it was the duty of the field-cornets and other inhabitants to use more diligence in fighting crime.

Here follows a brief summary of Dr. Philip's memorandum:

1. Vagrancy ordinance would place Hottentots in degrading servility, while others would be a privileged class again.
2. The release of the Hottentots in the beginning deprived the farmers of labour, but has encouraged more industrious habits on their part and their children.
3. 50th Ordinance was leading to a better order, relations between master and servant were improving and the wants of the Hottentot were not so disregarded; Wages were fairer and this alone would induce the Hottentot to work.
4. The price of labour was raised some drank but others clothed themselves better in towns and this would lead to an increase in trade.
5. Vagrancy was a very vague and indefinable offence in a colony where there was no begging; and no tax was laid on the public to support poor as a result of the 50th Ordinance "But I see not cause why the public

1. C.O. 1445 P.17.

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at large should be exposed to the encroachment on their liberty, because in all cases robberies are not detected or that farmers cannot get servants or that the Hottentots are contented with a mode of existence repugnant to the ideas of the white ^{1.} population".

(Why should a Hottentot beg for a scanty morsel, when he ^{could} ~~can~~ steal in a country where "in all cases robberies are not detected". Is it not the duty of the state to detect or better still anticipate robberies; and to raise the standard of living of the inhabitants, and since when are the idlers in any state "the public at large"?)

6. Also thought, that the ordinance would open the way for oppression and for the exercise of illiberal or vindictive feeling not only against the class held in contempt by the mass of the colonists, but also European labourers - men of irregular habits. In this country there should be no check on locomotion, so that the English could mix with the farmers whether as labourers or for other purposes.

7. Should police the districts more effectually and regulate canteens and have better prison discipline - "in diffusing education and religious instruction for all classes in the field-cornetries. "This would open channels of industry and raise the demand and value of labour and so correct lives. (This is an ideal every state should strive for, but the Cape could not - see previous chapter - bear the expense of extra police and better prisons. In some districts like the North there were no educational facilities not even for Europeans).

8. Thought, that sufficient allowance was not made for the gradual improvement of the Hottentots; education opportunities and not coercion should be used. (To a certain extent was correct, then and to-day still sufficient allowance is not made for these people, but now there are the educational facilities and the man who does not use them has only himself to blame - But the coloured have become civilized by contact with the Europeans now. This ideal did not meet the position as it was in 1828 -29).

Ordinance No. 50 proved definitely that the Hottentots would roam and laze about unless something were done. No less than 379 rushed to Pacaltsdorp, to live or try to live there in idleness.^{1.}

The other civil commissioners did not sit in their offices and give beautiful opinions - as van der Riet did,^{2.} but went around their areas and obtained definite information and figures from the field cornets. Campbell of Albany; W.C. van Ryneveld of Graaff-Reinet; D.W. Ryneveld of Stellenbosch were all agreed that a Vagrancy Ordinance was essential. Their arguments were also given in full.

Campbell had 14 years experience on the frontier and was "deeply impressed with the conviction that an ordinance was absolutely indispensable".^{3.} This new vagrancy ordinance would be different from the enactment superceded by Ordinance No. 50, which had applied only to Hottentots. Soon after the passing of the 50th Ordinance a petition was sent from Grahamstown signed by 600 people after a public meeting, asking

1. Report of 1837 P. 156.

2. Ibid.

3. Campbell's Report : Report of 1837 P.159-161.

for measures to be taken for the suppression of vagrancy. Campbell did not know the source of Philip's information, but from his own observation and representations by the respectable people of his districts, inconvenience caused by the remoteness of the magistracy and the great number of convictions, convinced Campbell that vagrancy and crime were not on the decrease. This did not seem as if "ever since the publication of the 50th ordinance the character and condition of the Hottentots have been rapidly improving"

Bigge who could be accused of anything but being pro-colonist was opposed to repealing the Pass Laws for Hottentots and Slaves. These laws gave the employers security against those who tried to break their contracts. He admitted the system was open to much abuse, but it would check theft and the concealment of stolen property. These passes should however be limited to slaves and hired servants, during their period of contract only.^{1.} Would such an enactment not still further increase Vagrancy among the Hottentots, for they would not wish to work under conditions which curtailed their liberty so much.

Rogers was very emphatic in his condemnation of the results of Ordinance No.50; there was no semblance of improvement in the Hottentots, on the contrary the situation seemed^d manifestly worse. It was lamentable to see how little they appreciated what the Government was doing for them^{2.} "The Hottentots have greatly estranged themselves from the service of the farmers. They wander in parties through the country without any visible means of subsistence. They love to

1. Theal : Records of the C.O. P.352-9379.& C.O. 1319 No.
2. C.O. 621 No.88. (1271

be at absolute freedom from all obligation to work. They now know there is no forced service and they will endure almost any privation, short of starvation rather than take it voluntarily."^{1.} In thinly populated areas the inhabitants were annoyed by the pilfering or alarmed by congregating parties on their farms. Many of these marauders were armed with guns and other weapons/^{He} Hoped that this was not the general but proved the true character of the Hottentots. A salutary vagrant law should have been introduced with the Ordinance.^{2.} There was a very real danger that these vagrants/^{would} tamper with the Hottentot Corps. The farmers would no longer endure the thefts of the Hottentots and Bushmen. The Government had to stop their collecting in bodies and "travelling all over the country in a state of uncontrolled Vagrancy".^{3.}

As these Hottentots had firearms the farmer would have to shoot in self defence, in such a case he would be tried and if condemned the whole country would be in a state of excitement. "The subject requires the most serious consideration as does that of the great increase of the fire arms among the the coloured tribes within the last few years".^{4.} Apparently the laws were meant to protect the Hottentots but not the Europeans.^{5.}

When asked for the names of the field cornets who could be trusted to countersign contracts of service between whites and coloureds van Ryneveld of Graaff Reinet declared, emphatically that they all could be trusted.^{6.}

1. C.O. 621 No.88.

2. Ibid.

3. Ibid.

4. Ibid.

5. Chase : Reasons for opposing Dr. Philip. P.47.

6. C.O. 575 dated 20th Sept. 1828.

The job is done

Stockenstrom thought that the field cornet already had enough work, besides he did not trust them entirely, ^{he} recommended that the Resident Magistrate might submit names of people who could be trusted with this work. ^{1.} But were the field cornets not the ^{the} most progressive men of the community and their natural leaders? The wandering Bushmen, Mantatees and other foreigners who were in Graaff-Reinet had become a problem. ^{2.} According to the second section of Ordinance No. 49 they were to be provided with passes, but they were fugitives and not seeking work.

^{3.} The South African Commercial Advertiser accused all people, who complained of and pointed out that breaches of contract and vagrancy took place as the result of Ordinance No. 50, of being the enemies of the coloured people. Two readers replied vigorously and very aptly to this attitude e.g. "You have really Mr. Editor been contending with a phantom of your own creation; nobody wishes to impose compulsory service on the Hottentots or other free persons of colour, nothing more is desired than that some law may be enacted to compel those persons to live honestly". The second correspondent was even more correct in explaining the different attitudes of the Grahamstown Journal and the South African Commercial Advertiser. "It is a matter of astonishment to persons acquainted with the interior, how little is practically known in Cape Town of the actual situation of the farmer in the Country District of this Colony". ^{4.}

In Albany Bechuanas, Fingoes and Mantatees,

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1. C.O. 586 No. 13.
 2. C.O. 575 dated 21 Oct. 1828.
 3. S.A. Com. Advertiser. IV No. 168.
 4. S.A. Com. Advertiser. IV No. 170.

who had been driven from the interior supplied a valuable ^{source} supply of labour, and were more esteemed as herdsmen and shepherds than the Hottentots, whom they have superseded in Albany and Somerset. There was not desire to retain the Hottentot. This proved that Philip knew nothing of the state of affairs on the frontier.

Wages paid were from 5 to 14 Rixdollars per month plus food and clothes. The women and children would not work, so the farmer was forced to feed the whole family. The apprenticing of these children would not be tantamount to slavery. Since the passing of the 50th Ordinance the Hottentot refused to contract for a longer period than one month and often refused to renew their contracts at all. A vagrancy ordinance would throw the most worthless characters onto the mission stations, such an ordinance would be to the benefit of all, particularly the coloureds (see discussion under Kat River). No Hottentots were disturbed, when they occupied unappropriate ^{d. unappropriated} crown lands. A rumour had spread after the passing of Ordinance No. 50 that the Eastern Districts would be appropriated for the Hottentots, thus many flocked eastward, where they squatted on the farms with no visible means of sustenance and yet refusing to work for the farmer. ^{1.} Some of these vagrants had fire arms and definite cases were proved, where vagrant thieves shot at owners who tried to reclaim their stock.

Van Ryneveld of Graaff-Reinet corroborated Campbell's statements but went still further,

he questioned the thoroughness of Philip's investigations and the correctness of his conclusion. The proposed ordinance in his opinion did not go far enough, and certainly could not be compared with the old ordinances as it did not emphasise one class. Vagrancy and theft had increased since 1828, (1825 -27-2691 people convicted at Graaff Reinet 1828 -1830 - 4297)^{1.} In one year 183 people were convicted for these two crimes alone. The servants of cattle farmers obtained sufficient meat, but the low rate of pay still continued. The won't works were fleeing to the mission stations, all the more reason why they should be forced to work. There were cases in his district where this class, with no means of sustenance committed theft and even murder. At a meeting of 170 people all attempts suggested for encouraging industry among the natives were greeted with loud applause, and there was absolutely no wish to repeal Ordinance No. 50.

Van Ryneveld was hard in his criticism of Dr. Philip. "In general I have to report that it is my considerate positive and conscientious opinion, that the memorial on which I now report contains a dishonest and partial review of the circumstances of the lower classes, and of the feelings of the inhabitants, and that, even with the prejudices with which the memorialist commenced his tour of enquiry, it is quite impossible that he could have come to such conclusions if he had a proper source of information, or had availed himself thereof". Besides all this "He seems totally blind to anything which appears unfavourable to his previously formed ideas". When Philip was at Graaff-Reinet in

1. Cory. IV P. 144.

*Dr. Philip
and
Dr. J. H. ...
...
...*

January 1833 bushes and surroundings were crowded with vagrants in a very wretched state. The Magistrate gave orders that they should be brought to him next morning and yet when Philip was sent for he had left. Was this action in keeping with a man, who had "enquired with all diligence, and made use of all sources of information to which he had access".

Van Ryneveld came to the conclusion that Philip's memorial was dictated by enthusiasm, and was calculated to mislead, it contained no fact or argument of any importance and should not delay in making proper provision against Vagrancy.^{1.}

Van Ryneveld the civil Commissioner of Stellenbosch had 30 years experience in the public service. He did not hesitate to say that Ordinance No. 50 was followed by evils to many, "but more especially to the Hottentots themselves". In his district there was plenty of work, yet the numbers of the Hottentots decreased by 131 per annum. As we have seen from other reports this was due to the trek to the East and to the mission stations.

Year.	Males.	Females.	Total.	Decreases.
1828.	915	731	1646	-
1829.	875	737	1612	34.
1830.	785	649	1434	178.
1831.	709	576	1285	149.
1832.	677	543	1,220	65
1833.	583	405	988	232

Decrease in 5 years 658 or 131 each year.

These migrations led to a loss of revenue as no check could be kept on the Hottentots.

Philip said he had visited all magistrates except Graaff-Reinet and Beaufort and found crime on the decrease, if he had visited Stellenbosch he would have found the direct opposite - if he had consulted the last two Magistrates. Dr. Philip in his memorial insinuated that he had and here Ryneveld positively contradicted him.

The proposed ordinance did not compel Hottentots to enter the farmer's service as Philip supposed, but only those who could not maintain themselves, Only those Hottentots who had not property and were not properly employed were alarmed by the proposed ordinance. He considered that Philip's remarks about the field cornets were very illiberal and unjust; justice was always obtained in cases of illtreatment of servants by the master.

The inhabitants of his district were agreed that a vagrancy ordinance was necessary especially with the approaching emancipation. Not as Philip said to obtain forced labour, but to protect the farmers against those who had suddenly obtained a freedom, which they might not know how to use.

1.
MacKay of the Cape Districts¹ endorsed the opinions of the latter, he also denied that Ordinance No. 50 had improved the moral state of the Hottentots; like Ryneveld he was sure that the field cornets would not act unjustly in executing the Vagrancy Law. Further there could be no injustice in farmers not allowing Va-

1. Report of 1837. p.15.

grants Hottentot families to graze their cattle or squatting on his farm if he received no service in return.

While the Western districts were being drained of their labour resources, "A considerable body of able bodied men who formerly constituted the labouring class of the greater part of the colony, now ^{presently} ~~preamble~~(d) the Eastern Districts with no earthly means of subsistence except by plunder"^{1.} The laws of 1809 were repealed but not wholly abrogated and vagrancy was still punishable", but there were no officers whose duty it was to search for and apprehend vagrants, nor had the inhabitants the power of performing that service themselves". A landowner had to go to the magistrate sometimes 100 miles for redress and in the meanwhile the vagrants had fled.^{2.}

There could thus be no doubt, despite Dr. Philip's memorial, that a new vagrant ordinance was to the true interests of the country as a whole. To be doubly certain Cole turned to the Judges of His Majesty's Supreme Court and obtained their opinion about the legality and advisability of such a measure. Did not the additions of the British Government to Ordinance No. 50 preclude such an ordinance?

Two queries were put to the Judges.

1. Is it the opinion of the judges that the inhabitants of the frontier districts are sufficiently protected by the existing law against the numerous depredations committed of late against their cattle and property.

1. Grahamstown Journal I No. 5 Jan. 27, 1832.
2. Ibid.

2. How far does that law sufficiently protect the inhabitants after such depredations, in the use of fire arms against those whose escape the inhabitants would prevent, when overtaken either in the act of completing their plunder, or after pursuit.^{1.}

The judges redivided these two queries into four and then proceeded to answer them (a) whether the laws of the colony provided on conviction of offenders, punishment sufficient to deter others from committing like crimes in the future, in the case of those classes of offenders, who ravage the inhabitants of the frontier districts?

In the case of housebreaking during the frequent and necessary absence from home of the master, the law provided punishment of death, but the sentence could be changed by the judge if there were mitigating circumstances. The modern practice was, however, to punish by banishment or imprisonment with or without whipping, whether there were aggravating circumstances or not. For the stealing of cattle, sheep and goats the law as in England and Scotland provided that punishment by death could be inflicted, in practice this was never done, and punishment with or without whipping was inflicted. Ordinance No. 22 had provided, that punishment for stock value at less than 5/- should be less severe, but other ordinances had virtually superceded it. As most of the vagrant thefts were sheep and goats valued at less than 5/-, so that there could be no doubt the judges recommended that Ordinance No. 22 be repealed. Harbourers of thieves received the same punishment. The laws were thus not defective,

1. Report of 1837 P.P. 174-4.

the weakness lay, this the judges do not mention here, but the civic commissioner ~~did~~ - was that police and prison facilities were insufficient.

All the judges were agreed that the punishment of female offenders for crimes usually committed on the frontier was very defective. Banishment and whipping were not practical or permissible, and simple imprisonment on the prison rations for a moderate period, was considered by the female Hottentots or most numerous classes of offenders as no punishment at all. Solitary confinement would have a salutary effect, but the state of the prisons was such that it could not be inflicted, and no means of hard labour for females had been devised.

In reply to question 2, the judges thought that the law entitled any individual of the colony or his servants to take the necessary steps to protect his herds or flocks, they might even kill^a thief, caught in the act of stealing stock or breaking into a house. "The same (was) true, whether the thief (was) detected on the spot or overtaken persuit". The power of the owner should be made the same as those governing the crime of felony in England. The chief difficulty the judges had to face in suggesting an ordinance to meet this emergency, was the second section of Ordinance No.50.

The Judges could not agree on their answer to the fourth question namely:- Do the existing laws of the colony sufficiently protect the property of the inhabitants of the frontier districts by providing a sufficient preventative police, or a system of checks and restraints on that portion of the population who,

their circumstances, wants, dispositions and habits are likely to commit depredations on the property of their neighbours, sufficient, or calculated to prevent the commission of such depredation? On this question the judges were not unanimous.

Chief Justice Wylde thought the existing laws were sufficient to protect the inhabitants, and the Attorney-General's proposed Vagrancy law dated 15th December 1828 would only serve to increase the state of alarm. The changes in the legal system might help them to face the problem. The Chief Justice did not know "to how recent a period this increased state of exposure to theft upon cattle and property may be dated back", but he was inclined to think it was only due to the unexpected freedom given to the Hottentots and they would soon settle down. Wylde was emphatic that the chief trouble at the Cape lay not with weak laws, but the lack of the means of enforcing them, hence the boldness of the vagrant plunderers. In the meanwhile the principles embodied by the attorney general's draft ordinance might be brought into effect by an order in council and applied to the country districts so that relief might be obtained.

Burton thought that Ordinance No. 50 gave Hottentots the same rights and privileges as other citizens, but no law had yet prevented the apprehension of Vagabonds in the frontier districts. He did, however, suggest that an ordinance be passed clarifying the powers of field cornets and other officials for the apprehension of vagrants.^{1.} To meet this deficiency

1. Report of 1837 P. 181

Burton suggested that it should be made lawful for the Justice of the Peace, Field Commandant, or Field Cornet to call together men to apprehend vagrants who had broken the law, and take them to be dealt with according to the law. People called up by the civil commissioner should be punished for not putting in an appearance, this peace officer should always accompany the pursuit to avoid undue violence. Any person knowing of an offence should have the right of apprehending the culprit and taking him to the nearest field cornet or peace officer. All apprentices deserting before the end of their contract, runaway slaves, and people wandering around the country without visible means of support should be classed as vagrants. A list of the names of deserting servants and runaway slaves should be published weekly in the Government Gazette, also suspected criminals, together with rewards for arrest. Punishment by the Magistrate should be hard labour, on bread and water or rice and water, if slave 75 stripes, the period of punishment should be left to the magistrate's discretion. All destitute children females under 16 and males under 18 should be apprenticed.

Kekewich thought that the existing laws of the Colony did not protect the property of the inhabitants sufficiently, by providing an adequate preventive police. The present establishment "is not calculated effectively to prevent the depredations of that portion of the inhabitants who, from their circumstances, wants, dispositions and habits are likely to commit depredations on the property of their neighbours". As

the police were stationed from 200 to 300 miles apart, they were ill adapted to protect the stock especially when the nature of the country was taken into consideration, and "I entertain strong doubts if any checks or restraints can be imposed through means of a police under the present circumstances of the Colony, by which the frontier tribes and idle vagrant portion of the natives of the colony, who are numerous, and from their habits and disposition are addicted to cattle stealing, can effectually be prevented from the commission of continual depredations on property of this description. Depredations on cattle have increased of late and became a serious evil in the country districts,^{1.} These were the considered statements of a judge of the Circuit Court so much then for Philip's assertions that crime and vagrancy had decreased. But Menzies was even stronger in his attitude.^{2.}

Judge Menzies could not see how sufficient preventitive police could be supplied in the present state of the Colony. "I am of opinion that the existing laws of the colony, more particularly since the enactment of Ordinance No. 50, do not provide any system of checks or restraints on that portion of the population of the colony, who, from their circumstances, wants, dispositions and habits are inclined or under temptation to commit depredations on the property of the inhabitants of the country districts, sufficient or calculated to prevent the commission of such depredations".

1. Report of 1837. P.182.
2. Report of 1837. P.178.

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No. 1837
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As a result of complaints Menzies went thoroughly into this question while on circuit, and came to the conclusions far different and in many cases in direct opposition to those of Dr. Philip. I give his conclusions and leave it to the reader to decide who was the partial interested man, the missionary, an avowed champion of the coloureds or one of His Majesty's Judges on circuit. Incidentally judges and lawyers are people who from their training and profession should have a clear vision and a quick grasp of essentials.

Menzies conclusions were:-

1. The Hottentots pure and mixed formed a considerable part of the population.
2. That with the exception of the almost white Bastards they did not possess land or sufficient stock.
3. None were skilled tradesmen. (The farmers could not teach their apprentices trades as they were illiterate stock farmers in the east. The missionaries of Bethelsdorp and Theopolis claimed to have done so!)
4. The only employment for which they were suitable was herding cattle and looking after horses.
5. That the Hottentots were by disposition lazy, indolent, petulant, capricious, fond of change and addicted to drunkenness and to thieving.
6. Physically and mentally the Hottentots were the inferiors of the slaves of the Colony.
7. Under a master only fear of the master stopped the above characteristics.
8. Imprisonment was not considered a punishment by males or females and in the country districts no provision was made for hard labour. Prisons could not

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hold people for trial and under sentence as well as "the number of Hottentots who, if the 21st and 24th sections of Ordinance No. 50 were strictly enforced would be sentenced to imprisonment for misdemeanour of ill behaviour to the masters".

9. Distances and expense were so great that Hottentot employers would rather let their servants break their contracts than take the trouble to have them arrested for the inadequate punishment provided for by section 24 of Ordinance No. 50.

10. In the country districts the only hard labour that could be provided would be hard labour on the roads in chains. There were not sufficient white constables to guard them and the blacks were not to be trusted. The prisons were also not large enough.

11. The mild climate enabled the Hottentots to sleep in the bush or caves, there was plenty of meat to be had and two or three sheep skins were all they considered necessary for covering.

12. Conditions in the country districts enabled the Hottentots to support themselves comfortably by stock theft.

13. In the towns they did odd jobs for the inhabitants to get brandy and did no permanent service (most of the Hottentots are still the same today).

14. Before the passing of Ordinance No. 50 the Hottentots were sufficient to supply all the labour for which they were needed.

15. The natives from beyond the frontier performed all the work and "so far excel the Hottentots in the qualities steadiness, quietness, sobriety and obedience, that no person who can procure them for labour-

Philip
1821

rers will employ Hottentots.

16. The employment of these natives increases the unemployment of the Hottentots.

17. Since the passing of Ordinance No. 50 unemployed Hottentots have increased.

18. Since the passing of Ordinance No. 50 the number of stock thefts have increased. (Where did Dr. Philip's statement originate).

19. It appeared to Menzies that with few exceptions the following appeared to be the state of the Hottentot: Hottentots not in service had no lawful means of subsistence and supported themselves by thieving.

Hottentots would not enter service unless compelled, and under the existing law there was no means of compelling them. Their wants were so few that they could be supplied by thieving. The fear of punishment and imprisonment for a few months was not sufficient to overcome their propensity and temptation to idleness, besides such punishment was not practicable in the country districts. Any ordinance which provided no more severe means of punishment than hard labour would be inadequate and ineffective. The punishments provided by Ordinance No. 50 for the misconduct and unfounded complaints against employers ^{were} inadequate and did not prevent such conduct. The inhabitants thus did not employ Hottentots and made use of Ordinance No. 49 which encouraged Bantu labour. As a result of all these circumstances Hottentot employment and thefts tended to increase in the Country Districts, this was also aided by the laws. Menzies thought the Hottentots should be given the same punishment as slaves.

The Judge
Justice Menzies went still further and suggested that the laws should be altered to protect the property of the frontier inhabitants from Hottentot depredations. This from the Judge who went on circuit in these very districts, he knew how these laws were and could be applied in practise. He also recommended that a person killing another who was trying to escape arrest should be tried with homicide and given bail after the preparatory examinations, so that he could collect evidence to conduct his defence. People called out ^{by the} authorities ^{to} /apprehended prisoners should receive compensation if injured in the performance of this duty. The Judge ended by offering his services if any draft ordinance was to be drawn up relative to Hottentots and Free Blacks. *W. B. P.*

On the day the 50th Ordinance as ratified, arrived in Cape Town Bourke had given notice of a Vagrancy Law.^{1.} Cole asked the opinion of of the Judges on the passing of such a law, as the statements which Wade had obtained from the local officials all expressed a fear of increased vagrancy as a result of emancipation.

X Burton thought, that the Second section of Ordinance No. 50 did not exempt the Hottentots from the operation of a Vagrant Law in the Colony. The other judges did not concur in this opinion. Burton also did not agree, that a person suspected of a crime should be shot if he fled, as most of the thieves were Hottentots of Bushmen, who usually fled at the approached of the armed and mounted colonists. The latter should be restrained from the use of fire arms, often innocent people would be killed, or these who if tried proper-

ly receive a much lighter sentence.

Here the other three judges showed a better appreciation of the conditions of this country. They wanted the law of England, where a man suspected of a crime could be shot when attempting to escape, to be applied here. The application should be more severe here because such an escaped criminal, and only criminals would flee from the police, would be a great danger in this sparsely populated country of vast spaces.

"Whatever may be said of the bloodthirstiness of the boors while on commandoes, the evidence given on trials at the late circuit courts prove the fact to be, that all the individuals who have recently been shot while attempting to escape apprehension were either persons known to be themselves notorious and desperate offenders, or at least belonging to gangs of notorious and desperate offenders, while the first intimation which the neighbourhood receives of the escape of persons either from prison or from custody on the road to prison, or from an attempt to arrest them, has been commission of some new and atrocious crime".

In a private letter to Cole about the proposed Vagrant Act, Wyldé stated that the exertions of the Field Cornets in the country for apprehending offenders had been paralysed by Ordinance No. 50. To substantiate his assertion the Chief Justice quoted cases. Appel shot a Bushman who stole his horse, defendant was acquitted by Menzies. Oosthuizen shot a Bushman who tried to shoot him with a poison arrow after stealing two cattle.^{1.} Many such cases are quoted in Volume 620, and most of them proved beyond doubts that

that the Vagrants had arms and would not hesitate to use them even against patrols. The witnesses who gave this evidence were not all white men but many were Hottentots and not one of them accused the farmers of wilful murder.

Under these circumstances it would appear that people who showed their guilt by flight should be shot to defend the public at large. Law only justified the shooting of a person accused of felony or a crime of equal degree, this the criminal class knew.

Despite all this overwhelming weight of evidence the Vagrant Act was not allowed to be passed. Dr. Philip and the sentimentalists of Exeter Hall had gained another victory. Surely the judges could not have been accused of prejudice, a charge which Philip levelled against the other officials. Only in 1841 did a general ^{1.} Master's and servant's Law supersede this Ordinance.

THE KAT RIVER SETTLEMENT.

As Macomo who had been living in the Ceded Territory by Government indulgence was to be removed, ^{1.} by force if necessary in 1829, Stockenström the Commissioner-General was sent to supervise this expulsion. ^{2.} Macomo had wantonly attacked the Tambookies, robbed them of their cattle and killed some of them in the Tarka ^{3.} districts over 20 miles within the Colonial Boundary. He was not expelled to make place for the Hottentots, although there appeared to have been an idea at Bethelsdorp that some of the Ceded Territory should be ^{4.} utilised for the landless Hottentots.

1. Cory : II P. 158.

2. Ibid.

3. Cory : IV P. 95. and Read : Kat River. P.V.

4. Report of 1836. P. 182.

Handwritten notes:
 See also
 See 8 vol. 10
 See

Handwritten note:
 Kay's letter

Stockenstrom the man who suggested the scheme to the Governor formulated his ideas only in April 1829, when on his way to expell^{1.} Macomo for the abovementioned raid. Kay and Shaw were wrong in stating Macomo had^{2.} been expelled to make room for the Settlement, nor can one agree with Kay, that the expulsion of Macomo was a crime as^{3.} Justus said.

Cole authorised the founding of a Hottentot location by Stockenstrom in the Kat River Valley.^{4.} The idea was to find homes for the vagrants who roamed the country especially after the passing of the 50th Ordinance. The 50th Ordinance had also made the occupation of land legal beyond doubt.^{5.}

The land at the Kat River was divided into Locations each from two to three thousand morgen, more or less according to local circumstances, natural boundaries, and the proportion which the arable land bore to the pasture land. In each such location there might one, two or more villages or Hamlets, as eligible situations could be found, where the land could be irrigated. The Deputy Surveyor General would then draw up a plan of the Hamlet together with irrigation furrows; the erven or allotments would be of different sizes and given out on the following principles. Each allotment or erf would be from two to three morgan, but to those persons who were Heads of Parties and had rendered themselves deserving by maintaining the good order and tranquility of the settlement or have been particularly industrious as also to others who might have particularly distinguished themselves, or posses

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1. Report of 1836. P. 182 and Moffat : Missionary labours and scenes. P.43.
 2. Report of 1836. P. 62. Kay : Caffrarian Researches. P. 497.
 3. Kay : Caffrarian : Researches P. 63 and Justus: Wrongs of the Caffre Nation P.124.
 4. C.O. 1444. P.311-313 and Lovett History of the L.M.S. P.565.
 5. C.O. 1506. P.23.

more ample means of improving the land more extensive grants might be made according to their circumstances.

The allotments were so laid out that they constituted regular villages capable of extension where the supply of water should be found sufficiently abundant and arable land contiguously situated. Those who had shown the greatest industry were allowed first choice of erven and the remainder were left for new comers. To prevent disputes the Government reserved the right to distribute water according to the fair needs of the erven.

The erven of arable land would be granted freehold as soon as they should be properly fenced and brought into a proper state of cultivation, with a cottage of at least the following dimensions built on it. To be built of stone or burnt brick, walls 8 feet high under beams, 33 feet by 16 feet inside divided into hall, bedroom, and kitchen - in each a window of four panes of glass in proper frames, as well as in and outside doors of proper timber- the house to be decently thatched, plastered and white washed.

Even when the above conditions were complied with the grantee might not sell or otherwise dispose of the erf, except with the consent of the Government, within five years. In the case of death within five years of before Government consent could be obtained the land was to go the heirs, if the above conditions were complied with.

If after five years the above conditions

W. H. H.

have not been complied with the erf would revert back to the Government.

Where erven were so connected as to form a street the houses should be built with the front on a line.

Forests were reserved for the Government and trees along the river were not to be destroyed.

Nobody who had an erf was allowed to harbour anyone on his erf, who had no right on the Settlement.

All proprietors of erven were allowed to run cattle on the common pasturage in proportion to the size of their erven. There was to be no freehold right to pasturage.

The allotments for Hottentots and Bastard and all exceptions would require the special sanction of the Government. In the centre of each location an allotment was to be reserved for a school. Upon the above principle it would be easy to assess the grants if the Government should prefer quitrent to freehold, as every morgen of ^{erf} land would give a proportionate title to the pasturage.

The establishment of a town just below the poort was to be left over until it was ascertained whether there would be sufficient water.

By October 1831 Stockenstrom had distributed the lands in Cole Vale and Balfour. The Deputy-Surveyor-General, who understood the system would proceed with the grants when Stockenstrom was absent on other business. Cole approved that a moderate quitrent was to be charged for erven and share of pasturage (April

*Went into
1831
miles
and*

1.
11th, 1833).

It will be noted that the conditions were rather severe, especially when it is taken into consideration that the Hottentots received no real assistance.^{2.} Dr. Philip also visited the Settlement shortly after its foundation. The Governor thought that Philip and Fairbairn were not interested in the project as they made no remarks on the subject "Except an occasional sneer which appears in Mr. Fairbairn's paper respecting the policy of the measure."^{3.}

The Kat River Valley is one of the most fertile in the country. Alluvial deposits are carried from the mountains to the valleys by the rain from time to time, there is an abundance of water flowing in every direction, and it is so situated that not only the low lying lands can readily be irrigated but also the same high up to the sides of the hills.^{4.} There was much correspondence in the Grahamstown Journal about the choice of the place and the experiment, but all correspondents with one exception (writing under "A Farmer") agreed that the Hottentots and the experiment were entitled to a fair trial.

Captain Stockenstrom as Commissioner General of the Eastern Frontier had played a large part in the foundation of this Location for the Hottentots.^{5.} In his capacity as Commissioner-General Stockenstrom had to supervise the frontier affairs, this Settlement formed part of his General defence scheme against Kaffir Raids.^{6.} The Settlement did also suffer from all the

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1. Cory : C.O. 1824-36.
 2. Grahamstown Journal. II No.62.
 3. C.O. 1444 P. 311-313.
 4. Grahamstown Journal I. No.24.
 5. C.O. 1444 P. 363.
 6. Report of 1836 P. 646 and C.O. 619 No. 14.

privations of a new settlement, besides acute lack of implements^{1.} as well as Kaffir Raids. Within a remarkably short time the settlement began to flourish and Cole appointed Mr. Thompson as clergyman for the Hottentots.^{2.} Granted most of the Hottentots came from the mission stations especially Bethelsdorp and Theopolis, yet it was known to them that it was the intention of the Governor "that the new settlement would be entirely independent of those institutions".^{3.} Soon after the settlement was founded Stockenstrom had asked Read to come as its pastor, but he did not do so.^{4.} When the success of the venture was assured the Governor on Stockenstrom's recommendation appointed a minister in charge. Hardly had Cole's intentions been made known than Read arrived at the settlement,^{5.} as he had been sent by Dr. Philip "in consequence of an official application of the people to Dr. Philip. I know that such an application was made; but it originated entirely in an attempt to prejudice the ignorant people against any clergyman appointed by, or in the pay of Government, as not sufficiently independent to protect the Hottentots against oppression."^{6.} As Cole wanted the Hottentots to have freedom of worship, Stockenstrom told Read that he could not be expelled, but he would be there in no official capacity.^{7.}

As the Kat River settlement was a Government experiment to give practical effect to the best provisions of the 50th Ordinance, all "official applications"^{8.} would have to be from the directing parties. It was not a spontaneous migration of the 144 families from Bethelsdorp and Theopolis, they were only taking

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1. Report of 1836. P. 298.
 2. C.O. 647 No. 32 and C.O. 647 No. 35.
 3. Moodie : Authentic Records. P. 29.
 4. Ibid.
 5. C.O. 647 No. 32
 6. Moodie : Authentic Records P. 29.
 7. C.O. 647 No. 33
 8. C.O. 647 d.d June 14, 1830.

advantage of the terms offered by the Government to others of their nation. These Hottentots could give no official application, nor had Philip the right to describe Kat River as a London Missionary Society station as he did in 1830. The Superintendent of the London Missionary Society had no right to make official appointments to a Government settlement. Philip had visited the Kat River on his notorious tour of 1830;^{1.} when the Hottentots under Stoffels were supposed to have asked for a pastor after a moving speech.^{2.} Read and the London Missionary Society caused other political upheavals at the Kat River in connection with the proposed Vagrant Law, and the arrest Macomo; no wonder the experiment gradually turned from success to failure when the seeds of internal strife were being sown. There was plenty of justification for Green's accusation that "if the Kat River Settlement had been blessed with Missionaries who studied practice instead of effect, it might have become what it has been represented to be by the agents of the London Missionary Society."^{3.} Furthermore Green as Court agent could state that Thompson's people hardly ever troubled the Magistrate or Circuit Court the whole year he was at Hertzog, but the Philips^{4.} did.

Pringle had the audacity to claim the Kat River as the London Missionary Settlement which was the climax of their brilliant work for the Hottentots in South Africa. "The labours of the missionaries there, and in an especial manner to those of Mr. Read, is unquestionably to be ascribed the astonishing success of

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1. Report of 1836. P.550.
 2. Buxton : Memoirs P. 216.
 3. Green : Kat River in 1851 : P. VIII.
 4. Ibid.

an 'experiment', the result of which has far outstripped the hopes of the friends of the native race, while it has absolutely shut the mouths of their bitterest enemies yet so blindly prejudiced was the Colonial Government, even under the straight forward kindhearted Sir Lowry Cole, that it was not for want of their zealous endeavour, direct or indirect that the missionaries of the London Missionary Society, and Mr. Read in particular, were not driven from their labours at the Kat River."^{1.} Against Pringle's assertions we have Stockenström's letter in Moodie's Authentic Records (quoted above No. 19) Cole was very annoyed with Dr. Phillips appointment of James Read at the Kat River. He saw what Philip's idea was namely "of laying claim hereafter to some if not the entire merit which might attach to it."^{2.} Macmillan became Pringle's modern counterpart when he claimed :- that of the 2000 Hottentots at the Kat River^{2.} nearly^{all} came from other missionary stations; they did very well in the attractive Kat River Valley; that constructive measures stopped after the Government had unsuccessfully attempted to prevent the London Missionary Society from following its people; that the Governor was apparently hostile to this organisation best able to help the settlement.

In those days when the appointment of clergy had in any case to receive Government sanction and in this case particular where the Government was carrying out an experiment, Philip far exceeded his rights. The Governor thought, and as the subsequent history of the settlement showed, rightly, that the presence of the

1. Pringle Narrative of a Residence in S.A. P. 346.
2. C.O. 1444 P. 311-313.

London Missionary Society and Read in particular would be detrimental to the economic development of the Kat River.

Read and Stockenstrom had a prolonged correspondence about this very subject. Stockenstrom at first assured the Governor that there was no missionary interference at the Kat River,^{1.} and that after Philip and Fairbairn's visit to the frontier Cole had devised the appointment of Mr. Thompson, but even before his arrival Mr. Read appeared on the scene, the ever tactful Stockenstrom did not want Read to think Thompson's appointment had anything to do with his arrival, as he (Read) would represent it as persecution from the authorities.^{2.} For a while Thompson's salary would be £150 per annum, later he would be placed on the same footing as the other clergy.^{3.} Later Thompson was allowed £50 per annum for house rent, but the Governor was not prepared to appoint a magistrate at the Kat River.^{4.}

After their visit to the Kat River, Dr. Philip and Mr. Fairbairn reported that they were particularly pleased with the appearance and prospect of the people "Dr. Philip" felt for them as being without spiritual instruction, and the children without proper education, and pressed immediately on his arrival the importance of my leaving Bethelsdorp to come and reside among them, - after this the whole of the people made an official application to the same effect to Dr. Philip".^{5.} After this Read made some ominous remarks. He professed to have the people's welfare at heart and "I shall how-

1. C.O. 647 No. 32.

2. Ibid.

3. C.O. 1508 No. 474.

4. C.O. 1320 No. 1337.

5. C.O. 647 Read to Stockenstrom dated 14 June, 1830.

ever confine myself as much as possible to their spiritual concerns. As I consider the more they are left to feel their way for themselves in their outwards concerns the better, but if in an indirect way my advice may be needed of course I shall be at their service".

"I am extremely sorry to hear that hostile measures are judged necessary towards the Caffres some of whom I see are now my neighbours, I hope things may turn out more favourable than expected."

The Reverend gentleman who had promised to abstain from politics was taking an active interest in the affairs even before his arrival at the Kat River.

Stockenstrom's reply came immediately. No missionaries of any society would be excluded from the settlement, in fact the Government intended to offer no opposition or obstacle to such missionaries. It had to be clear that such missionaries came as private individuals, entirely unconnected with the people of the location and working gratuitously, as the Government was making an official appointment. As regards the Hottentots' temporal needs for fifteen months they have had direct access to Stockenstrom and this had to continue. ^{1.}

Poor Read could not understand what Stockenstrom meant, as he did not come from his own choice, neither did he consider his stay at the Kat River as permanent, "but as the people were so anxious and urgent for my coming I yielded to come at least for a time, the people agreed to build me a temporary cottage". ^{2.} He also added that he was under the impression that both the people and the Government wanted a missionary and so he could, ^{not} see how the latter could oppose it. ^{3.}

1. C.O. 647 Stockenstrom to Read. 15th June 1830.
2. C.O. 647 Read to Stockenstrom. 30 June 1830.
3. Ibid.

In his reply Stockenstrom was emphatic that he had no intention of preventing Read from instructing the people of the Kat River; but the latter "was intended as this is to prevent your considering yourself in any other way connected with the said locations, and the population than any private individual there. This precaution was rendered necessary by your statement that your proceeding to the Kat River had been the result of an official application to Dr. Philip on the part of the whole of the people". Philip had no other role than a traveller and could not assume an official capacity. Such a procedure would bring the Hottentots under a very wrong impression of their relations to the community at large and, "I beg to be distinctly understood that the Hottentots on the Kat River are entirely independent of, and unconnected with any missionary institution whatever, not was the contrary at any time whatever supposed, for the intention of Government to appoint a minister to those Settlements, upon the Colonial Establishment was so wellknown long-since, that the name of the individual expected to be appointed was currently mentioned".^{1.}

When Stockenstrom introduced Thompson as the parson at the Kat River some of those who had migrated from Bethelsdorp and Theopolis said they had already chosen Mr. Read. "It cannot be denied that a strong feeling, of late origin, was visible on the subject".^{2.} Here we have a case of missionary interference upsetting the equilibrium of the settlement and not the reverse as Pringle tried to claim.

Read although still maintaining that most of the people and the heads had asked Philip for a mis-

1. C.O. 647 Stockenstrom to Read 5 July 1830.
2. C.O. 647 No. 35.

sionary, intimate^d that he was glad to hear of Thompson's appointment.^{1.}

In this controversy the Commissioner-General had the staunch support of the Governor. Commenting on Read's arrival at the Kat River Cole wrote "You are well aware that it never was in the intention of the Government that this Settlement should become a Missionary institution or be subject in any way to the influence of any of the societies existing in this colony or elsewhere. Those among the Hottentots who formerly belonged to the institutions (left) by their own free will, and are at this moment at liberty to return thither if they wish to continue under the guidance of the missionaries of whatever denomination ; but as the new Settlement was projected as much with the view of proving by actual experiment in how far the Hottentots are capable of acquiring a character for good behaviour and industry, when left to themselves, as of benefitting them in the meanwhile. His Excellency is certainly but little disposed to countenance either the interference of missionaries on this occasion, or those who seek or admit such interference". The Governor would not pretend to stop Read but he was appointing Thompson at a salary of £150 per annum, and Stockenstrom had to see that there was a small building to serve as a church and school.

The Hottentots had to be made to understand that whatever they had at present, with all due respect to the Missionary and Moravian Societies they owed it "to the Government of this Colony alone". Stockenstrom had to attend to this even if it entailed postponing his visit to Colesberg.^{2.}

1. C.O. 647 dated 9 July 1830.

2. C.O. 1507 P. 198.

Cole commended Stockenström in the way he treated the correspondence with Read. As a comment on one of the greatest of the political missionaries of that time Cole's words are most apt. "The avowal of his readiness to advise the Settlers in an indirect way if it be needed, in what he terms their outward concerns, and the expression of his regret in regard to the measures, then about to be executed against the Kaffirs, leave but little hope that missionary influence will be confined, 'as much as possible' to the spiritual concerns of the Hottentot Settlers".^{2.}

Stockenström had the power to exclude any elements which he thought undesirable^{2.} and he could have excluded Read. His Majesty's Government had placed the Settlement under his personal supervision and protection against aggression^S from Kaffirs and intrusion from vagabonds. Apparently Goderich thought the Dutch mere vagabonds, only respectable settlers might be located in the ceded territory that is English and Hottentots, but "I shall, however, decidedly object to allow any of the boors of the colony to obtain lands in that quarter."^{3.} That the Kat River was only part of the General Defence scheme of the frontier is proved by the Colonial Secretary's letter, that the land in the ceded territory should be gradually disposed of by sale and no inland grants should be made "until the whole line of frontiers, from the sea to its Northern extremity shall have been located".^{4.}

Slavery was not to be allowed in the ceded territory. All lands at the Cape suitable for agricul-

1. C.O. 1507 P.236.
 2. C.O. 1508 P. 278.
 3. C.O. 1318 No. 1247.
 4. Ibid.

ture "have already been disposed of and this is a fact so well known, that it has deterred many respectable persons from emigrating from this country to the Colony"^{1.} The shortage of land was no mere delusion and the idea of giving, small farms freehold aggravated the position as regards the Boers. The stage was being set for the Great Trek.

Up to 1828 the missionaries had kept the remnants of the Hottentot nation together, and they had done a great deal of good.^{2.} After 1828 the mission stations could not absorb this surplus Hottentot population, and vagrant families became a nuisance to the farmers.^{3.} The idea of the Kat River settlement was to absorb this surplus, which either crowded the mission stations or wandered around the country side; in such a settlement they supported themselves and helped to protect the frontier.^{4.} Dr. Philip stated definitely that none of the Hottentots were so industrious as at the Kat River.^{5.} The reason is not far to seek, at the Kat River the land became their property if properly worked, while at the Missions stations there was no right of individual property.

For a time the Settlement flourished. Schools were erected. James Read Junior, who was the Superintendent of the London Missionary Society Schools, claimed that there were 12 schools under his direction, the teachers were taught at the Normal school at Philip-ton. They could apparently not have received a very thorough training. The subjects taught were English, Dutch, Arithmetic, scripture, History, Geography, the

1. C.O. 1318 No. 1247.
 2. Report of 1836 P. 127.
 3. Ibid.
 4. Report of 1836 P.70.
 5. Report of 1836 P.646.

rudiments of mathematics, reading writing etc; ^{1.} a glance at the list showed a lamentable lack of hand-work or trades. This was where the Moravians scored heavily over the London Missionaries. James Read Junior was apparently filled with his own importance. ^{2.}

Thompson visited the Kat River in 1829 and sent his report to the Governor. ^{3.}

The best party.

32 men capable of bearing arms.

11 waggons many almost new.

150 horses and breeding mares.

700 oxen and cows and about 5000 sheep and goats.

Granted the other parties were not so well off and two parties were very poor but they informed him they had left their property in the colony until they could be settled on a permanent basis. Those who had the most stock had been farming on a small scale on unappropriated lands or given casual labour to farmers for their privilege of grazing their stock on the farms. "The less wealthy class consisted of those who had more intercourse with the villages or had been living upon the institutions. The cause of their comparative poverty I apprehend was ; their being more dependent upon their own resources for food and clothing, and indulging more luxuriously in the kind and quality of those articles. Yet this class appeared to me to possess more mechanical skill and greater spirit of enterprise than the former".

Much ground had been ploughed and corals-one 600 yards long- built.

It was gratifying to note that in most com-

1. Report of 1836 P. 559.

2. Green : Kat River in 1851 P. VIII.

3. Cory: IV C.A. 1825-35 P. 188.

unities some form of religion was maintained - daily social worship.

The fact that the people would possess their own landed property was a great stimulus. The Hottentots evinced sufficient enthusiasm and the success of the venture would depend on the way it was run. A minister and schoolmaster were badly needed.

The idea of distributing the people in small ^a hemlets was good. As the mechanics supplied the needs of the farmer, at first this would not be easy as they grouped themselves in families. Campbell feared that the government would find difficulty in distributing the Hottentots among the whites, there was a strong prejudice among them against the white colonists especially the Dutch.

The returns for the Hottentots provisionally settled in the Kat River for 1830 were,

243 men.
 187 women.
 451 children.
 127 owned muskets.
 99 Government muskets.
 58 waggons.
 22 ploughs
 369 horses.
 1822 cattle.
 792 Oxen.
 8227 sheep and goats. ^{1.}

The Hottentots were to select men to defend the frontier, thereafter they would obtain ground. The head of the party had to be approved by

the Commissioner-General and Civil Commissioner of the District and they had to obey the orders of the head of the party. Not more than two men out of ten would be allowed to leave the location at a time; of the remainder two were to mind the flocks, three were to be prepared to go on patrol, commando or other duty while the remaining three were to protect the houses.

Christiaan Jacobus Groep was to act as field cornet when Kobus Boezah was away. The Hottentot force was not to be called out unnecessarily and Boezah and Groep would be notified by the Civil Commissioner, Field Cornet or the Military officer at the nearest post. No kaffirs were to be allowed on the post (yet Read invited Macomo to his house), and no Hottentots might cross the frontier except on duty. The Hottentots had to keep the roads in proper order. Booy Windvogel was appointed the road overseer and could call on the heads of the parties to supply the necessary labourers.^{1.}

Cole wrote personally to Stockenstrom in 1831 and congratulated him on the progress of the settlement. The settlers were commended to his personal care and protection against Kaffirs and the intrusion of vagabons.^{2.}

In Campbell's report dated 31st May 1833 he stated there were 47 locations on the Kat River with varying degrees of prosperity.^{3.} Three parties did well for themselves, Christiaan Groepes party had completed a 700 yard water course in the first year

1. C.O. 647 No. 56.

2. C.O. 1508. P.474.

3. Cory. IV C.A. 1825-35 P.188.

and a second and larger one was nearly completed, and an orchard was bearing. Groepe had a small but comfortable house and there was every indication of industry and comfort on the location. Ray Bergman's party had also finished a 700 yard watercourse and had had success with crops, but the houses and people were dirty and they held hunting parties on Bonte Bok Flat which ^{were} engendering idle habits. Jacob de Klerk's party had been settled for three years and had completed a 1000 yard watercourse. The head had a comfortable house and large orchard, they had also constructed a water-mill, which was working at Campbell's visit. There was every appearance of plenty, comfort content about the party. There were several locations on which the inhabitants had not attended to agriculture but hunted. ^{1.} The statistics collected on this visit were:-

Heads of parties 52. Total population 2185.

Free Blacks including Bechuanas, Kaffirs, Fingoes and Gonah 661.

Horses. 222

Cattle 2444

Sheep 4966

Corn sown 70 Muids.

Reaped 972 muids.

Barley sown 58 $\frac{1}{4}$ Muids.

Barley Reaped 1423 muids. ^{2.}

James Read Junior's figures do not quite tally with those of Campbell for the same year, but they also serve to show that there had been general progress, and the difference is very small and understandable. Read estimated that the Kaffir war of 1834-5 had cost the settlement between thirty and forty thousand pounds.

1. Cory IV. C.A. P. 181

2. Cory IV C.A. P. 182.

The agitation against the Vagrant Ordinance also had its repercussion in the Kat River. The Bastards were almost to a man in favour of the ordinance. Of these Bastards Campbell said: "There are also unquestionable industrious persons to be found there, chiefly among the Bastards, who are the children or descendants of the children of Dutch farmers, (though included under the general name of Hottentots at the settlement) and they have generally kept clear of the schools and missionary institutions. Some few of them, however, have been there and still preserve their industrious habits".^{1.}

Philip opposed the proposed Vagrancy Ordinance because he maintained the other Ordinances could not protect Hottentot property.^{2.} Others again favoured such an ordinance to protect the Coloureds from their friends and relatives, "I was assured on the spot that many individuals of industrious habits, who had entered the location in the possession of quite sufficient property to promise a fair chance of success, had had within a few months of their arrival been obliged to withdraw and again seek for service, their last sheep having been devoured by their indolent and voracious visitors".^{3.} So many Hottentots, of the class who had by 1833 built nearly 24 miles of manals were robbed of their chance by Vagrants and idlers. The tragedy for them was that the judges had agreed "that no law which at present exists, nor any that may be framed for the suppression of vagrancy in the colony, can be carried into effectual operation in respect to Hottentots, or other free persons of colour, so long as the second

1. Report of 1837. P.159-161.
 2. Report of 1836. P.758.
 3. Report of 1836. P.290.

second section of the 50th Ordinance stands unre-
pealed".^{1.} So those, who were not ripe to receive the
benefits of 50th Ordinance robbed those who "were
capable of acquiring a character of good conduct and
industrious habits, when left completely to themsel-
ves".^{2.}

These Hottentots and Bastards had the right
to be protected by the law and they sought such pro-
tection, eighty of them signed a memorial in favour
of the Vagrancy Ordinance, these were mostly Thompson's
congregation.^{3.} This was inspite of the intense London
Missionary Society campaign against the measure. The
tamperings of Dr. Philip and Mr. Read about the propo-
sed Vagrancy Law lead to a great deal of excitement
among the Hottentots. Philip sent a memorial around
and also a circular to all the missions under his charge
directing the clergy to offer prayer to the Almighty
"to avert the evil that was then hanging over the colo-
ny".^{4.} The Rev. Barker even tried to prove that the
proposed law was an attempt to get the Hottentots to
the canteens, so that the Government could get money
from the demoralised Hottentots.^{5.} Apparently Barker
did not think much of the intelligence of the Govern-
ment officials.

Much to the credit of the missionaries
they had so much influence over the Hottentots that
they had petitioned against the establishment of a can-
teen at the Kat River.^{6.} As a result of these inter-
nal divisions the Kat River Hottentots were not much
use in defending the Colony in 1834.^{7.} In fact the divi-

1. Report of 1836. P. 290.

2. Ibid.

3. Report of 1836. P.597.

4. Report of 1836. P.317.

5. Report of 1836. P.318.

6. S.A. Com. Advert. IX. No. 580.& Buxton Memoirs. P.217.

7. Cory IV. Kaffirland P. 438.

sion was so great that there were constant rumours that there was an impending Kaffir invasion in 1832 and that some of the Hottentots were joining them,^{1.} and also wished to drive out the Bastards especially Christian Groepe.^{2.} They did nothing in 1832.^{3.}

Why then did this experiment prove a failure, what, besides Read's presence, were inherent weaknesses?

The scheme exasperated the Kaffirs, because they looked upon the territory as belonging to them. Large numbers of Hottentots being settled in one place, they tended to form a particular class, which with its real or imagined grievances against the Dutch Farmers began to lose sympathy with the colony. Being armed this hostile group might become not an asset but a real danger to the colony. There is now no doubts that there existed treasonable intercourse between the Hottentots and Kaffirs in 1834.^{4.} The idea of giving land to the coloureds was not wrong, but the group was too large and too far from the European centre of civilisation. The reserves should have been nearer the large town, so that use could be made of the labour and the coloured by earning decent wages and being in contact with Europeans would be civilised. True, Stockenström feared such proximity to the towns, and undoubtedly some would have been tempted by the canteens. Much trouble would have been spared if some of the popular writers in England and the Cape had not fought for an excellent abstract ideal based on insufficient or perverted facts, but had strived for something less grand and perfect but infinitely more practical.

1. G.T.J. I. No.4.

2. Cory. C.A. P.156.

3. Bigge's Report. dated 28th January 1830.

4. Shaw : Hist. of a Mission. P.146.

Hottentots had also been given lands near Simonstown. They now wanted to add to their holdings by paying quitrent for the waste land. The whites in the vicinity were strong¹ in favour of the grant as the Hottentots had been leading good progressive lives.^{1.}

The second clash between Cole and Phillip was in connection with the lands at Theopolis. There was much difficulty in connection with the London Missionary Society station at Theopolis, Mr. Hankey wrote to the Colonial Secretary stating, that certain lands, which had been granted to Theopolis by Cradock in 1813 and Donkin in 1821 had now been given to certain settlers.^{2.} Hankey also claimed that this land, which had valuable corn lands, had been given so that the Hottentots could help to defend the Colony against the Kafirs. In 1826 Sir R. Ploeket had granted them a piece which the superintendant had refused - too poor. Later however, their request for the land between the station and the sea had been granted. The Society could also buy land subject to the usual quitrent.

Cole received instruction ^{from} Sir George Murray to grant the land in question to the institution - especially that along the Kariega which gave access to the sea. Murray had a map of the place in his office. Cole refused to make the grant of land and Goderich requested that he report "the nature of the difficulties which may have impeded the execution of that instruction".^{3.}

Mr. Hankey, who was kept informed by his agents in the Cape, did not give the Colonial Secretary any rest, within three weeks he wrote three letters to

1. C.O. 645 No. 15.
2. C.O. 1317 26 Jan. 1829.
3. C.O. 1318 No. 1238.

the Colonial Secretary, about this land.

The land in question had been granted to Messrs. Bovey and Grant by General Bourke two months before he had received Lord Bathurst's letter. These gentlemen would have to be compensated if they agreed to part with the land. If the lands had not been granted, Cole would have granted them to the institution on the receipt of Murray's despatch "I should have felt it my duty to have complied with the directions therein contained in opposition to my conviction that the Society's claims to them are not borne out by facts".^{1.}

The missionaries based their claims on grants by Cradock and Somerset, but, "there are however, very satisfactory proofs, that the applications of the missionaries for additional lands were repeatedly refused."^{2.}

It was also claimed by the missionaries, that they had the right to the land as they cultivated it, in terms of the Government Advertisement of 18th April 1817. But the Act referred to individuals who wished to settle in the Zuurveld; the missionary settlement worked in groups, and before the 50th Ordinance of 1828 Hottentots were not allowed to acquire land collectively or individually. In 1825 Bathurst had granted land on the condition that the missionary societies could not receive more grants of land or purchase land.

Dr. Philip and Hankey both claimed that "Theopolis was founded to help with the defence of the frontier, but in granting the land Cradock told Campbell definitely that the grant was to relieve Bethelsdorp and that the Hottentots were to learn agriculture and crafts, there was no idea of defence purposes. The

1. C.O. 1444 P. 466-493.

2. Ibid.

Hottentots contributed to the Cape Corps and some were receiving pensions, but they did not do more than the rest of the community.

The lands now claimed by the society had been fully occupied for ten years by the earliest British Settlers, e.g. Mr. Campbell, Thomas Philips, ^{lieu} Lieutenant Crouse, Mr. Bovey and Mr. Grant. "If this monstrous and unfounded demand be acceded to, it will be impossible to set any limits to the claims of the Society, for it will be enough to allege that any Hottentot of the Institution has at any time since 1813 to 1817 put a spade into the land now granted to another to claim the expulsion of the present owner and the restoration of the land not to the individual Hottentot who is supposed to have established a claim to it, but to the society by whom he and his brethren in their turn may be expelled the next day".^{1.}

Cole maintained that since the passing of Ordinance No. 50 the missions would serve no useful purpose - economically - for the Hottentots. In the stations there was no right of individual property, and the Hottentot could theoretically and legally be expelled by the missionary, who was the sole representative of the missionary society to whom the land belonged. Since 15 January 1829 the Hottentots could possess land in full. Give him his own land, and let him feel the pride of ownership and his wanderings and fighting instinct will be counteracted. This was the principle of the Kat River Settlement. According to Cole Dr. Philip maintained that the Hottentots went to the Kat River, because their land had been alienated at Theopolis. The Gover-

nor said, that it was typical of Dr. Philip who told the Hottentots they were being sent forward to make the land safe for the favoured colonists, but made no mention of the fertile land they were receiving.^{1.}

It would appear that Philip had tampered with the surveyor's diagram of Theopolis and published the mutilated form over the surveyor's signature. The missionaries were given ample warning and then the beacons were inspected.^{2.} The result was that no encroachment on the society's lands could be proved. "Dr. Philip had admitted that he and Mr. Wright, and Mr. Barker the new Resident Missionary were the parties who altered from their own measurements their copy of the original diagram which Dr. Philip afterwards published in its garbled state, with the Government Surveyor's name still attached to it thereby giving inadvertently perhaps a colour of authenticity to a charge which had no foundation of fact."^{3.}

The Governor under these circumstances - this was a grave affair - would refuse all plans and reports to people who could make such changes on official records. When the results of the inspection were reported to Dr. Philip, he was not convinced but dismissed the matter "for its want of importance" and concluded "that the whole of the persons employed in inspection by the Government including even the gentlemen who attended at the request of the Resident Missionary were in league against him, the Hottentots and the Society".^{4.} Barker was one of those who changed the document now Philip "with his usual inconsistency" said

1.
2. C.O. 1444 P. 483.
3. Ibid.
4. Ibid.

that Barker was "not capable of giving a sound opinion
 whether an encroachment was made or not"^{1.}

Philip now sacrificed the character of Mr. Barker his own coadjutor, and Mr. Thomas Philips, the nearest Justice of the Peace, in the words of Cole "to the superior credibility of Hottentots whom he interviewed five years before in collecting evidence against the Government and community as a whole". This was the evidence for his Researches in South Africa, of this book was written in the Grahamstown Journal "The result of the trial Mackay Philip had degraded the 'Researches' to that class of book, which is regarded by all save bigots with aversion and disgust. The book therefore is unworthy of comment; but the manifestation of power which it has occasioned in the faction, of which the author is an emissary, has been productive of much disgust in the public mind."^{2.} But this book was received as an authority on which to found new colonial enactments and "that the enquiry at Theopolis into charges of the gravest character against the government had not other object, as we are now compelled to believe, than to satisfy the expectation of that ambitious faction"^{3.} If this were to it would have been a barefaced attempt to advance the interest of a party by bringing the Colonial Government into contempt. Dr. Philip and his party were in the habit of attacking the colonial officers who dared to contradict their statements. After a most patient and laborious investigation it was fully and irrefragably demonstrated to the

1. C.O. 1444 P. 483.

2. G.T.J. I. No. 5.

3. Ibid.

satisfaction of everyone present, including the authorised agents of the London Missionary Society, that not one foot of Ground had ever been taken from the lands of Theopolis - that, that Institution was then in full possession of the whole of the original diagram with all the additional ground"^{1.} Yet Dr. Philip had expressly stated, "I was at Theopolis, I found Mr. Hope on the grounds, I inspected his survey and found more than a third of the lands taken away"^{2.} Who would if some facts were not withheld doubt the word of a Doctor of Divinity and a Protestant Minister "on his own knowledge and observation".

After this investigation of the Theopolis lands, Cole offered Dr. Philip another investigation and a re-measurement in his presence. He never acknowledged the offer but attempted to take advantage of it^{3.}

This enquiry had been held by order of the Colonial Secretary, whom the London Missionary Society agents in London had been visiting constantly about the alleged rape of land.^{4.} No wonder Cole became anti-missionary society and said they thought only of enriching their societies, he was prepared to grant lands to individual Hottentots but not to the missionary societies "on their present footing"^{5.}

Cole and Dr. Philip were hereafter at daggers drawn, moreover the Governor was ^{peevish} /that he had not received a copy of the Commissioner's Report of 1830 from the British Government, but had to rely on extracts which "have been published from time to time for some months past"^{6.} in the public newspapers of Cape Town.

1. G.T.J. I. No.7.
2. Ibid.
3. Chase : Reasons for opposing Dr. Philip.
4. C.O. 1444 P. 487.
5. Ibid.
6. Ibid.

When referring to Dr. Philip and the interference of the London Missionary Society in the affairs of the Cape, Coke said. "It rests of course for your Lordship to determine how far it may be safe or proper, to permit that Society on the ex parte statement of a servant of their own (one whose great object appears to be the acquisition of power and importance for himself and for them) to interfere with the concerns of this Colony, at the same time I must beg respectfully to question the policy, and as it regards the local Government, the Justice admitted such interference, and I feel it my duty to declare my firm conviction that the continuance of that influence with His Majesty's late ministry, and the granting of his present demands will not contribute to the tranquillity of this settlement nor tend to the further improvement of the Hottentot race".^{1.}

Admitted Here follows a report of the London Missionary Society for 1830.^{2.} (Ab brief summary) It will be noted that there was only one or perhaps two men in each station, often this missionary would go long distances to outstations, no wonder there was not proper discipline kept at these stations. Everything was sacrificed for effect - the number at the station - and so-called converts. Whether they were taught to earn a decent livelihood or not was a matter of secondary consideration. Mere baptism or confirmation did not make a man civilized. This was the return which evoked so much criticism.

1. C.O. 14444 P. 487.

2. Cory : Letters III. P. 617 etc.

CAPE TOWN: Union Chapel Station, from 150 to 200 were attending public worship. The Sybda school was attended by 100 children. Preachers were Dr. Philip Superintendent and the Rev. J.J. Freeman. Date of Foundation 1819. Outstation Rogge Bay. Services were also conducted at Somerset Hospital, and the Battery for convicts in prison.

PAARL. Stellenbosch station. 100 slaves and free coloured, 150 colonists attended services; there were 31 communicants and 20 school children. Preacher was the Rev. J. Kitchingman. Founded in 1819. There were six outstations avering 200 jointly - Klein Drakenstein, Vale Jasaphot, Groot Drakenstein, French Hoek, behind the Paarl and North end of the Village. *Gelyk by de Paarl*

TULBAGH: Station. 40 slaves and Hottentots attended public worship. 10 Communicants. 40 Bible and Testaments were given to those who could read. Preacher the Rev. Arie Vos. Date of foundation, 1811.

OUTSTATIONS. Worcester was visited twice a year, also the prison there. The missionary principally visited farms and villages within a circuit of 240 miles. There were two town, 35 or 40 stations. The missionary gave religious instruction to between two or three thousand farmer, Hottentots and slaves. *but few slaves*

BOSCHJESVELD. Several people were taught to read and write. Improvement was noticeable. Station was founded in 1816. Rev. C. Kramer also visited the farms in the neighbourhood.

ZUURBRACK. Insitution. 284 adults, 259 children - 543. 85 quasi married, 15 publicly married. Attendance of public meeting 150 on Sundays and 45 on week days. 16 Communicants. One school for 70 taught Dutch reading and 24 taught English reading and writing at another school.

Teachers and Preachers: Rev. H. Helm and Rev. W. Elliot. Land was 5,037 morgen, 500 capable of cultivation but

288. B.

70 was actually cultivated. Founded in 1811. Inhabitants worked land and hired themselves out as labourers to the farmers.

District of George. PACALTSDORP. Institution.

Residents 146 adults, 220 children - 366. 63 married couples. 44 Communicants. 200-400 attend church Sundays. One day school attendance 109. Preacher Rev ^{Mr} - Anderson. Date of foundation. 1813.

HANKEY INSTITUTION.

Residents 60 males and 54 females, 50 married couples 90 attend public worship.

Date of foundation 1823. Was a shortage of water.

BETHELSDORP INSTITUTION.

163 Adults, 201 children, 1,344 baptised. 350 to 400 attend public worship. All dressed as Europeans. 340 communicants. One day school, attended by 107 boys and girls; Two infant schools attended 30. Three English schools for lads and adults. Four adult schools attendance 150.

Preacher Rev. A. Robson. Mr. Hood Schoolmaster.

Possessions.

53, waggons, 5 ploughs, 450 goats, 500 sheep, 1,000 cows and calves, 500 oxen, 123 horses. All obtained by the people' own industry.

Houses. Five buildings of the Society, 19 Brick and stone houses; 41 huts all erected by the people and all occupied. 4,456 morgan grazing; 406 salt lake; 200 cultivated, 159 arable, 8 gardens, 1,435 thickets = 6,718 all dry. Inhabitants made living by transport riding and collecting salt and firewood. Prepare stone masons etc.

Founded 1803 by Van der Kemp. In 1829 44 families, 3 ploughs and much cattle went to the Kat River. (These figures were obviously meant to impress. The statement - "all dry" was also deceptive. It conveyed the idea that the land was a desert and what was really meant was "dry land farming". Most of the South African lands are dry lands and the Hottentots who in no worse position than the Boers at the Kat River considerably better off. Thompson stated that the Hottentots who had come from the other stations possessed the least stock, yet this report spoke of "much cattle" Why was the number not given as in the case of the families and ploughs ^{then} -/there could have been a check.)

PORT ELIZABETH. Station 150 English and 50 Hottentots attended public worship. Preacher Rev. T. Atkinson. Founded. 1826 Chapel 1828.

UITENHAGE. Station. Sunday attendance 80 to 150. Week-days 15 to 50. Missionary ill so there was no preacher. Hottentots were in the service of the Europeans and had no land. Founded 1828.

THEOPOLIS. Institution in Albany. 208 adults and 192 children one-third were with the farmers. (if they were with the farmers surely they were not entitled to be

considered as inmates of the institution!) Sunday 150 to 300 weekdays 12 to 50 attended public worship. Day school 40 to 80 (surely very irregular) English school for adults 12 to 18, Sunday school for adults 30 to 100.

Preachers and teachers : Rev. G. Barker, missionary; Rev. C. Sass pro tempore Dr. Doyle School master.

Possessions. 12 waggons, 7 ploughs, 339 oxen, 560 cows and calves, 43 horses. There was no pasture for sheep or goats, 15 substantial houses, 67 less durable, 1 shop and two smiths.

Land very little admitted of permanent cultivation. Raised in 1829; 50 muids wheat; 277 muids barley; 10 muids oats; 20 maize; much loss was suffered as a result of rust and draught. Means of support - By produce of the land and cattle, and waggons in the service of the farmers. Two smiths, bricklayers and thatchers.

Founded in 1814. School 1822, rebuilt 1824, now used used as a church, also other rooms. An emigration from this Institution to the Kat River took place in 1829 consisting of 100 families (such an emigration must have left Theopolis deserted) with 18 ploughs, 20 waggons and as many cattle as were left; 88 persons formerly of the Cape Regiment were residing at Theopolis. There was not enough grazing.

GRAAFF-REINET.¹ Station. Preached in the prison on Sundays to 150 prisoners; in the afternoon to Hottentots and slaves, 150 attended, in the evening preached in turns to the Hottentots and slaves with, Mr. Murray ✓

1. Cory . Letters III. P.625.

*but also see
 Philip & Munro*

of the Dutch Church. Schools in the mornings with the colonists and in the evenings in the Chapel, 40 attended. Preached one evening per week, 70 to 80 attended.

Preacher. Rev. van Lingen also visited farms and the country (Note that the date of the foundation was not give).

GRAHAMSTOWN. Station. Members 400 but attendance fluctuated the average was 200 to 250; 20 communicants 375 on the Sunday school books, 120 to 250 attended.

Founded 1826. Rev. T. Munro.

CAFFRELAND. Buffalo River Station. The natives resided in their own kraals and were visited by the missionaries.

Preacher and Teachers : Rev. J. Brownlie and W. Kayser and Assistant Native teacher Tzatzoe, founded 1816.

KAT RIVER STATION. Neutral Territory. 144 families lately emigrated from Theopolis and Bethelsdorp. They commenced schools themselves immediately on their arrival.

Preacher Rev. J. Read. Founded 1829.

"This is a most interesting settlement. It is an experiment, the results of which is hoped, will prove most beneficial to the Hottentots as a people and to the Colony". This was the most complained of remark. The insinuation being that the experiment was being made by the London Missionary Society. Pringle later actually made the claims and accused the Government of handicapping the experiment).

PHILIPPOLIS. Station. General population Griquas 900 Bechuanas 960 - 1860. 15 couples married at the station;

80 to 200 attended public worship and 45 to 80 the school but there were only a few communicants.

Preacher : Rev. Mr. Melville.

Griquas. had 45 waggons, 15 ploughs 362 horses, 4,550 horned cattle; 14,200 sheep and goats.

Bechuanas. had 2,6100 cattle, 1200 shepp and goats.

Buildings. Church mission house, Stone house. Seven walled houses five unfinished, 280 acres cultivated, 50 fountains led out for irrigation. The soil was best for grazing but locusts were a plague.

Founded 1800.

Eight, ten or twelve kraals visited daily.

The Griquas preferred gardening to raising corn. Bechuanas were refugees among the Griquas, they were in an impoverished state but were rapidly increasing their herds and flocks.

BUSHMAN STATION CALEDON RIVER. 50 Bushmen, 23 married couples (by their own customs) All adults attend public worship. A school was attempted without success, as the parents needed their children to assist in seeking their daily food.

Preacher and Teacher. Rev. G.A. Kalbe and J. Clarke.

Possessions. 3 waggons, 7 horses, 24 oxen, 25 cows, 120 sheep and goats.

Buildings 4 houses, 6 huts and 5 temporary huts. Church land 3 to 5 acres cultivated 11 gardens. 10 Muids potatoes 4½ muids maize, 1 muid beans 7 waggon loads pumpkins, 16 rolls tobacco. The inhabitants lived on roots and the milk the flock produced.

Founded 1828. This mission had always been at-

tended with considerable difficulties.

BECHUANA MISSION. New Lattakoo. Station. 800 resided on or near the station 200 to 300 attended public worship. 12 Communicants. Schools attended by 40 to 80 children and adults.

Preachers, teachers etc. Rev. T. Moffat and T. Baillie.

Natives were independent owners of the soil, cattle etc. No specific account could be given of their numbers but there were 200 to 300 houses. Civilization was increasing and European modes were being adopted.

Founded 1817.

The Gospels by St. Luke has been printed in the Bechuana language and subscriptions were being received towards the erection of a church.

GRIQUA TOWN. About 1000 persons, 3 to 400 attending public worship, 40 communicants 80 to 120 were attending school. Majority could read and write.

Rev. P. Wright missionary and Mr. Hughes artisan.

Two good mission houses and a church. 40 Natives Houses 40 feet by 16 feet. Station was neatly laid out in gardens, orchards and corn fields; some hundreds of muids of wheat; much maize fruit and vegetables as usual in the colony. Means of support agriculture.

Founded 1802.

The state of the station was encouraging. Through scarcity of water some Griquas moved some distance from the town. The majority wore European dress.

The Christian institution of marriage was universally recognised, each man having but one wife.

CAMPBELL. District about 900. 200 attended public worship; 20 communicants, 40 attended school and many were making good progress.

Catechist. Mr. R. Bartlett.

Founded 1802.

NAMAQUALAND. (little) Stations at Steinhoff and Konoggas. The number of the persons depended on the rain; if rain was plentiful 200 to 300 attended. The inhabitants moved about looking for food and water. At Konoggas, 100 to 150 attended public worship and 50 to 60 on week days. There were 18 and 42 communicants at Steinhoff, and Konoggas respectively.

Preacher. Rev. Schmelin and one catechist.

Founded. 1805.

The four Gospels were available in the Namaqua language.

Note and recapitulation.

Station. residence of a missionary who has not received any grant of land.

Institution. has land for the missionary's residence and also for receiving natives who will be under the missionary's constant instruction.

There were 16 stations and 5 institutions from all these missionaries made tours to give religious instruction in their respective vicinities, up to 40 and 50 miles distance in all directions. There were 23 missionaries besides catechists, schoolmasters and artisans. Most of them were married and their wives and families assisted in the mission schools etc.

I selected this report as a specimen be-

cause it was the one which called forth most criticism.

Murray wanted a report from the Governor on the London Missionary Society stations at the Cape. The information he required was: the number of stations; the people on each station and a statement of the tracts of land granted to these institutions (unfortunately I could not find such a report at the archives; there was also no copy of a Punishment Record Book available).

The clash between the Hottentots and the Europeans was a clash ^{of races} of roses. Throughout the ages the verile nations have conquered and annihilated or absorbed the defeated, the only difference was that some methods were more barbarous than others. In the Cape we found neither absorption nor annihilation, but the expansion of the European and subjugation of the aborigines. There were probably cases of brutality on the part of the Europeans, but with the possible exception of the Bushmen, there was no Government policy of conscious destruction. The contact with Europeans, their diseases and unfamiliar ways, undoubtedly played havoc with the Hottentots. Even after the passing of Ordinance No. 50 the real Hottentot continued to disappear. What is going to happen in South Africa? Is there going to be the birth of a new race like in South America, a race of which the Cape Coloureds are only forerunners, or are the Europeans, coloureds and Bantu going to be separate entities in one state? How are the social economic and political problems in such a state going to be regulated? Can the European

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maintain his superiority? Such a state must necessarily be weaker than one composed of one race. Only the future can answer these questions.

The Cape Coloureds of today are not satisfied. The better class will be absorbed by the Europeans, and the lower classes, who hate and fear the Bantu, are beginning to hate the Europeans, who do not wish to absorb them. Economic rivalry and political suppression are the powder that will soon cause an explosion. Many coloureds are trying and trying successfully to be passed as Europeans, they seem to think that their economic and political salvation lies in that direction. Sandwiched between the Europeans and Bantu - they have to fight against possible extinction. Are they going to form a new race with the Europeans, and what will be the effect of such contact. No one can tell now.

1. Many of these conclusions are taken others based upon "Die Verslag van die Kommissie van ondersoek insake Die Kppase Kleurling bevolking van die Unie 1938".

Mason

CHAPTER IV.(a) NATAL.

Natal had become known through Farewell and King and some of their companions.

Chaka was the originator of the Zulu military machine. His force amounted to nearly 100,000 men of whom 50,000 were always ready for battle.¹ His soldiers were allowed only one stabbing spear and if a soldier came back without his weapon he was impaled, so the Zulu warrior was doomed to conquer or die. This tyrant always looked out for fresh fields to conquer, and he kept up a regular system of espionage among the tribes in the neighbourhood, so that he knew the exact strength and the possessions of the tribes around him.² A man was placed in command only once.

The warriors received a liberal share of the spoils but failure was the signal of a general massacre. Any man showing fear was immediately impaled, even if it was merely betraying that the sufferer felt pain. The great warriors carried white shields, the young ones black and the married men red. The warriors, were not allowed to marry, and to set them an example Chaka had no official wife.³ Any woman of the Royal household who became pregnant had her neck broken. All the regiments formed three armies, each of which had a portion of each of the above mentioned classes.⁴ Death reigned supreme in Chaka's kingdom. His will was law and even innocent people were put to death. He was opposed to commerce as he thought it wasted the energy

1. Isaacs : Diary I. P.268.

2. Ibid.

3. Moodie. D. History of Battles and Adventures in S.A. P. 392-404.

4. Isaacs: Diary. P.286.

of his people, which he wished to conserve for war
alone.^{1.}

Chaka wished to open political connection
with the Cape and the English Government.^{2.} King was
sent to the Cape to negotiate a Treaty^{3.} and with him
came the Chief Sotobe, Jacob the interpreter and Karchey
the body servants. Fynn was to remain at Chaka's kraal
as hostage, and King and Sotobe were given full powers
to act for Chaka.^{4.} In recognition of these services and
others King received free and full possession of the
country near the sea coast and Port Natal ~~Lead~~ to the
Stinkein River including grazing flats and forests with
the Islands in Natal harbour and the Matteredben Nations
together with the free and exclusive trade in all Chaka's
dominions. He thus became chief of the Sugoese Kraal.
This document was registered at the Cape on July 29,
1828.^{5.}

The envoys including Isaacs and Farewell
left Natal on the 30th of April 1828 on the schooner
built by Hatton, and arrived in Algoa Bay on the 4th
of May. For some unknown reason, Francis Port Captain
of Port Elizabeth said it was because the schooner was
not registered in a British port, but Cole would not
support him, the schooner was seized.^{6.} This was real-
ly an example of arrogance, red tape and lack of enter-
prise on the part of the Cape Officials.^{7.} King infor-
med the Colonial Government of his mission, but the
Chiefs were commanded to remain in Algoa Bay and were
not permitted to go to Grahamstown to view the frontier.

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1. Holden : History of the Colony of Natal. P. 52 and Isaacs : Diary. P.286.
 2. Chase: Natal Papers. P.22. and Isaacs : Diary. P.212.
 3. Isaacs : Diary. P.213 and C.O. 600 dated July 11, 1828.
 4. Isaacs : Diary. P.212 and Chase Papers Natal. P.23.
 5. Chase: Natal Papers. P.23 and Cory. C.A. IV. 1825 to 35 P. 148-9 and C.O. 600 Feb. 1828 and C.O. 600 13 Nov. 1828.
 6. C.O. 573. No.113.
 7. Holden : History of the Colony of Natal P. 50. and Isaacs: Diary P. 289 and C.O. 600 10 Nov. 1828 and C.O. 600 July 25, 1828. C.O. 1505 P.198. C.O. 1505 P.236.

They would be entertained at Government expense but Cloete told King that the Government was poor and could not make the expense of taking them to Cape Town. It would have been better had King left them in Natal, to this King replied that he would take them to the capital at his own expense as Chaka had always been good to him.^{1.}

Cloete, Van der Riet and Captain Erate came to interview the chief, but as they would not negotiate without King and these officials were loathe to recognise him a deadlock ensued.^{2.} The mission then returned to Natal and the Zulus had no good feelings for the Cape Government, as they were not permitted to go to Cape Town and no grand reception was given to them in the infant town of Port Elizabeth.^{3.} In fact Cloete's attitude during the negotiations was arrogant and short sighted, he took a dislike to King and let this sentiment influence his attitude towards the Zulu chief throughout. Cloete also doubted the genuineness of the document in which land was ceded to King by Chaka. The whole mission was ignominiously packed only Captain Stanhope's ship the Helicon taken back to Natal. When the Chief left Cloete told them that the Cape would always be friendly towards Chaka, if he abstained from attacking the border Kaffirs and did not approach the border.^{4.} King was very annoyed and in a letter he aptly and strongly pointed out to Cloete that the Zulus were powerful and had not come to beg a few presents like the Kaffirs (Cloete had given a present valued at 600 Rixdollars). The mission had been sent to establish relations with the British and Chaka would be annoyed at the outcome. The chief told King, "we came here, the friends of the white people and we are now sent back like rascals - we now see what

1. C.O. 600. July 11, 1828.

2. Isaacs : Diary: P.215-223 and C.O. 600 July 29, 1828.

3. Holden ; History of the Colony of Natal P. 50 and Chase Natal Papers. P.22.

4. C.O. 600. Aug⁷ 1828.

the white people are. God is this the feeling with which they are to be returned". King was in an awful predicament. Would Chaka murder all the whites in Natal? Was the Cape his friend or would they send a large force into Kaffirland to attack him?^{1.}

King was ill on the return journey and died before he could interview Chaka. Before he died King sent for Farewell to shake him by the hand as they had had a quarrel but Farewell refused to come.^{2.}

In the meanwhile a commando was collected to meet the Zulus who had attacked Faku and Hinza, these chiefs were in dread of another Zulu attack. The commando also met Dapa a bastard chief whose mother had been a white woman from a wrecked vessel. Faku said that Chaka had sent messages to him informing him he could have some of his cattle back if he would recognise him (Chaka) as his chief. Faku was also positive that some English had helped the Zulu against him. One of these English had shot a Pondoland and dressed another's wound. Faku said that Dundas "with the exception of Henry Fynn and his small party with Chaka's army were the only white people he had ever seen".^{3.} Dundas failed to establish contact with Chaka.^{4.} Fynn was one of Farewell's party, but Farewell was indignant because he was accused of giving help to the Zulu.^{5.}

Cole did not think much of Farewell and King. They had made conflicting statements about Chaka; he was convinced they were working only for personal gain; and "they do not appear to be very respectable characters".^{6.} These men were bitter rivals and one accused the other of undermining the influence of the

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1. C.O. 600. July 29. 1828. King to Cloete.
 2. Holden : History of the Colony of Natal. P.52 and May: Caffrarian Researches. P.402 and Isaacs : Diary P. 248-9 & C.O. 600. Sept. 10th 1828.
 3. C.O. 600 dated 15th Aug. 1828.
 4. C.O. 600 dated 5th Aug. 1828.
 5. C.O. 600 dated 26th Feb. 1829. (6) C.O. 1444. P.46.

of the other with Chaka.^{1.}

Farewell wrote a letter to Campbell telling of an attack on Delagoa Bay by Chaka, when the army returned another raid on the border tribes could be expected. Farewell advised the Cape not to interfere with the quarrels of the natives. He estimated that 40,000 cattle had been taken from the Amapinda alone during the last raid. Chaka who accused Hintza of being insulting towards him; wished to attack the Kaffir paramount chief. In conclusion Farewell offered to take all communications to Chaka.^{2.}

Chaka had often expressed the wish that a missionary be stationed at his kraal.^{3.}

Lieutenant Farewell tried to persuade the Governor to found a settlement in Natal,^{4.} but the Cape authorities thought the barbarians poor and elephants "teeth" as the only article of trade did not hold much prospect of gain.

No wonder Cole did not think the Natal English were respectable characters. They went native in every sense of the word, and lived as real Zulu chiefs in their kraals with a number of native wives.^{5.} If King had accepted the appointment as chief of the Zugoo-so kraal "he must have been well aware that his presence would constantly be required as they composed the leading regiment of his army".^{6.} When Isaacs arrived in Algoa Bay in the Schooner he did not even have shoes or European clothes.^{7.} Apparently these people thought

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1. C.O. 600 dated 10th Sept. 1828.
 2. C.O. 600 dated 11th Oct. 1828.
 3. C.O. 600 dated 10th Nov. 1828.
 4. Holden; History of the Colony of Natal. P.52.
 5. Isaacs; Diary; P.260 & Holden; History of the Colony of Natal. P.44. & Brownlie; Researches of Kaffir Life and History. P.82.
 6. C.O. 600. dated 13th Nove. 1828.
 7. Isaacs; Diary. P.260.

this mode of life would be the best ^{to} gain the confidence of the natives and expand their trade. ^{1.} Both Moodie and Holden testify to having seen descendants of these traders and having met some of their native wives. ^{2.} Isaac's attempt to refute these accusations were thus false, perhaps he was as guilty in this respect as the rest. ^{3.} They lived under the direction of Chaka and later Dingaan and with them too lynch law became the order of the day. ^{4.} Isaacs, Cane and others taught the use of firearms to some of their natives and these boys with their white masters assisted the Zulu Monarch in some of his raids. ^{5.}

Chaka was very intent on making a treaty with King George whom "he esteemed as a brother", ^{6.} When he sent King on the voyage to the Cape he had been on the point of going to war with the border Kaffirs, but decided not to do so until he had heard from the Cape Government. ^{7.} Chaka sent another ambassador in John Cane to the Cape in 1828. ^{8.} Cane went overland to Grahamstown and was accompanied by Jacob. Unfortunately they quarrelled along the way and Jacob tried on his return to arouse ^{Dingaan's} Chaka's anger against the Europeans. As Cane's mission also had been a failure he delayed at his kraal before going to ^{Dingaan's} Chaka after his arrival in Natal; he also thought it safer to stay in the bush. There was no doubt that had he been at his kraal one of Dingaan's impis would have murdered him. In 1831 Dingaan declared Fynn the Great Chief of Natal. ^{9.}

While Cane was at the Cape Chaka was murdered. Shortly after King's death. Chaka was contemplating

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1. Brownlie: of Kaffir Life & History. P.82.
 2. Gardner: Report of 1836. P.465 & Holden History of the Colony of Natal. P.44.
 3. Isaacs : Diary. P.179. (4) Holden: History of the Colony of Natal. P. 44. (2) Kay : Caffrarian Researches. P.401.
 6. Isaacs Diary P. 210. (7) Isaacs : Diary. P.212.
 8. C.O. 1444 P.43 and Bird : Annals of Natal P. 196.
 9. Isaacs : Diary II P.59.

the massacre of 2000 wives and daughters of the army which had failed in its attack on Delagoa Bay. Dingaan one of the prime movers in the murder wished to save one of these women and also to seize the reigns of Government. Farewell in a letter to Colonel Somerset immediately informed the Cape Government of this murder.^{1.} The Chief's brothers let the Europeans know they need have no fear; in the meanwhile things were unsettled as no successor had been chosen. It was estimated that 20,000 men had perished in the Delagoa Bay raid. The Zulus still wished to live in peace with the Cape, but Mr. Shaw would have been killed had he 'Farewell) not assured the Zulus that Shaw was no spy.^{2.} Soon afterwards a letter was also received from Isaacs telling of Chaka's death. In the same letter Isaacs faithfully defended his late friend King against Farewell's accusations, but stated that Chaka had been very annoyed about the treatment of his envoys who had been permitted to see only two small towns Uitenhage and Port Elizabeth.^{3.} As the result of Chaka's death there was turmoil in Natal and nearly all the Europeans fled from the country. Isaacs arrived in Port Elizabeth harbour with Farewell and Shaw on board on the 16th of December 1828, in the meanwhile not only King but also Hatton the builder of the schooner had died.^{4.}

Captain Aitkinson met Mr. Shaw, who did not think much could be gained from the Natal trade. The Chief article was Elephant and Hippo teeth and this had to be transported 150 miles. Farewell also did not make

1. C.O. 600 dated 15th Dec. 1828 & Cory. C.A. lv 1825-35.P.90
 2. Ibid.
 3. C.O. 600 dated 19th Dec. 1828.
 4. C.O. 600 dated 16 Dec. 1828.

a favourable impression on the missionary, for he looked like a drunkard and would not be¹fit person to lead a settlement of ten or twelve families in Natal. Shaw recognised one great advantage of Natal. It could be used as a port for the interior. This Farewell and/Boer^{the} leaders also recognised. If the Governor wished to found a mission in Natal Shaw would be glad to go.^{1.}

Cane had been met in Grahamstown by Captain Aitchinson, who accompanied him to Cape Town.^{2.} The Zulu chief had promised that he was "not disposed to molest the frontier tribes of kaffirs provided they did not provoke him by insulting messages (which he alleged Hintza had done) and would permit him to have free intercourse with the colony, an object which he had much at heart, and which he was determined to obtain at all risks.^{3.} Chaka also asked for a seal, some medicine, clothing and other articles Captain Aitchinson and his party of twenty had not gone beyond Grahamstown on the return journey, when the news of Chaka's murder was received. As a result of this news the overland trip was abandoned and Aitchinson took the Zulu envoys back to Delagoa Bay, where they were very much neglected, they were still supposed to be under the general care of Aitchinson.^{4.} It had been Aitchinson's duty when accompanying Cane, who had been permitted to go to Cape Town, back to Natal to explain to Chaka, why King had not been received.^{5.}

Cane's reception was different from that of King. Campbell seemed to be quite excited by the prospect of meeting the Englishman, who had come as Chaka's envoy, and stated after the reception of Farewell's letter the "nature of the letter and the arrival of Chaka's envoys make

1. C.O. 6009 dated 26 Dec. 1828.

2. C.O. 600; dated 6 Feb. 1829.

3. C.O. 1444. P.43. and C.O. 1572. P.9-11.

4. C.O. 1505 P. 59 and C.O. 1572 P.9-11. and C.O. 600 6 Feb. 1829.

5. C.O. 1572. P.21.

the matter so important as to justify an extra post"^{1.}
 The Civil Commissioner was eager to obtain all the in-
 formation available respecting the movement and dispo-
 sition of Chaka.^{2.} Apparently Campbell was not the
 only one who was interested in Cane's visit, for Fare-
 well sent a messenger to accompany Chaka's envoys.^{3.}
 Somerset directed the envoys to be kept at a frontier
 fort until further instructions were received.^{4.}

John Cane assured the frontier officials
 "That Chaka (was) anxious to maintain friendly relations
 with the white people and was willing to comply with
 their wishes when he clearly comprehend(ed) them; but
 that Mr. King told him one thing and Mr. Farewell another,
 and consequently that he could not believe either of
 them. He therefore requested that an accredited agent
 from the Governor might be sent to him".^{5.} The Zulus
 would not molest the frontier natives, but again the
 qualification that they were to send him no insulting
 messages. Chaka wanted to know if the Governor had re-
 ceived the fifty elephants "teeth" he had sent him.^{6.}
 The request for certain articles was again made namely:-
 A seal with Chaka's name engraved on it and some sealing
 wax; medicines (Castor oil, Tartar Emetic, and salts),
 Blankets and thick warm clothing; Oxtails, Dogs and
 some Bottles of Macasar oil to prevent his ^{hair} turning grey.^{7.}

The statements made by John Cane and Mono-
 gali were substantially the same, and all the same points
 were raised. Chaka had been under a misapprehension as
 he thought that the British wished to destroy the Kaf-
 firs and would advance with his army for this purpose,

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1. C.O. 600. 5 Oct. 1828.
 2. Ibid.
 3. C.O. 600. 10 Sept. 1828.
 4. C.O. 600. 5 Oct. 1828.
 5. C.O. 600 10 Oct. 1828.
 6. Ibid.
 7. Ibid.

but would put his shiled away. Chaka now offered the land around Port Natal to the Cape Government.

Cane testified to the authenticity of the document King had produced in which Chaka had granted land to him. He did however make the qualification that Chaka could not have given the Matterhorn Nation to King as he had already presented it to Farewell. If the Cape wished to found a settlement he would give the land westward of Farewell to the Amaponda boundary for the purpose.^{1.}

Aitchinson's troop had to be careful not to provoke the Kaffirs, when passing through their territory. A faithful diary of the trip as well as a sketch map of the route had to be faithfully kept. The friendly feelings of the Cape towards the Zulu nation had to be conveyed to Chaka. Aitchinson had to impress the fact on him that the Captain had been sent in accordance with his, Chaka's wish and he had himself to make proposals. Aitchinson had to make a faithful report of all communications but could not conclude a treaty with the chief without the approval of the Governor. Chaka was also to be brought to understand that the English in Natal were not in any way the agents of the Governor and he had nothing to do with their disagreements. Chaka could get all he wanted through the traders of the Colony. Aitchinson was also a semi-spy as he had to see what the land produced. A missionary would be sent to Chaka, the Governor not thought of sending Brownlee.^{2.} The Governor at this stage received the news of Chaka's death, and all arrangements were cancelled.^{3.}

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1. C.O. 600. 13th Nov. 1828.
 2. C.O. 600. dated 24 Nov. 1828.
 3. C.O. 600. dated 26 Dec. 1828.

The Cawoods had been refused permission to go to Natal with Aitchinson,^{1.} though Somerset had supported their request.^{2.}

Mr. Fynn who was about to visit his son in Natal offered to take the Zulu envoys back with him.^{3.} In the meanwhile Cane was in a hurry to return to Natal.^{4.} The Zulu were to remain at Fort Beaufort until Mr. Fynn, who was going to Natal by sea, was prepared to leave from Algoa Bay.^{5.}

In reply to Shaw's offer to go to Natal and back to gather evidence if his passage there and back were paid, Cole said he would rather receive information about the frontier.^{6.}

Cane continued to express his desire to return by land to Natal, and he was willing to take the Zulus back with him. Farewell on the otherhand claimed that they were his servants except Monaganda, and he would like them to accompany him, they could do so provided Farewell paid for their maintenance, if not they were to return with Cane.^{7.}

Farewell also admitted that he had sent FZynn with Chaka's force when they raided the Amaonda. Faku stated that the Zulu had been led by a party of Englishmen.^{8.} The Lords of the Admiralty asked Cole to inform Farewell that if he assisted Chaka his leave would be cancelled and would be recalled to England.^{9.}

Isaacs gave a very interesting comparison between the two Zulu chiefs - Chaka and Dingaan. After Dingaan's

1. C.O. 1572. P.29.
 2. C.O. 582. No. 87.
 3. C.O. 600. 8 Jan. 1829.
 4. C.O. 600. 30 Jan. 1829.
 5. C.O. 1572. P.40.
 6. C.O. 1572. P.42.
 7. C.O. 1572. No.47.
 8. C.O. 600. 10 Sept. 1828.

Cato

rival brother Ungaarty had been defeated and killed he became absolute ruler. One of his first acts was to allow the warriors to marry. Only Cato¹ one of Chaka's chief indunas managed to escape. the murder which followed Chaka's murder, even old Sotobe who accompanied King was slain. Thereafter Catoe lived near the border of Pondoland with his tribe the Amaquabi. On his return from the Cape, Farewell and party were murdered by this Chief, but retribution came in the form of defeat from Faku and annihilation by Dingaan.

Chaka sought the presence of the Europeans at all times for information while Dingaan only looked for valuable presents. Chaka wanted a treaty with the English, was proud of his soldiers, and never discussed frivolities; Dingaan seemed to be absorbed by women ease and luxury. Chaka was bold and daring and struck terror into the neighbouring tribes. Dingaan was too inert to be feared, and too compliant to be obeyed, Chaka was born and nurtured on war. Dingaan cultivated repose of peace and only wielded the spear when necessity compelled (also to satisfy his indunas whom he seemed to fear secretly) - he had no warrior soul and was devoted to ease and pleasure. Dingaan seemed impressed with an extraordinary idea of the might of the British monarch and delighted to discuss the extent of his might and means, but even this subject like all other he would waive to discuss women and sensual propensities, "There is nothing firm in the capacity of Dingaan, he is too vacillating, too capricious; and to use an old phrase, there seems in him "nothing constant but his inconstancy".²

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1. Isaacs: Diary II. PP. 14-19. & C.O. 617 12 Oct. 1829. & Edward: Kaffir ~~Irruption~~ P.155.
Chase : Natal Papers. P.33. & Kay : Caffrarian Researches. P.386.
2. Isaacs: Diary. P.105.

He was ~~not~~^{not} energetic in the executive duties of government and "he is less a tyrant than his predecessor". He encouraged his people to trade and levied no imposts to injure or check commercial intercourse, but he took presents from the traders. All trade was barter. "In dealing with Dingaan we had to deal with a man possessing all the attributes^{ees} of the savage, just emerging from the darkness of his nature and balancing between ferocity and reason. With not enough of the latter to teach him to discriminate between right and wrong, and too much of the former to preclude the possibility of his reverting to his primitive habits."^{1.}

The Zulu like the Xhosa did not bury their dead, but the nearest relative dragged the corpse out of the kraal to the bush, where it was devoured by wild beasts. These beasts Hyenas and wolves prowled around the kraals for this reason.^{2.}

The lands were not properly cultivated, but the corn was planted among the shrubs, which were then removed when the corn began to grow. The stalks of the crop were strewn on the ground and burned to form manure.^{3.} The barter with the Europeans was creating artificial wants - beads and European clothes - and among his natives Isaacs perceived a desire to work so that a surplus of goods could be obtained, to barter to meet these wants.^{4.} But the warriors and army who were anti-white were the chief hindrance to Zulu civilization. These 15,000 men lived only by plundering and did not wish to toil.^{5.} Dingaan wished to have missionaries

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1. Isaacs : Diary II. P.228.
 2. Isaacs : Diary P.125.
 3. Isaacs : Diary P.127.
 4. Ibid.
 5. Isaacs : Diary P.231.

among the Zulus that he could improve their know-
 ledge and his government,^{1.} and under him the whites were
 safe, provided they abstained from intrigue. Isaacs
 estimate of the Zulus under Dingaan were 100,000 besides
 the warriors. The females were far in excess of the
 males - wars killed off the latter. These warriors were
 inclined to try conclusions with the whites, but after
 Isaacs had fired through a tree "They^{were} unanimous, how-
 ever, in declaring that it would be impossible to fight
 against such weapons."^{2.} Dingaan himself believed that
 nobody could conquer the Zulus except the Europeans,^{3.}
 but gradually his warriors were getting the better of
 him and he also had to send out impi as Chaka had done.^{4.}

The whites in Natal fully realised that
 the country had great possibilities. The soil was fer-
 tile, climate good, and Port Natal, a beautiful harbour
 was excellently situated for the inland trade. Repeated
 appeals by Farewell, King, Gardener and others were
 made for the annexation and colonisation of the country,
 but in England the "Little Englanders" were opposed to
 annexation on the grounds of expense. In spite of this
 opposition the time was ripe for annexation, but on ac-
 count of British opposition Dr. Andrew Smith's strong
 recommendation was not carried out until 1842.^{5.}

How was the time ripe? Dingaan wanted
 his people to acquire a knowledge of tilling the soil,
 as the Europeans had told him his country could be
 made highly productive.^{5.} Sugar cane also grew in abun-
 dance. If more traders came he would send his warriors

1. Isaacs : Diary. P.233 and Bird : Annals of Natal.P.197.
 2. Isaacs : Diary. P.49.
 3. Isaacs : Diary II. P.46.
 4. Isaacs : Diary II. P.42.
 5. Smith's: Diary. P.15.
 6. Isaacs : Diary. P.32.

to hunt elephants and hippopotami for their ivory^{1.}
 He was deeply impressed with the advantages of giving^{2.}
 commercial rights in his country to bona fide traders^{2.}
 On the whole the Zulus were ready to receive the advantages of contact with the Europeans and thought it would appear to be somewhat anomalous description of the Zulus savage, ~~yet~~ hospitable; yet it was nevertheless true with regard to their conduct towards the white people.^{3.}

Since 1823 traders had been living among the Zulus and they were becoming accustomed to trade. These traders had prepared the way for trade relations on a large scale. Besides Fynn, King, Farewell and Isaacs, who had lived as Zulu chiefs there were Gardner, Collins^{4.} Biddulph and others. Many natives were daily joining the European settlement and some tribes like the migratory Botwas living solely from elephant hunting and supplying traders with the goods they sought; Some of the more or less civilized Zulus had been trained in the use of firearms and were more loyal to their white masters who protected them, than the Zulu chief whom they feared.^{5.}

There were thus great possibilities for trade with Natal and it was a great pity Cole had to turn down the repeated requests of the whites, and also the missions of Chaka and Dingaan for friendly intercourse. The Governor of the Cape made several unofficial attempts to obtain reliable information about Natal. Isaacs suspected that Ugle and Shaw had been sent by Colonel Somerset on a two fold mission to Chaka, but his death rendered the mission abortive.^{6.} In 1830 Cole sent Dr. Andrew Smith

II

1. Isaacs : Diary P.31-32.
2. Isaacs : Diary II P.29.
3. Isaacs : Diary P.102.
4. Isaacs : Diary II. P.51.
5. Isaacs : Diary II. P.175
6. Isaacs : Diary I P.288.

to examine Natal. Despite the fact that the country was very unsettled - Dingaan had just succeeded Chaka, Farewell and seven companions were only recently murdered and Smith himself was threatened by the Amaponda - he made a very thorough investigation of the country. Smith's report which was characterized as "an able comprehensive and statesmanlike document" strongly recommended that the depopulated districts should be opened for colonization.^{1.}

Cowie and Green two intrepid travellers from Grahamstown also gave a vivid description of Natal and its depopulated state on their fatal trip to Delagoa Bay in 1829.^{2.} Cowie was a physician who had built up a good practice and Green a wealthy merchant, but the wild unknown lured them away. Cowie was only 32 and Green 28 when they died. They left Grahamstown overland in 1828 for Port Natal intending to go over the Drakensberg along the Orange River. In April 1829 Dapa was still wearing an old shirt they had given him.^{3.} They deviated from this plan and went to Delagoa Bay on their return first Cowie and later Green died from fever. Their diary was carried back to Natal by a faithful Hottentot and was later published by Chase.^{4.}

Much propoganda was made for the annexation as well as colonization of Natal. The most convincing arguments which were advanced were perhaps those of Saxe Bannister, who in 1829 had joined King and on May 12th 1828 addressed a letter to His Majesty's Secretary of State for Colonies. Farewell also obtained the support of Bannister for this purpose.^{5.} The trade of Natal had increased gradually and there was every indication that

1. Smith's : Diary. P.15 and Cloete : Boer Republic.P.70.
 2. Edwards : *Journal* of Kaffirs. P. 166-7.& Kay : Caffrarian
 3. Kay : Caffrarian Researches. P.353. (Researches.P.406-13.
 4. From Prof. Kirby and Cape of Good Hope Almanac P.262-267.
 5. C.O. 600 19th Feb. 1829.

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the trade of the interior would increase and be drawn to Fort Natal. The chief articles of trade for export were cattle and ivory. The ivory export had increased rapidly, 1818; 3815 lbs. 1824 20,661 lbs. 1825, 106,778 lbs. 1826; 48,258 lbs, 1827; 38,140 lbs. 1828 24,413 lbs.

Cawood had in a few months collected ivory valued at £2000. Collins gave a very flattering account of trade in Natal, when visiting the Cape. He returned to Natal in March 1834 and was killed in an explosion in September, 1834.^{1.} *u. follow me*

If Natal were occupied by the Cape Traders, they would protect the interior trade routes and check the occasional misconduct of the present free lance traders.

Such an occupation would be a good means of civilizing the interior natives which would lessen the Cape defence costs. Natal could be the point from which the missionaries at Lattakoo, on the Vaal and back of Kaf-firland could be supported. The kaffirs between the Cape and Natal must either be protected by a treaty with the Zulu or they would be destroyed. British interests would be secured in Africa in a very cheap way and help could more easily be given to ships wrecked along the Coast. The annual expenditure was estimated at £5000, verily this was little enough for keeping other countries away. Natal was a better way to the interior than Delagoa Bay and a more easy way to the interior than over the Karroo.^{2.} But the British Government did not see how any benefit would accrue from the annexation of Natal, until it had been annexed by the Boers. Cole was partly to blame in

1. Chase: Natal Papers. P.34.

2. Chase: Natal Papers P.P. 24-29.

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that he refused to press the point,^{1.} but perhaps he was exasperated by continual warnings to cut down expense. No wonder when the editor of the Grahamstown Journal heard of the refusal to annex Natal he wrote: "we must infer a most improbable degree of supineness and indifference to the public good in the Councils of the King before we can imagine that all these considerations united are not strong enough to induce His Majesty's Government to take final possession of Natal before it is too late".^{2.}

The salubrious climate and fertile soil of Natal made it an excellent place for colonisation, in fact it was difficult to find a country that would be more suitable for colonisation. It was well timbered and the nearest mountain range was 80 miles from the coast. Cowie and Green declared that the Country was beautiful beyond description and so depopulated that they had wandered about for 35 days without seeing a native. Dr. Andrew Smith who was equally enthusiastic about the beauty and probabilities of the place, described how it was intersected by no less than 120 rivers.^{3.}

In June 1834 one hundred and ninety two merchants of Cape Town sent a memorial to England for the immediate occupation of Natal. This was supported by Dr. A. Smith, but the application was turned down on the grounds that the Cape could not stand the additional expense.^{4.}

The reports from Natal had always been unreliable and conflicting.^{5.} Cole would have liked to have appointed a reliable agent^{6.} and strangely enough

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1. Chase : Natal Papers P.31.
 2. G.T.J. 3 Aug. 1832.
 3. Chase : Natal Papers. P.32 &33.
 4. Holden : History of the Colony of Natal P.60. & Chase: Natal Papers. P.36.
 5. Bird : Annals of Natal P. 195 and C.O. 1444 P.46.
 6. Bird : Annals of Natal P. 195.

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this what Chaka also desired. Chaka stated that he wished to live in peace with the white people but could not comprehend their wishes clearly as King told him one thing and Farewell another and he did not know whom to believe.^{1.} Captain Campbell on information received from Collins and Biddulph as well as John Cane advised the sending of a reliable man to Natal.^{2.}

While the British Government were sacrificing their opportunities, two other parties were showing a decided interest in Natal. In the Cape the Boers who were already thinking of leaving the Cape were casting their eyes to Natal as a port and the Americans were developing the habit of calling at the Port.

The glowing descriptions which Smith gave of Natal first attracted the attention of the Dutch farmers with a view to occupying Natal.. Even before 1834 the Boers under leadership of Maritz and Retief had discussed withdrawing from the control of the British Government. Their chief reasons being the loss of labourers through slave emancipation and the ^{inadequate} bad compensation. Three parties were sent out, one under Scholtz to the Zoutpansberg where they met the Buys family who had fled after Slagtersnek, the second under Pretorius towards the North West to the Dorse Land and the third to Natal under Stephanus Maritz, Jacobus Uys, Karl Landman, Johannes de Lange and Jacobus Moolman. The plans, which were kept secret were helped by the fact that the civil commissioner used to allow the Boers to go beyond the border for change of grazing. All that was required was that they should re-

1. Bird : Annals of Natal P. 195 and C.O. 1444 P. 368.
2. Cory IV. C.A. 1825-35. P.83¹

Smith

turn once a year and they usually obeyed.^{1.} All three these parties returned in 1834 or beginning of 1835. Maritz rode around the country making preparations, ^{and} inducing people to go, Trigaardt and van Rensburg became impatient and left before the prime movers.^{2.}

The Natal exploring party consisted of 14 waggons which left Uitenhage and followed Smith's route over the Drakensberg. The English of Natal received them kindly and they stayed for some time loitering, shooting and spying the country. They came to the conclusion that it was excellently suited for their countrymen. Then the news reached them of the Kaffir War and they retreated through Kaffirland, which they found almost deserted. They returned to take part in the war. The eyes of all thinking Boers were directed to Natal as the the best harbour outside British jurisdiction and yet within their reach.

The Americans were also showing increased activity in Natal. Cole seemed to be the first governor to recognise or ever became aware of this danger to British interests. Should the Americans decided to colonise Natal or form trading stations there, in the words of the Governor "it is hardly necessary to remark how embarrassing such neighbours might eventually prove to this Colony".^{3.} From Gane Campbell had learned that the American schooner "St. Michael" of 150 tons burden had entered Port Natal and remained for 5 or 6 months. Quantities of cutlasses, gunpowder and salt had been left in charge of Nathaniel Isaacs, a native of St. Helena,

1. Bird : Annals of Natal. P.230.

2. Ibid.

3. G.O. 1318. No. 1235

formerly in the service of the Late Mr. King and who probably brought the American schooner into port. Isaacs was instructing the natives in the use of firearms. The master of the vessel had said he was proceeding to the United States and bringing out men and supplies to settle at Natal.^{1.} Isaacs frequently related in his diary that he was training his boys in the use of firearms,^{2.} but Cane and the others had done likewise. Cane's exaggerated statement was probably actuated by the jealous rivalry between these Natal English. Probably Isaacs was just getting supplies from America. Isaacs did not fear that these exaggerated reports would cause the Governor to send an expedition against them.^{3.} There can be no doubt that the Americans would have liked and perhaps were ~~visi~~ using Natal as well as Mozambique as a base for their slave trade.^{4.}

Despite the fact that missionaries and traders were dotted all over Kaffirland, Aitchinson wrote "the whole idea of trade between Cape and Natal seem a farce", he did, however, admit that Natal was a good harbour for the interior.^{5.}

The British Government did not favour the foundation of a settlement and this was done by the Boers later.^{6.} Dingaan had granted Natal "from the Tugela River to the Umzimcoolu" to Gardiner, but His Majesty's Government would not recognise the treaty, or give protection to the ~~plus minus~~ thirty whites in Natal.^{7.} Gardiner went so far as to call the port D'Urban and the province Victoria.^{8.}

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1. Bird : Annals of Natal P.197.
 2. Isaacs : Diary. P.76.
 3. Isaacs : Diary. P.80.
 4. Kay : Researches in Caffraria P.396.
 5. Cory: U.A. IV 1825-35 P.95.
 6. Edwards: Kaffir Irruption P.163.
 7. Report of 1836 . P.462.
 8. S.A. Com. Adv. Vol. XII No. 962.

The people at the Cape realised that "no doubt¹ Natal will soon become important and the Government ought to establish a small settlement there". Lord Gederich was informed that several families had settled in Natal, and also about the keen interest the Americans displayed towards the place; so his Lordship thought that the advantages the places offered might be secured for the Cape Merchants. Cole was thus instructed "to select some person of good sense and moderate pretensions, who would be content to go and reside at Port Natal upon a small salary, not to exceed £100 per annum and with instructions to report on everything and keep upon good terms with the Native chiefs.² At last the British Government was showing a half hearted interest in the Port on which South Africa's busiest seaport was later developed. The British felt that some measures had to be taken to check the inroads of the Zulu and Whites of Natal, this danger would be greatly increased if the Americans supplied the Zulus with arms and ammunition.³ Stockenstrom also thought that the foundation of a settlement in Natal would greatly assist towards the tranquility of the frontier.⁴

1. C.O. 1320. enclosed dated 18.2.1832.
 2. C.O. 1320. No. 1332.
 3. C.O. 1508 P.439.
 4. C.O. 654. No. 15.

NORTHERN FRONTIER.

The Northern Cape was populated by remnants of tribes, as Corannas, Bechuanas, Bushmen, and fleeing hordes- Matabele and Mantatees, and a new and interesting race the Griquas who had European blood in their veins.

The scattered missionaries did good work especially among the Griquas.^{1.} Unfortunately again there were missionaries and missionaries. On the one hand Moffat when speaking of missionaries who acted as Government agents said "More than twenty years' experience among the aborigines beyond the boundary of the Colony, had convinced the writer that the two offices ought not to be held by the same person".^{2.} Then there was Dr. Philip who acted as if he were some dictator who could dispose of the land ad libitum e.g. "But even Kok does not pretend to have any other claim to the country than its having been (as he calls it) ceded to him by Dr. Philip, in proof of which he shows an extraordinary document signed by the missionary Clark, who goes even to fix the law and religion of the land".^{3.}

This area^a was vast and sparsely populated by wandering tribes. These tribes gradually congregated at the mission stations which were founded at the water-holes.

The Northern frontier seemed to have been more unsettled than on the other frontiers, but the danger was not so great because these remnants were not so powerful as the tribes of the frontier of Natal. The Matabele

1. Report of 1836. P.69.

2. Moffat: Miss. Labours and Scenes in S.A. P.199.

3. Moodie; Authentic Records. P.29.

were powerful, but far to the north, and the Griquas appear to have exercised a civilizing influence on the area. They resented and feared the quiet penetration of the Boers into the area north of the Orange.^{1.}

Adam Kok tried to prevent the Boers from even crossing his territory to grazing the other tribes had offered them.^{2.}

The Governor was inclined to support Adam Kok, when he drove some of the farmers back across the river. Some of the farmers did cross against orders. Van Rynveld warned these farmers that they were not protected by the colonial laws beyond the frontier and would be subject to Adam Kok's laws while living in his country.^{3.}

There were complaints by the Boers of Griqua raids and vice versa; on the other hand some of the Boers contributed cattle to be distributed among the impoverished natives.^{4.}

Despite the prohibition to cross the border many traders crossed and supplied the natives with brandy and firearms. Van Rynveld and the field cornets tried to take special precautions to stop this traffic.^{5.}

Adam Kok and his Griquas were particularly severe on Badenhorst and Collins two of these traffickers.^{6.} Badenhorst and a widow Kruger,^{who} had been living in Griqua territory for over three years, were driven out. Kok maintained he was acting on Government orders not to let a single Burger cross the border, but the field-cornet of Hantam, Joubert, was very annoyed by this action. Joubert seemed to think that the Bastards with government connivance were "getting the overhand of our Burghers."^{7.}

1. Kok's Memorial enclosed with C.O. 617 No.7. and Cory C.A. IV 1825-35. P.108.

2. Cory C.A. IV 1825-35. P.108. and C.O. 617 No.7.

3. Cory C.A. IV 1824-35. P.141 and C.O. 1506 No.422.

4. Cory C.A. IV 1824-35. P.141 and C.O. 1506 No.166.

5. Cory C.A. IV 1824-35. P.144.

6. Cory C.A. IV 1824-35. P.160, and C.O. 617 No. 64 and C.O. 586 No.24.

7. Cory C.A. IV P. 168.

The Rev. A Murray reported that Collins was inciting the Boers against the Griquas, and these farmers intended to cross the frontier en masse beath back the Griquas and capture their territory for grazing. He begged Van Rynveld not to publish the fact that he had revealed these facts, for fear that he would lose influence with his congregation.^{1.} Kolbe of Philippolis was aware of the Boer intentions and that the Griquas were determined to dispute every inch of their territory.^{2.}

The barren state of the frontier and frequent droughts made these excursions for grazing essential for these nomadic pastoral farmers. By 1834 there were two parties in the Orange River Territory. Mocke and his party who were Anti British and Oberholtzer, who still acknowledged the jurisdiction of the Cape.^{3.}

Dr. Philip said that in 1834, 1500 boers inhabited Griqua territory with plus minus 700,000 cattle. These wandering boers were supposed to destroy all the grazing and even crops of the Griquas despite remonstances by missionaries. The superintendent and his missionaries were the only influence according to him who stopped the Griquas from using their force against the boers.^{4.} If that were the case their politics must have differed from that in other areas.

Moselikaats and his Zulu warriors had depopulated this whole area.^{5.} Bared~~d~~ Barends and his Griquas together with some Bechuanas and Corannas tried to break the power of the Matabele tyrants, but was lead into an ambush and lost 200 men.^{6.} Moselikaats was,

1. Cory C.A. IV P. 168. and C.O. 691 No.98.
 2. Ibid.
 3. Cory C.A. IV P. 201. Chase : Natal Papers P.35.
 4. Moodie : Authentic Records P.29.
 5. G.T.J. II. No.77.
 6. Cory C.A. IV P. 144.

however, friendly towards the missionaries and they had nothing to fear from him.^{1.} These defeated Griquas now became a nuisance and began a war of robbery and extermination against their weaker neighbours.^{2.}

These Griqua raiders known as the Berghannas and to overcome the nuisance Waterboer collected a force of Griquas and destitute Bechuanas and defeated them capturing 4000.^{3.} Dr. Philip was of the opinion that the Government should take prompt action to suppress these outrages. As far as the missionaries could gather Adam Kok was conniving at these outrages.^{4.} To counteract this he suggested that the Griquas should be placed under Joseph de Bruin and Waterboer instead of Adam Kok, Barend Barends and Hendrik Hendriks. His suggestions to solve the problem were very sane and based on experience gained at the Kat River. The people of Griqua Town, Campbell and Philippolis were to be received on the same footing as the Kat River. Joseph de Bruin, Abraham Kok and Waterboer could be recognised as chiefs, given pensions, and settled so that they could form a wall against marauders. Besides these Griquas Lieutenant ^{ieu}Warden with 25 to 30 mounted troops could be settled at Philippolis. These Bushmen and Coronna raiders had murdered the Spuurman family, but had eluded Van Ryneveld and a boer commando. This apparent victory had emboldened the murderers.^{5.} The Matabele were also changing their attitude and had expelled the French missionaries.^{6.} The scattered boers who led too much of a noma-

1. Cory. C.A. IV P.144.

2. Moodie: Authentic Records. P.29.

3. Report of 1837 P. 143. and C.O. 715 No.2.

4. Ibid.

5. Report of 1837 P. 143 and C.O. 691 No.80. & G.T.J. I.No.41.

6. G.T.J. I. No.40. and C.O. 1506 O. 352.

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die life, and would be an easy prey to these well drilled warriors.^{1.} These settled Griquas would then confine the boers to the boundaries of the Colony and at the same time protect them. Apparently the Griquas were ripe for settled life, when the missionaries Anderson and Kramer had first contacted them they were living on the borders of Beaufort and Clanwilliam, they had followed the missionaries.^{2.}

As a result of the exertions of "The association for the Exploration of Central South Africa" founded in 1833, Dr. Andrew Smith was sent into the Matabele territory.^{3.} On this ⁰ostensibly geographical and scientific expedition, much useful knowledge was gained. The journey, however, also had its political aspect and Smith was commissioned by the Governor to try to induce the tribes to give up their barbarous habits, receive traders and protect the missionaries.^{4.}

Dr. Smith
Like Maynier and Barrow, Dr. Philip over-rated the natural endowment of the Bushmen. They were supposed to be "not inferior in natural endowments to any race upon the face of the globe".^{5.} Unfortunately these talented people were so exterminated by the innumerable commandoes, that when Dr. Philip travelled in Bushmenland in 1828 he found in 17 days only 3 Bushmen in an area where a few years ago at least 5000 must have lived.^{6.} These three were supposed to be travelling in tatters in search of their children, whom the Boers had pressed into slavery. Were the Bushmen ^{sc}not fond of their children, Moffat tells tales of abandoned Bushmen children in times of famine.^{7.}

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1. Report of 1837. P.142. and C.O. 715 No.2.
 2. Ibid.
 3. Kirby, Smith's Diary, P.15.
 4. Ibid.
 5. Moodie: Authentic Records. P.28.
 6. Moodie: Authentic Records. P.28.
 7. Moffat : Missionary Labours and Scenes in S.A. P.55.
- N.B.*

The Bushmen had never possessed stock neither did they cultivate the soil, but lived in caves entirely from hunting. These Bushmen and the Corannas were daring raiders, two of their most vicious attacks were on Stuurman and F.C. Steenkamp of the Zak River, the latter in March 1832. The robbers decamped with stock after perpetrating horrible murders and yet they remained unpunished.^{1.} After a raid on van der Merwe's farm in the Winterveld in which three whites were killed,^{2.} Van Ryneveld went out with a commando. One raider was killed, but the rest decamped with 6000 sheep, 200 cattle, 10 horses and 3 waggons.^{3.} Results were weak despite the fact that the commando consisted of 240 armed burgers with 3 brass guns. Kok did not send men but 40 lbs powder and 80 lbs lead. The commando was under Van Ryneveld and Joubert, Minnaar, Oberholtzer and Aucamp were field cornets. Grahamstown ammunition sent to Graaff Reinet for the commando was:

300 lbs of gunpowder (plus further 218 lbs).
 600 lbs lead.
 500 flints.^{4.}

The Grahamstown Journal was particularly sarcastic in its comments on the management of this commando.^{5.}

Amid these scenes of apparent unrelieved treachery and barbarity good work was being done. As a result of the good influence of Florus Fischers in

1. Cory C.A. IV P. 167 and Cory C.A. II P. 164 and C.O. 691. No. 94.
 2. C.O. 691 No. 95.
 3. Cory C.A. IV P. 170. and C.O. 691 No. 94.
 4. C.O. G.A. 691 No. 95.
 5. G.T.J. I. No. 41 and C.O. 691 No. 104.

letting his servants join him in Divine worship. Bush-
 men came under the influence of Kramer and Kichener.^{1.}
 Schmellen translated the four gospels into the Namaqua
 language, which was printed by the British and Foreign
 Bible Society.^{2.} On receiving a report from missionary
 Kobbe, that the Boers had 200 slaves north of the Orange,
 the Cape Government sent Captain Armstrong to investi-
 gate. Armstrong found that one man had 10 slaves and
 also Hottentot servants but they had gone of their own
 free will and refused to return to the colony with Arm-
 strong.^{3.} The Griquas who had been influenced by Mof-
 fat, defeated the Mantate hordes when they raided this
 area. Moffat was present at the fight, though he carried
 no rifle.^{4.}

There was much suffering in this area and
 though there were no signs of a general traffic in arms,
 yet the Bastards and Griquas must have been supplied
 from some illicit means.^{5.}

The very severe drought only increased the
 suffering and the mortality among the stock was fright-
 ful, except where irrigation was possible. Stockenstrom
 declared that it was the worst he had seen for twenty
 years. Wild and exaggerated rumours of Kaffir inroads
 and invasions spread like wild fire over this sorely
 tried area.^{6.} The Commissioner General did not fear
 any organised attack on the Colony.^{7.} Boers seeking
 grazing for their herds and flocks aroused the bitter re-
 sentment of the Griquas and Bastards; this attitude
 would create a new danger for the Colony, where these

1. Moffat: Miss. Labour and Scenes in S.A. P. 50 and
 C.O. 617 dated 4th June 1829.
 2. Moffat : Miss. Labour and Scenes in S.A. P.90.
 3. Natal Papers. P.36.
 4. Moffat ; Miss. Labour ans Scenes in S.A. P.357.
 5. C.O. 586 No.24.
 6. C.O. 586 No.16.
 7. C.O. 586 No.15.

tribes could have formed a shield against the more
 remote and less civilized tribes.^{1.} All the tribes
 between the Stormberg and the Keiskamma except the
 Tambookies were prone to steal and plunder; in the
 north raids were being carried on by Bushmen, Bas-
 tards and Corannas.^{2.} Military parties were here also,
 forced to go beyond the frontier after stolen stock.
 The local Government formed careful regulations to pre-
 vent any excesses, but the ideal³ of permitting only
 commissioned officers, sergeant majors or colour ser-
 geants to cross the frontier could not be attained with
 the establishment at the disposal of the Chief officers.³

Stockenström at this stage began his vacil-
 lating policy. He would not permit patrols because the
 horse were weak and the military force insufficient and
 these half measures would not help; but on the other
 hand he said "nothing can moreover be more difficult
 than to know with certainty who the real aggressors are
 among hordes like our neighbours - the mutual jealousies
 of the different parties always induce them to accuse
 their opponents, and punishments may often fall on the
 innocent".^{4.} Therefore Stockenström hoped for any un-
 derstanding with the Griqua chief; the grounds was be-
 ing prepared for the treaty system.

Stockenström went on to suggest that the
 Cape should observe a strict neutrality in the quarrels
 between the Griqua chiefs, as none of the murders were
 perpetrated by the recognised chief.^{5.} He did not agree
 with van Rynveld about the character of the Kok's, but

1. C.O. 1321 No.1411 and C.O. 715 No.2.

2. C.O. 691 No. 52.

3. C.O. 1321 No. 1411.

4. C.O. 586 No. 16.

5. Ibid.

but Dr. Philip - his ideas have already been given-

1. did. The Commissioner General did wish to see the outlying farmers well supplied with powder and shot, as the Governor had to show that he would not permit His Majesty's subjects to suffer from a mistaken policy of levity. In this single report Stockenstrom reiterated a couple of times that there was no danger of a general attack on the Colony. The whites living in isolated families were leading the natives into temptation as the Bergenaars would commit murder just to gain ammunition, also some people left their farms for months in the care of a superannuated Bushmen, Hottentots or slaves and wonder^{ed} why the robbers resort^{ed} to murder to avoid detection (Stockenstrom's explanation). But how were these people to get to town occasionally or to Nagmaal? The Commissioner-General was emphatic that such people could not expect redress for their losses.^{2.} Parties following murderers or thieves had to be under the personal command of the field cornet "as it is hoped that such a functionary will know the danger to himself of unnecessary bloodshed on the part of the Colonial force under his orders."^{3.}

As in the past moderate quantities of gun powder could be sold to the Griquas in proof of the confidence the Government had in them, but discretion and caution had to be exercised.^{4.} ~~All~~^{As} the complaints of the Griquas against the traders were well founded and the licences were cancelled to stop illicit traffic.^{5.}

The Civil Commissioner of Graaff Reinet

1. C.O. 715 dated 9 Feb. 1833.

2. C.O. 586 No. 16

3. Ibid.

4. Ibid.

5. C.O. 586 No. 16 and C.O. 686 No. 9.

and Stockenstrom were commanded by the Governor to act as they thought fit against the Bergannas without again referring to him.^{1.}

There were some Boers who were living in peace and friendship with the Griquas.^{2.} The burgers under Oberholtzer sent a memorial to the Governor in which they stated that because of the drought they could not return to the colony to attend to the opgaaf. Because of the extraordinary circumstances their request was granted, but it was not to serve as a precedent. Stockenstrom did not know what right Adam Kok had to farm out land to the colonists, but the Government would not interfere unless it appeared that they were dislodging the Bushmen. The farmers were not to remain permanently where they were, as strictly speaking their abode beyond the frontier was ~~strictly speaking~~^{3.} against the law.

As raids were also made on the missionary stations at Platberg, the Rev. Mr. Archbell asked that they ~~were~~^{be} allowed more ammunition than their quota,^{4.} the request was granted.^{5.} The Corannas had stolen 200^{6.} head of cattle and 12 or 13 Bechuanas were murdered. The continual raids of the Corannas on the Bechuanas were forcing the latter to flee into the colony.^{7.} These marauders were becoming bolder and attacked and robbed farmers. In one instance the farmers chased and overtook the robbers at a ford in the Orange River. The thieves did not attempt to defend the stolen cattle, 300 in number,^{8.} but their language was very abusive.

1. C.O. 1505 P.41.

2. C.O. 586 No. 17.

3. C.O. 586 No. 17. and C.O. 647 No. 53.

4. C.O. 691 No. 62.

5. C.O. 619 No. 10.

6. C.O. 691 No. 62.

7. C.O. 691 dated 28 Dec. 1831 and C.O. 691 dated 30 Dec. 1831.

8. C.O. 691 dated 13 March 1832.

As a result of these bold raids by the Corannas and Archbell's representations,^{1.} as commando was called up.^{2.}

One of the chief difficulties in maintaining order was that the field cornetcies were much too large, especially in the Nieuweveld.^{3.} The field cornet of the area D.S. Fourie proposed that it be cut in half and Sieberhagen be made a field cornet, but Van Ryneveld suggested J.G. Moeke, who had already acted at Ghoup,^{4.} as the man best fitted for the post.

In this area too the London Missionary Society missionaries Kolbe and Clark lodged complaints against the Boers whom they accused of killing a Bushman.^{5.} On the otherhand Field Cornet van Wyk of Tarka complained of attacks on the Boers and thefts by Bushmen and Corannas.^{6.} Again there was need for proper supervision. The Griquas also now complained about the actions of the Boers whom they had befriended.^{7.} On investigation it seemed as if the Boers had whipped eight Griquas and the Griquas had annihilated two Bushmen Kraals. The Griquas tried vainly to implicate the Boers in this latter crime.^{8.} The Bechuanas continued to follow the Boers who hired and fed them, into the Colony.^{9.} The investigators - Stockenstrom and van Ryneveld - soon found that Kolbe and Clark made contradictory statements about the murder of the Bushman. Both admitted that the Boers, if they had shot him - could not know he was innocent as he was

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1. C.O. 691 dated 13 Feb. 1832.
 2. C.O. 691 No. 80.
 3. C.O. 691 No. 66.
 4. C.O. 691 No. 67.
 5. C.O. 647 No. 5.
 6. C.O. 647 No. 7.
 7. C.O. 647 No. 9.
 8. C.O. 647 No. 13.
 9. Ibid.

with the thieves, but while Kolbe thought Bushmen could be captured alive Clark positively contradicted him. Van Aswegen who was accused of the murder could not be arrested as neither the Bushman nor the Griqua Knegt could give positive proof against him. There was more than a suspicion that the Griquas had perpetrated the crime.^{1.} After this Kok avoided the investigations, especially as all the independent witnesses insisted that no Boers were present when the Griquas attacked the Bushmen Kraals. "If the Boers be guilty, not a single point can be substantiated by the evidence of the Griquas"^{x 2.}

Kolbe and Clark were annoyed because the Boers would not pay for the grazing, but the latter contended that they had promised to pay only if they were not robbed, and they had been. The two investigators found that the Boers had been robbed by Bushmen from the institution. One of the Bushmen who had been an inmate of the institution told them that the Bushmen continually plundered the Boers as they had no food; and "their preachers told them not to steal, but that if they must steal, it was safer to plunder the Boers than the Griquas, as the former were under the restraint of the Law, and the latter would shoot them without mercy"^{3.} This of course must have been entirely false, because whatever might be said against these missionaries they tried to guide their flocks spiritually. The whole complaint against the London Missionary Society was just that they spent too much time at the spiritual teaching and did not give enough^{to} material affairs. These thefts were carried

1. C.O. 647. No.9.
 2. C.O. 647. No.39.
 3. C.O. 647. No.13.

on in spite of missionary admonitions.

Some farmers had promised to give the Bushmen in the kraal cattle as well as food and clothing, but now the Bechuanas were doing the work for food and clothing alone. To expect the Boers to support such an institution ~~or~~ that civilization could thrive in such a state of Society betrayed a great ignorance of human nature.^{1.}

THE FRONTIER.

The Europeans had been in contact with the Hottentots from the earliest times. During the last quarter of the 18th Century the Veeboeren who were moving eastward came into contact with the Bantu who were a virile warlike pastoral nation, who like the Boers whom they met could not really be called agriculturist, though they did grow a few crops. They were organised into powerful tribes and were thus much more formidable than the Hottentots. Intertribal warfare was the order of the day and between tribes only the rule of might was known. Perhaps polygamy originated as a result of the great mortality among the males^{1.} The following estimated figures show the discrepancy between the numbers of the males and females in the different tribes.

Chief.	Men.	Women & Children.	Total.
-6			
Gaika's Sons and Uncle.	6000.	30,000	36,000.
Botuman.	2000.	10,000	12,000,
Quero.	3000.	15,000	18,000.
Dusham.	4000.	20,000	24,000,
Theambi.	5000.	25,000	30,000,
Phundis.	2000.	10,000	12,000.
Congo Family.	3000.	15,000.	18,000. 2.
TOTALS.	25,000.	125,000.	150,000.

1. Moodie J. Ten Years in S.A. P.240.

2. Steedman ; Wandering and Adventures I P.240.

In 1778 Governor van Plettenberg arranged with the chiefs that the Fish River be the boundary between the Europeans and the natives. An inter-tribal war resulted in the Nglambi invading the Zuurveld, but the Boers under van Jaarsveld drove him out in 1779 - this was the so-called First Kaffir War. A century of frontier wars followed and each succeeding governor made an attempt to solve the problem. The Batavian Republic, though Janssens did not have the time to initiate any policy, seemed also to favour this segregation. Alberti who was in command of a division of troops and later landdrost of Uitenhage, ^{wrote} ~~have~~ his solution of the problem in his book. He had made a study of the natives as part of his duties ^{what} ~~was~~ ^{were} the regulation of Hottentot and Kaffir affairs from 1803 to 1806.

As an introduction he made an attack on people who wrote as authorities about the natives when they did not have the necessary knowledge. "De Heer Barrow en andere Reizigers meer, die de Kaffirs bezoten, levenden wel is waar, eenige getuigenissen wegens dit Volk; dan behalve dat zy ter naauwer nood over de grensen van het Kaffirland waren gekomen, behaald zich hun verblyf, nog daarinboven slechts tot weinige dagen, zoodat sy wél-strekt buiten staat waren, om genoegsame berigten in te winnen".^{1.}

^{In this relation}
This criticism also fitted many later travellers like Bannister and Freeman to a very great extent. According to Alberti, the natives were very numerous and ^{2.} healthy. Below follows a short summary of his solution of the problem.

1. Alberti. P.II.

2. Alberti. P.IV. and Moodie J: Ten Years in S.A. 239.

"De kaffers moeten ten eene male uit de Volksplanting verdreven, en binnen hunne eigen Landpalen besloten worden."

"Alle gemeenschap tussen Planters, en ook tussen Hottentotten en Kaffirs moet vernietigd zijn en blijven. Slechts een, door de Reggering aangestellen, Persoon moet met het opperste Hoofd den Kaffers eene vriendschappelijke verstandhouding in acht nemen,^{1.} en alle voorvallende geschillen terstond vereffenen".

"As die kaffers in die Unie bly is hulle 'n bron van gevaar. Hoe het ook zij, de tegenwoordigheid^{2.} lvert een bestendig gevaar van oneenighede, welke een groot gedeelte der Volksplanting zeer ligtelijk in een nieuw onheil können storten".

After all the Kaffirs have been driven over the Fish River, a treaty should be made with Gaika, to keep his people on the eastern side (This was just what Somerset tried in 1819, but it was fraught with difficulties). Any native crossing the frontier, except representatives of the chief, should be severely punished, and if a band or tribe should steal then very drastic measure had to be taken. Above all no kaffir should be contracted for service in the colony, as such an act would only create opportunities for theft (compare with results of Ordinance No. 49 discussed later). By suggesting the construction of forts at the fords of the Fish River he anticipated the policy of Sir John Cradock, also during the dry season the area between the forts should be patrolled. The patrols should consist only of Europeans. "Zestig man zouden hietoe genoegzaam zijn, mits

1. Albert P.235.
2. Albert P.238.

alleenlijk bestaanden uit Europeaanen, omdat de volsche grondstellingen der Planters omtrent de behandeling van Natiën, welke geene Christene zijn, wettig zeer belemmerende zouden zijn ter bereikinge des gezeden oogmerks. Ook zouden deze zelde Grensruiters, vooral wanneer zij Europeens waren en in geene betrekkin tot de Planters stonden, nog tot andere diensten kunnen gebezigd worden.^{1.}

On the other hand no Colonists or Hottentots were to be permitted among the Kaffirs. Albert also suggested that the landdrost of Uitenhage be made responsible for the Natal policy, but he had to have the intimate co-operation of the landdrost of Graaff-Reinet; besides this he proposed a thickly populated Eastern front.

Thereafter he made a few suggestions of policy. The kaffirs appeared to be perfectly contented in their natural state, but for the good of the Colony it would be advantageous to civilize them, "deze belangrijke taak, welke met die uiterste omzigtigheid behoort te worden uitgevoerd, althans in geenerlei opzigt weerd toevertrouwd aan zoo genoemde zendelingen van Europeesche Gezelschappen, welke de bekeering der heidenen tot voorwerp maken hunner bemoeijingen. Zoodanige Personen zijn meestal diep onkundig, uit de laagste Volks-klasse afkomstig en doorgaans godsdienstige dweepers. Zij bezwaren het geheuger hunner leerlingen met een mengelmoes van onverstaanbare kerkelijke begrippen, zonder zich weinig, of geheel niet, in te laten met het onderwys van nuttige handwerken en andere bezigheden, voor den toe-

1. Albert P. 239.

stand hunner leerlingen noodzakelijk. Ook missen zij over het geheel een genoegzaam duidelijk begrip van waare beskawing, en van de wijze waarop zij zijn dikwerf slechts genoeg, om het zuivere oogmerk opzettelijk tegen te werken, en dus menigmaal gevaar-lyker dan wel nuttig".^{1.} According to the writer the Moravian Missionaries were an exception to his rule and deserved the co-operation of the Government. Janssens also wished to assist in the education of native children, they were to be taught useful work especially agriculture and then be sent back to kaffirland, where they could be an example to the others.^{2.}

The Kaffir raids on the colony were not entirely the result of an innate desire to steal in the Kaffir, but also because of a shortage of land. The idea of obtaining cattle cheaply for "labola" might have encouraged the young warriors in their raids on the colony. This was an individual affair. As regards tribes is was a matter of land, and this need was probably more acutely felt by them than by the Europeans. The Xhosa could not go further west as they were stopped by the Europeans, and at the same time they were being attacked in the rear by the Zulus under Chaka and Dingaan.

The political arrangements of the affairs of the frontier were placed in the hands of a Commissioner General, and Stockenstrom was chosen for this position. Stockenstrom was in many ways excellently qualified for the situation, in Cole's words "The long local experience (As Landdroes of Graaff-Reinet) of Mr. Stockenstrom

1. Albert. P.250.

2. Albert. P.250.

strong liberal mind has for a series of years been directed to the state of the black population of this Colony both as Magistrate and Colonist together with the attention he has given to the subject, is, I conceive, deserving of the serious consideration of His Majesty's Government".^{1.} At first Stockenstrom was given no allowance for house rent or travelling expenses, it was true that his salary was £800 per annum, but after the establishment of the Kat River settlement his expenses increased greatly. He had to inspect the frontier regularly and if he did his work well his nett salary would be less than that of the Civil Commissioners.^{2.} Cole also wanted to retain Stockenstrom on the Council of Government as his advice about the frontier would be invaluable.^{3.} Unfortunately his duties were not clearly defined and his duties clashed with those of Colonel Somerset, and often the civil Commissioners did not communicate with him.^{4.} As will be seen in the concluding section of this Chapter Stockenstrom felt his position so acutely that he resigned. He was afterwards allowed £100 per annum for house rent from the day of his appointment namely the 1st of January 1829.^{5.} In his evidence before the select Committee, Stockenstrom stated that he became Commissioner General on the 1st January 1828.^{6.}

J. Moodie in his "Ten years in South Africa" gave an excellent description of both Boers and Bantu at the Cape, not only was an attempt made to paint a picture of the people themselves; but he gave us a glimpse now and again of the difficulties with which they had to

1. C.O. 1444 P. 55. (2) C.O. 1444 P. 587
 3. Ibid. (4) C.O. 654 No. 12.
 5. C.O. 1505.P.302. (6) Report of 1836 P.43.

to contend. One farmer who had a fine establishment for this country, "fed from twenty to thirty people daily - slaves and Hottentots - besides his own family, and yet he made no show of his wealth, and retained simplicity of habits and individuality so characteristic of this country. Boers despised extravagance and spent their money on giving all their children an equal chance in life, there was no such thing as rights of primo geniture.^{1.} The Dutch were slow workers, sure gainers and fast holders - a characteristic which was well adapted to the circumstances of this colony.^{2.}

The people of Knysna and George were very poor and made a living by felling timber.^{3.} Lack of markets, distances and bad roads all combined to make the lot of the settler a hard one. Meyer of Attaquas Kloof had a large family, as all the land in this area was occupied, some of his sons went to the frontier for land.^{4.} All the Dutch farmers taught their sons a trade but as the working class consisted principally of slaves and Hottentots, pride generally hindered them from following these trades as a distinct occupation. The farmers were the nobility of the Colony and the children were not, if possible, allowed to lose caste by quitting the land. "This is a serious evil, resulting from the possession of slaves, and which will take many years to remove."^{5.} Moodie thought Dutch women more avaricious than the men or English women who were generous to a fault.^{6.}

Moodie also waxed enthusiastic about the Kaffirs "We were much struck with the easy and noble

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1. Moodie: Ten Years in S.A. P.3.
 2. Moodie: Ten Years in S.A. P.5.
 3. Moodie: Ten Years in S.A. P.11.
 4. Moodie: Ten Years in S.A. P.27.
 5. Ibid.
 6. Moodie: Ten Years in S.A. P.29.

carriage of the Kaffir men. In general their only clothing was a softened bullock's hide, cut in an oval shape and wrapped loosely round their shoulders. The Kaffres are elegantly formed, and are so exceedingly graceful in their general demeanour that they appear to be a nation of gentlemen. In their manners they are respectful without servility, and possess a native delicacy, which prevents them from giving offence by word or action. There is no perceptible difference to be observed in the manners from the chief to the poorest of the tribe. Property in fact is much more equally distributed among the Kaffres than in civilized societies".^{1.}

They seemed to be carefree and happy. The tribes ^{were} governed by hereditary chiefs who however did not have absolute power, and could make no important decision without the advice or consent of their councillors. The latter were usually inferior chiefs who governed the subdivisions of the tribe. The chief was supposed to be the original possessor of the land. The tribe lived in hamlets of ten to twelve families with the petty chiefs, who had patriarchal authority over the people. The Kaffirs had no fixed right of property to lands except the part enclosed for cultivation, the rest was common grazing for the hamlet. Lands could not descend from father to son and there was no appropriation. It seemed as if the chiefs were getting more power; they were absolute over matters dealing with the individuals, but had very little in dealing

1. Moodie : Ten Years in S.A. P. 239.

with the whole tribe. There were no written laws, but only established customs which not even the chief dared transgress. No individual could kill a beast without the consent of the chief who usually claimed a share as his just right. This possession of cattle was not merely a sign of wealth but formed the very foundation of their social and religious life. Cattle were needed for the "Labola" - wife buying, and religious and initiation ceremonies. They were therefore very unwilling to part with their cattle, "though they thought it no great crime to steal from the colonists, they had a strong principle of honour and fidelity when trusted"^{1.} Kay on the otherhand said, that they were so prone to steal that they would steal from their best friend, true they were heavily fined when caught.^{2.} The words of these heathenish chiefs could not be relied on,^{3.} and by the predatory incursions alone Kaffraria was often made a field of blood,^{4.} in nine cases out of the ten at least, the native troops were mustered either to pillage their weaker neighbours, or to retaliate upon some thievish aggressor"^{5.} Kay made an attack on Barrow for saying the Kaffirs were free from licentiousness,^{6.} and "as it has been very justly observed in our administration of the bold and peculiar features of an uncivilized people, we are apt to lose sight of their vices, and give them credit for virtues which they do not possess"^{7.} This remark was peculiarly applicable to the chieftains, who instead of being, as some travellers have represented them "of an open

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1. Moodie : Ten Years in S.A. P. 245.
 2. Kay : Caffraria Researches. P.159.
 3. Kay : Caffraria Researches. P.167.
 4. Kay : Caffraria Researches. P.213.
 5. Ibid.
 6. Kay : Caffraria Researches. P.109.
 7. Kay : Caffraria Researches. P.214.

open and generous character disdaining, in their wars and negotiations, any sort of chicanes or deceit,^{1.} are in truth men whose depraved minds and schemes generally evince the very opposite of "natural rectitude". No bond is too sacred for a Chief to break, no tie, relative social or political sufficient to withstand his cupidity".

The Kaffirs believed in a Supreme Being, but the conception was very vague, and a Kaffir used to swear by the spirit of his father or the chief, and had five or six names for the Supreme Being. Boys were circumcised at twelve or fourteen years, they did not know the origin of the custom themselves.^{2.} The Kaffirs were a reasoning and independent people, who had no prejudices in favour of Christianity, and had no immediate interest to serve by adopting Christianity and it was only by argument that they could be converted to its truth.^{3.} The witchdoctors were the chief obstruction to Christianity. One rainmaker/accused Shaw of nullifying his power.^{4.}

These poor people were great believers in witchcrafts. If a man was ill, it was said that he had been bewitched by some individual. The chiefs, who received half the property of the condemned man, encouraged this; the sufferer the other half.^{5.} The witchdoctor was not above using torture mental and physical to gain a confession; he used to pander to the avarice of the despot (Chief) to enrich himself by the blood of his tribe. Shaw was able to save the life of one man but not his

1. Kay : Caffrarian Researches. P.214.
 2. Moodie : Ten years in S.A. P.240.
 3. Moodie : Ten Years in S.A. P.284.
 4. Steedman : Wandering and Adventures P. 43.
 5. Moodie: Ten Years in S.A. P.241.

cattle; it was quite obvious that these witchdoctors, male and female, were a political machine.^{1.}

Moodie looked upon the Kaffirs as a superior race, who showed a great degree of eloquence in their deliberations, and though looking upon him as their superior they considered themselves freemen. Near the colony they lost their aloofness and were cringing and begged for "Basella".^{2.} They were kind and hospitable to strangers. In their domestic habits they were exceedingly chaste and moral and infidelity on the part of the wife was often punished with death to the offender. The women were not permitted to eat with the men.^{3.} Kay differend entirely from Moodie in his observations, according to him theft, adultery, murder and sorcery, generally constituted the chief characteristics of their cour calanders.^{4.} Girls were a marketable articles, and husbands lamented the loss of wives as one would the loss of a slave, and the lot of the widows was unenviable as they had not protectors.^{5.} Barrow was wrong in saying that cases of infidelity were scarce, they were only too common. Fornication was a besetting sin and young women knew how to obtain a miscarriage. If a girl gave birth to a child, the father could refuse to pay and yet elaim the child (This was not quite correct) If adultery was proved the husband was usually satisfied with a fine, say six or eight cows and he remained friendly with the seducer. If the husband cought them in the act he could kill the seducers.^{6.} Kay, who for a time, was stationed at Mount Coke^{7. must} have had a greater insight into the Native Character than Moodie.

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1. Steedman : Wanderings and Adventures. P. 38 and Report of 1836. P.27.
 2. Moodie : Ten Years in S.A. P.250.
 3. Moodie : Ten Years in S.A. P.245.
 4. Kay: Caffrarian Researches P. 155.
 5. Kay: Caffrarian Researches P. 156.
 6. Kay : Caffrarian Researches P. 157-8.
 7. Steedman : Wanderings and Adventures P.26-28.

Hoodie.

Kay realised fully that the land shortage was the chief cause of the border warfare. The feudal system of the Kaffirs was the cause of many of their wars and "The unrighteous conduct of Colonists, who from time to time settled in their borders, frequently proved more serious and destructive cause of warfare to the Kaffirs, than any originating amongst themselves"¹. This encroachment reduced whole hordes from pastoral affluence to extreme indigence. Natives were decoyed from their homes to work on the farms and became practical slaves.² Kay was equally severe in his condemnation of the Boers; but he was very illogical after his description of the Kaffir in trying to place all the blame on the Boers. "In the absence of all checks civil, political and religious the barbarous state which he sunk may be more easily conceived than described. Principle was trampled under foot, humanity appeared to have forsaken him, and he at length became capable of acts the most perfidious"³. On page 248 he gave a gruesome tale of Boers tearing a native to pieces with horses. The poor natives now became the innocent injured party which "had already begun to retaliate and avenge themselves upon their treacherous neighbours. War was proclaimed between them; their barbarities were reciprocal and terrific indeed. Scenes were then exhibited which left and indelible impression and feelings were excited in the minds of both parties which have not yet subsided, but which will in all pro-

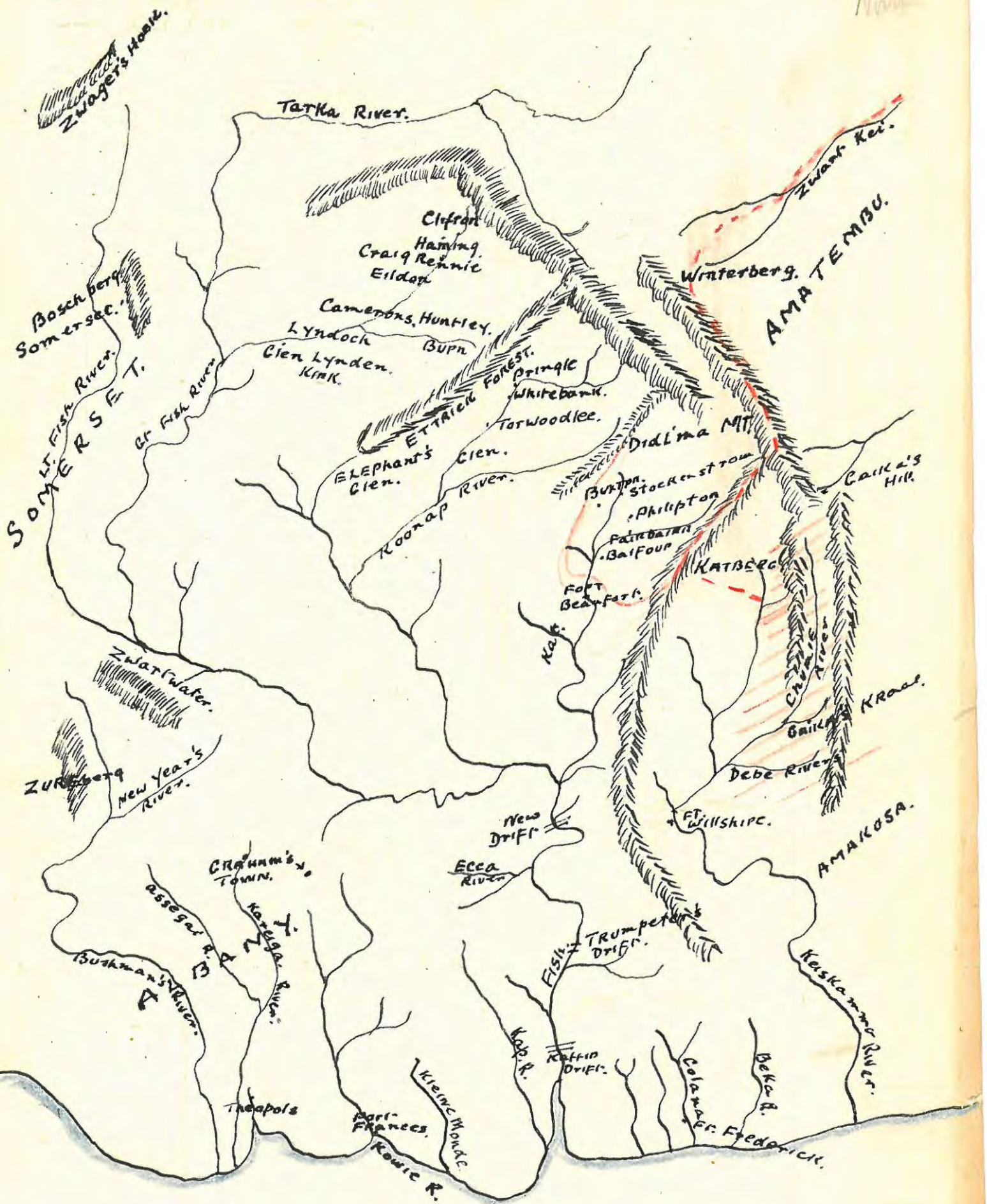
1. Kay : Caffrarian Researches P. 241.

2. Ibid.

3. Kay: Caffrarian Researches P. 243.

Neutral or Ceded Territory in 1833.

North



INDIAN OCEAN.

Colonial Boundary.
 Kat River Settlement.
 Badly defined Area. Claimed as Colonial & Kaffir.

bability go down to posterity". The result that the Kaffirs and Hottentots hated the Boers and often attacked them and British dragoons.^{1.}

In 1809 Colonel Collins first conceived the idea of a thickly populated Eastern frontier, as a barrier against Kaffir attacks.^{2.} Unfortunately no policy was consistly carried out, and a state of uncertainty pervailed on the frontier. The tendency was to treat the natives more leniently, but unfortunately the natives looked upon this as weakness and the raids increased. Thomas Philips believed that prompt action was all that would control the natives.^{3.} The chief weakness in the Zurrveld was the large extent of the farms and the consequent scattering of the population.^{4.} Cattle raiding was thus an easy matter and Collins proposed "that the Kaffirs should be compelled to return to their own country, and that all intercourse between them and the colonists should be scrupulously avoided".^{5.} This policy was called the "territorial segregation." Philips thought "that had the Caffres been better understood, had the system pursued towards them by the Government been less vacillating, had written treaties been made with them and had the recommendations of the Commissioners of Inquiry been put in force, the Caffres never would have had recourse to arms, and the dreadful loss of life and property would never have occurred".^{6.} The capital should have been nearer the eastern districts which were the

1. Kay : Caffrarian Researches: P. 250.

2. Report of 1836. P.25.

3. Report of 1836. P.26.

4. Gimson: The evolution of S.A. Policy. P.11.

5. Ibid.

6. Report of 1836. P.28.

danger point at the Cape. The Kaffirs could appreciate treaties and the offending party should be punished.^{1.} Aitchinson also thought that the chief cause of discontent on the frontier was the frequent change of system. The appointment of a Lieutenant Governor on the frontier with a well defined system would greatly help the state of affairs.^{2.}

Captain Aitchinson was present in 1819 during the interview between Somerset and Gaika. The Treaty was verbal. After the defeat of the Kaffirs the Governor recognised Gaika as the Chief of the Kaffirs.^{3.} Stockenström, who as usual had changed his mind, admitted that he thought in 1819 that Gaika would rule as chief of the Kaffirs.^{4.} As the result of a study of native law he knew that Gaika did not have the right to negotiate for the other chiefs,^{5.} this latter was also the view held by most of the missionaries from Kaffirland. (Will be mentioned again from time to time). At this meeting "it was stipulated that the Keiskama River should be the eastern boundary of the Colony, instead of the Great Fish, which had heretofore been so about twenty-five miles to the westward of the Keiskama. The Keiskama from the sea to the confluence of a small stream called the Chumie, I should think about seventy miles from the sea and from the junction of this stream, the Chumie, to a place called Gaika's Hill was to have been the boundary and thence to a very large hill called the Winterberg.

1. Report of 1836. P.28.
 2. Report of 1836. P.11.
 3. Report of 1836. P.2.
 4. Report of 1836. P.43.
 5. Ibid.

The water which flows on the eastern side of this range was to be considered as belonging to the Caffres, and that to the westward as belonging to the Colony. That was the compact which I understand Lord Charles Somerset entered into with Gaika in October 1819^{1.}"

With such a broad strip of country Somerset would have been better able to keep the Kaffir marauders out of the Colony than with a single row of forts,^{2.} especially as the Fish River area was densely wooded. Gaika promised to do his best and keep the natives out of the Neutral Territory. It was also decreed that the territory relinquished by the Kaffirs should not be entered by British Subjects. No farmers only military posts were to be placed in the Neutral Belt. When speaking of white settlers meant Boers, as they had no idea then of Europeans settling at the Cape, i.e. Boer on the one hand Kaffir on the other was not to enter the territory. Aitchinson, who had been stationed on the frontier since 1811, was convinced that the Kaffir Chiefs did not care a farthing for a treaty whether written or not.^{3.}

This was first called the Neutral Territory but lately it was more often referred to as ceded. The northern part was thinly occupied by Boers round the Winterberg; Donkin had also founded a half military post at Frederickburg. The terms Ceded and Neutral were used indiscriminately. The Neutral Territory did not all belong to Gaika and Aitchinson believed

1. Report of 1836. P.2.

2.

3. Report of 1836. P.3.

Slabie refused to acknowledge the treaty.^{1.}
 Stockenstrom said even Gaika would not have parted with the territory, but he understood that he had to do so. At this meeting Stockenstrom acted as Dutch interpreter.^{2.} Donkin had refused to settle British Settlers in the Neutral Territory after an interview with Gaika, whose sons Macomo and Charlie had protested that the Government had robbed them of their territory.^{3.} This territory was all the more necessary to the Kafir tribes as the pressure from the Zulus increased.^{4.} All the chiefs with whom Shaw was in contact, asked for missionaries. They wished to be recognised as independent of Gaika, and all communications to be made direct to them through the missionaries. Slambie and Dushani urged that they be allowed to occupy the land between the Keiskama and Buffalo Rivers, which like the Neutral Territory was unoccupied.^{5.} The Dhlabi chiefs including Pato were aggrieved by the treaty as, they had lost their share of the territory, and they denied that Gaika had any right of control over them.^{6.}

Pringle as usual made a venomous attack on the Cape Government, and the colonists in particular. Though his words were to say the least lacking in good taste, his arguments were based on fact. To him Somerset's Treaty was an iniquitous act by which "nearly 3,000 square miles of country were added to the Colonial territory, already far too extensive, while the native inhabitants were driven back upon a population for which, in their present pastoral state the land is

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1. Report of 1836. P.3.
 2. Report of 1836. P.46.
 3. Report of 1836. P.48-9.
 4. S.A. Native Affairs' Commission 1903-5.P.4
 5. Shaw : Memoirs of the Rev. W. Shaw. P.120.
 6. Shaw : Memoirs of the Rev. W. Shaw. P.149.

is greatly too narrow".^{1.} Gaika's feelings as confessed to Brownlee were, "when I look at the large extent of fine country that has been taken from me, I am compelled to say that though protected, I am rather oppressed by my protectors".^{2.} Pringle also said that no Boers would be settled in the Ceded Territory, but Scotch settlers, when these did not come Boers were placed in the Koonop area, many of these men had taken part in the 1815 rebellion.^{3.} According to this author these grants were bribes for signature to a memorial that Somerset's government was "beneficent wise and paternal".^{4.} Kay not only wanted the territory to be handed back but the natives should be compensated as "we have confessedly wronged them in a way which had absolutely reduced them to want and we are therefore bound, as far as in us lies to relieve that want".^{5.} Treaties should be made with each chief; he was to be given an annual stipend so that it would be in his interests to keep the peace. Colonists who took their flocks and herds into native territory should be punished, and agents at the native kraals were to receive power to arrest such trespassers; and above all men independent of the Colonial Government were to represent native interests in the law Courts.^{6.} Foot Kay thought that when a native began to wear European dress he was civilized; besides they were "leaving off polygamy" and women ate with their men, and witch doctors were being expelled, especially from the regions near the mission stations.^{7.} What a great pity the witch doctors still

1. Pringle : Narrative of a Residence in S.A. P. 308.
 2. Ibid.
 3. Pringle : Narrative of a Residence in S.A. P. 315.
 4. Pringle : Narrative of a Residence in S.A. P. 317.
 5. Report of 1837 P.77.
 6. Ibid.
 7. Ibid.

had so much power in 1857!

Major Dundas was diametrically opposed to use a liberal policy. This country was ^{the best} not the ancestor^{al} land of the Kaffirs. Gaika himself was born east of the Kei, they land had at first been occupied for grazing and only afterwards did the Kaffirs begin to cultivate parts of it: Dundas was asked a large number of questions the object of which seemed to be to obtain a confession from him that the natives were poor harmless people who had been robbed of their country, to them he replied that if the Fish River were again made the boundary ships should be sent to bring every Englishmen away from that part of the country.^{2.} Smith thought that Cole's visit to the frontier - an attack had been expected - ended only in the patching up of old treaties.^{3.}

The best character sketch of Gaika is perhaps the one given by Steedman, "Gaika, in consequence soon appeared for his accustomed tribute, and evinced both his rapacity and discrimination in selecting the choicest beads, without appearing to have the slightest interest in the transaction, and without uttering a word to the mortified assemblage".^{4.} To Steedman's question^{why} they did not object to Gaika's extravagant demands the interpreter replied: "I once ventured to remonstrate with him myself, when he flew into a rage and would have thrust his assegai through my body, had I not parried with my hand and luckily escaped with the loss of my thumb." "In his old age", his person was not so gigantic as that of many of

1. Report of 1836 P. 135.

2. Report of 1836 P. 138.

3. Smith : Autobiography II P.4.

4. Steedman : Wanderings and Adventures. P.9.

his countrymen, neither was his aspect calculated to command. His countenance was neither graceful nor assuming, and when in the pursuit of spirituous liquors, to which he was attached, he lost the dignity of the commander and the man. His general habits were marked by depravity and insincerity; yet, notwithstanding all his defeats, he was not deficient in policy. He exacted respect without the exercise of austerities; and to his art and address alone may be ascribed his long, pacific and successful rule".^{2.}

Gaika died on the 13th of November 1829 after a long painful illness, many people were accused of bewitching him including two of his wives.^{3.}

Thompson who was near Gaika's kraal stated that Gaika had died on the 14th November and not the 15th as has been reported. It had been Gaika's wish that Macomo should succeed him during the minority of Sandimi who was then about seven years old. Sandimi was according to native law the legitimate heir. There was no reason why the other chiefs or the Government should not agree to Macomo's regency, delay would cause him to think that he was still in disgrace with the Governor. Kelly and Charlie were very busy persecuting and persuading people who were supposed to have bewitched Gaika, so he (Thompson) has not seen them.^{4.}

Bourke reversed Somerset's system, this new system was in force from April 1826 to February 1829^{5.} Depredations had increased and many cattle

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1. Steedman's Wanderings and Adventures P.10.
 2. Steedman's Wanderings and Adventures P.73.
 3. Ibid.
 4. G.O. 617 dated 27 Nov. 1829 and Cory C.A. IV. 1825-35 P. 103.
 5. Report of 1837 P. 284.

Tyala

were traced to Macomo and Charlie Gaika's sons, who had been allowed into the Neutral Territory, the Kat River, on sufferance, because of this together with Macomo's attack on the Tambookies they were expelled. Hundreds of natives were entering the Colony without passes, and in the months from November 1828 to September 1829 5,500 oxen, over 300 horses were stolen and only 1,500 were recovered by patrols. These were not caused by a general inroad but by systematic thefts by marauding parties of from eight to ten men. Reprisals alone did not help so Ordinance No. 49 was superceded.^{1.}

Wade was convinced that Macomo was behind these raids, and he was instigating an invasion of the Colony in 1829. In September 1829 the Governor met all the chiefs, but Gaika who was ill could not come, and Macomo singly did not appear. In 1830 the natives in the Chumie valley sent their wives back, and armed bands of from four to five hundred roamed around the country and attacked even soldiers. This state of affairs led to the commando of 1830.^{2.} During the absence of troops the Kaffirs profited from Ordinance No. 49. In January 1829 Kaffirs who had entered the Colony to steal murdered two soldiers of the 55th troop, they were traced to an inferior chief who had sent them to steal. He reluctantly put them to death. For a while things were better, but Cole was forced to revert^c Somerset's system, with modifications. Gaika complained "that the practice of discontinuing the pursuit on

1. Report of 1837. P. 284.

2. Ibid.

reaching the border and calling upon the inhabitants of the nearest kraal to ^upersue it, had been the cause of much dissension and quarrel between several chiefs", and it also "had been found in most cases (to be) ineffectual"^{1.} This was the beginning of the reprisal system.^{2.} Bourke altered Somerset's Ordinance so that no claim could be made on cattle which had not been kept in sight.^{3.} Bourke also permitted Magistrates ~~to~~ issue traders' licences for stores in Kaffirland. Kaffirs with passes could also seek work in the colony, but at the same time the wars in the rear were forcing them on the colony. These ordinances which were intended to civilize the Kaffirs only gave them an opportunity to enter the colony permanently or for theft.^{4.} In practice Ordinance No. 49 meant that once the thief crossed the frontier, the cattle were lost, as troops could not enter Kaffirland, only individual farmers could go to a Kraal and demand that the ~~traces~~^{traces} be followed. But would they be? This system of forbearance, mischievous and criminal, as far as the colonists were concerned soon produced its fruits. Colonists could not fire unless resistance were shown, if a kaffir was killed the farmer was brought up for manslaughter. On application being made to the nearest chief nothing was done, either he was afraid or encouraged the thefts. The farmers were robbed until February 1829 when Cole re-introduced the reprisal system.^{5.} Kaffirs had often contracted themselves for a year to be able to go back with stolen

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1. Report of 1837 P. 283.
 2. Wilmot & Chase : History of the C.C. P. 291
 3. Wilmot & Chase : History of the C.C. P. 291 and Report of 1837 P. 279.
 4. Ibid.
 5. Wilmot & Chase : History of the C.C. P. 291.

Colonial cattle.^{1.} The only way ^{of} solving the problem would be to station a ^{lieu} Lieutenant-Governor at Grahamstown.^{2.} Field cornets had been empowered to countersign the contracts between Europeans.^{3.} and Natives.

Stockenstrom had to admit to the Committee of Enquiry ⁴ he had often made misstatements, also that vagrancy had certainly increased after the passing of Ordinance No. 50.^{5.} In a letter to Stockenstrom dated 8th April 1830 Somerset stated that the chiefs seemed desirous of maintaining peace with the colony but the individual kaffir was indifferent, "they have however, but little influence with the people, or if they have any, they know that their interference in checking depredations materially deprives them of their popularity and influence, as the moment a chief is severe with his people on account of depredations on the colonists, his Caffres immediately join a chief of more liberal principles".^{6.} Stockenstrom was convinced that all the inhabitants understood that they could use firearms to protect their property, but "not near the number of cattle reported as stolen by the Caffres, ~~nor~~ actually so stolen; and of what is stolen, the greatest proportion is lost by neglect." To remedy this neglect he proposed, that under no circumstances must cattle be taken from Kaffirland except those actually lost, particular care had to be taken about proof, as these wrongful reprisals only added to the number of plunderers.^{7.} Bannister had a bee in his

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1. Report of 1837 P.34-5.
 2. Ibid.
 3. C.O. 580 No. 246.
 4. Report of 1836 P.244.
 5. Report of 1836. P.245.
 6. Report of 1836. P. 103.
 7. Report of 1836.P.105.

bonnet, and according to him, in the Cape robberies of Kaffirs cattle, intrusion on their land, murder of parents and kidnapping their children as slaves had gone on unchecked for many years.

This was done by Boers and "the crimes committed there on the Natives ^{there} are very numerous, and excite sanguinary revenge on the part of the Native tribes," facts had been communicated to Downing Street in vain ^{1.} and similar evils were going on in other colonies.

Bannister was a remarkable man to have gained all this knowledge in a short time of six weeks. Against these statement of Bannister we place those of Greig and Jessie Page. When discussing accusations like those of Bannister, Greig said, "The impression conveyed to my mind by what I heard here and have heard of the evidence was this : that the charges were far too general, that the colonists were, as a body, implicated in charges of which they were perfectly blameless, and that anybody who was aware of the fact, was bound to urge a vindication". ^{2.} Now what did Jessie Page say about the Kaffirs, "Another attribute of the Zulu character, and especially of the Amaponda tribe, was cattle-stealing. This act of theft had been the cause of most of the native wars in Africa; they live to steal, and do not steal to live." ^{3.}

The kaffirs had an intricate system of recovering stolen cattle. If stock was stolen from the chief the punishment was death. When cattle were the owner tracked them to the nearest kraal and this

1. Report of 1837. P. 15-16.

2. Report of 1836. P. 2.

3. Page : Capt. Allen Gardiner. P. 56.

~~and this~~ kraal was held responsible, and had to assist in finding them or had to pay a fine. Very little disgrace was attached to the thief, if he was not detected he was considered a lucky fellow, but should he be discovered he was said to be unfortunate. If the thief was continually caught the people of his kraal became annoyed as they had to pay the fines and he had to ~~fee~~^{1.} for his life. At the Kat River Steedman asked an old Hottentot whether they left their cattle to graze loose at night, he replied shrewdly "The Caffres are the wolves whose attacks we most apprehend".

"What", said I "do these people rob the settlement?" "Yes", he replied, "and always will for whenever there are Caffres there are thieves"^{2.}

Apparently the Kaffirs looked upon the Hottentots as intruders upon the land of their fathers.^{3.}

From 1819 to 1834 there "had been occasional robberies of cattle by the Kaffirs on English settlers and actual patrols of troops took place when the chief did not peaceably compensate. But there was nothing like a general war. I will state at once, and in the most explicit terms, that I do not regard these lamentable collisions as the result of any intentional injustice on the part of the Colonial Government, and much less as the effect of any generally oppressive conduct indulged in by the British settlers towards the border tribes". Of course there were a few actual cases of injustice.^{4.}

1. Steedman : Wanderings and Adventures : P.258.
 2. Steedman : Wanderings and Adventures : P.204-5.
 3. Ibid.
 4. Shaw : The story of my mission in S.E.A. P.135.

Let us now give a few authentic reported thefts, taken from newspapers and official reports; thereafter what Dr. Philip and his party thought of these reports.

Somerset reported that between the 1st of January and the 12th August the Kaffirs had stolen 266 cattle and 98 horses, but according to reports one would think there were thousands.^{1.} John Brown residing near the Clay Pitts reported the loss of cattle, stolen by the Kaffirs and desired to surrender his farm to the Colonial Government, as it had failed to give redress and protection so often asked for.^{2.} Campbell reported outrages by the Kaffirs belonging to Macomo, and remarked that this turbulent chief "does not and cannot appreciate the humane policy observed towards the tribes beyond the Border, but that it only leads him to imagine he can commit these outrages with impunity".^{3.} The following quotation is given to illustrate how the much maligned reprisal system worked in practice. A mare and foal were stolen from a Mr. J. Nel, the spoor was followed past the house of Mr. D. Botha where young cattle had been stolen and from there to Macomo's people "The chief ordered his people to follow up the spoor which they did, till it led them to the kraal of a petty chief under Eno". The natives were threatened with the Colonial Authorities and were alarmed but did not pay. The same night two horses of the field cornet were stolen on reporting the loss at Fort Willshire

1. Cory C.A. IV 1825-35 P. 152.
 2. Cory C.A. IV 1825-35.P. 98.
 3. Cory C.A. IV 1825-35 P. 151

he found the horses there they had been captured from the same natives". A few days later two of Eno's Kaffirs came to his house with nine head of cattle, which were offered in payment of the stolen horses". As the cattle were inferior they were refused but the natives maintained that the thieves had been punished by taking their stock and the matter had to rest there.^{1.} A native was executed at Ford Willshire for theft and the murder of a herd boy. It was hoped that this would have a salutary effect on the natives, among the spectators were the Chief Congo, Eno with his three sons, Quai and Umijayi; they all admitted the justice of the execution - Macomo who had been at the fort the previous day, had bought so much liquor that he could not attend.^{2.} Kaffirs had also stolen 31 head of cattle from Mr. George Palmer of Bathurst. One was found slaughtered, eighteen were recovered by the military patrol on the opposite side of the Keiskama, but two had to be left on the road as they had been overdriven by the Kaffirs.^{3.}

In 1828 Stockenstrom realised that something had to be done to protect the farmers for on the 22nd of November 1828 he wrote, "As matters now stand, no farmer can be for one moment safe or sure of his property, unless the Caffres be kept in by the knowledge that the Colonists are at liberty to pursue and shoot robbers on all occasions".^{4.} As a precaution he added that such power would be dangerous if given to the farmers, without restraints, but the Kaffirs were waxing bold.^{5.} They came into the

1. G.T.J. I No. 37.
 2. G.T.J. I No. 50.
 3. G.T.J. I No.3.
 4. C.O. 586. No.18.
 5. C.O. 1506 O.3.

Colony under Ordinance No. 49, but "if the law against vagrants contained in that Ordinance be strictly enforced there would be no trouble"^{1.} The Kaffirs as a nation were not a danger to the Colony for they knew that as to the possession of their country they were entirely dependent on the policy of the Government, but these straggling parties took advantage of all the opportunities the open frontier offered.^{2.} He also thought some of the chiefs encouraged the raids and participated in the spoils when they thought they would not be detected.^{3.} These chiefs promised to punish offenders "but their promises have been too often repeated and broken to be much relied on".^{4.} At first the chiefs had objected to Ordinance No. 49, as by the exodus of men their tribes were weakened, but after Stockenstrom had shown them the advantages of the system they still objected "to colonists coming into Caffreland to entice Caffres into the Colony."^{5.} Ordinance No. 49 really satisfied nobody. The people of Kato, Koma and Kobus Congo, among whom Shaw worked, did not raid the Colony, they also by the special sanction of the Colonial Secretary^{6.} were grazing their cattle in the Ceded Territory. The Commissioner-General however thought there was no danger of general hostilities, but the absolutely undefended Northern Frontier was the real danger.^{7.}

By 1829 there was a change in the Commissioner - General's attitude, he reported that Botma was dissatisfied because he was not permitted to live

1. C.O. 586 No. 18. and C.O. 1506 O. 148.

2. C.O. 586 No. 18.

3. Ibid.

4. Ibid.

5. Ibid.

6. Ibid.

7. C.O. 586 No. 18. and C.O. 647. No. 12 and C.O. 647 No. 23.

on the Barooka, but Eno was helping ~~the~~ to restore stolen cattle, "but the distress in Caffreland is beyond relief and the plundering of that tribe among themselves surpassed by ~~farpassed~~ ^{1.} far anything they do to the Colony". Somerset had told him that the lands between Fort Beaufort and the Chumie were swarming with cattle of the farmers, and this was only placing temptation in the Kaffirs' ways as these herds were without herds. The farmers fully understood that the law did not forbid the use of arms in defence of property. ^{2.} "Preventitive measures can alone avail - not near the number of cattle reported as stolen by Caffres are actually stolen, and what is stolen the greater proportion is lost by neglect". ^{3.} Therefore, and rightly, he insisted that only cattle actually lost should be taken from Kaffirland; if a kraal persisted in stealing a commando should be sent against it but the other kraals were to be disturbed as little as possible. Positive proof should in all cases be demanded of thefts. A patrol had traced stolen cattle to Charlie's kraal, he himself (Charlie) was then at Fort Beaufort but if it could be proved that he was implicated, he should be driven out of the Makazzanna area. ^{4.} Stockenstrom was here trying to do justice to both sides and it was a very laudable idea.

Stockenstrom pointed out that before the troops were on the frontier the farmers had guarded their stock, now they darted to the military. The poor troops were harrassed and the Kaffirs kept in ferment; ^{5.} but when the door was shut to indemnifica-

1. C.O. 647 No. 23.

2. C.O. 619 No.6.

3. C.O. 619 No.6. and C.O. 617 No.22.

4. C.O. 647 No. 23.

5. C.O. 619 No.6.

tion the farmers became more careful. Under the old system many Kaffirs had to pay and they again plundered the first flocks over the Fish River to be able to live, as many people claimed more than they had lost.^{1.} Pursuits should follow immediately after the robbery, and no kaffir cattle should be taken, as he considered it ample proof of neglect if the cattle were not overtaken. (This was rather severe on the farmer who had to be positive that the cattle had not strayed before reporting his loss)^{2.} Cattle should not be delivered to the claimant except on the authority of the Civil Commissioner. This mode would not be relished by some farmers who might unfortunately have become too fond of patrolling^{3.}

As the kaffirs continued to plunder Somerset wished to place a fort between Fort Beaufort and Fort Willshire, but had not the men, so he asked Stockenstrom if he could occupy the Onguella stream, either at Ponguella's old kraal or lower down with a few Hottentots for the present. When tracing stolen cattle of Greef - 30 head, armed natives rushed at the soldiers who had to fire in self defence. Christian Groepe, the Bastard Field cornet, who traced stolen cattle to Charlie's kraal was threatened with death by the natives. Somerset believed that Charlie's kaffirs and all the kaffirs from the Chumie and along the Keiskama were hostile to the Colony, and he was making every preparation to act promptly upon any occasion of emergency. No patrol of less than thirty men dared enter Kaffirland then.^{4.} In reply to Somer-

1. C.O. 654. No. 13.
 2. C.O. 619 No. 6.
 3. C.O. 617 No. 21.
 4. Cory C.A. IV P. 154.

set's letter Cole said there seemed to be positive proof against ~~against~~ Charlie ^{he} deserved to be expelled from the Neutral Territory, but the proof against him had to be positive, here we see positive evidence of Stockenstrom's influence with the Government. ^{1.}

There were rumours of a general attack on the Colony but Botman and Gaika would not give their consent. Mackay as a precaution had summoned all the Burger forces. Somerset regretted that he had no authority to tell the missionaries to discontinue issuing passes, as since Macomo's removal from the Kat River over 2000 cattle besides sheep had been lost. Missionaries had issued 754 passes in nine months, and parties of thirty to fifty congregated around the country. The whole country between the Kat River and the Fish was full Kaffirs and the farmers were in a great state of alarm. ^{2.}

Three assegais were thrust into Michael the herd of Mr. Maynard, and the sheep were stolen. Seventy-six cattle were stolen from Mr. Collin's farms, the spoor was followed and sixty recovered. "It is not a little remarkable that these depredations were committed within an hour's ride of Herman's Krasl, where the Caffres well know that there is a military post". ^{3.} Forbes a field cornet wrote that Kaffirs with firelocks and assegais had overrun the country to the Clay Pitts. "A vast number" of natives prepared to attack his party with assegais, he shot one and the rest fled into the bush, had they not fired they would have been killed, thefts and depredations continued and "my body and mind is so harrassed by night and by day ----- Everybody exposed to death and every

1. Cory CA.A II P. 156.
 2. Cory C.A. IV 1825-35. P.103.
 3. G.T.J. I No. 14.

week almost a beast taken".^{1.}

Philip had been in the Cape seventeen years, "but it was not until 1832 that I had formed any decided opinion with regard to the relations subsisting between them and the Colony".^{2.} "In 1830 I visited the settlement at the Kat River, in company with Mr. Fairbairn, and made a tour in Caffreland".^{3.} Glasgow and Wesleyan stations were also visited, "but I did not even then consider myself sufficiently acquainted with the point in debate between the Caffres and the colony to enable me to speak confidently on the subject".^{4.} When D'Urban came he only wrote that "the Boors were beginning to regard the British Government with feelings of disaffection and contempt for not protecting them, and that unless the Government offered them speedy protection they would take the matter into their own hands and go into Caffreland for the purpose of making reprisals upon the Caffres".^{5.} Men who complained most about these kaffir inroads were men who had risen from poverty to wealth, a circumstance which gave countenance to the complaints of the Kaffirs against certain individuals who had annoyed them. Admittedly the practice of following the spoor to a and then getting compensation was in accordance with Kaffir Law, but the abuses were that they kept the colony in a constant state of alarm; and as no oath was needed Kaffir cattle were placed at the disposal of any avarice individual.^{6.} Philip saw no reason why the chiefs should not give passes to their people to enter

1. Cory C.A. IV 1825-35. P.177.

2. Report of 1836. P.549.

3. Report of 1836 P.550.

4. Ibid.

5. Report of 1836. P.551.

6. Report of 1837. P. 687.

the colony as "they have a deeper interest in preventing thefts being committed by their people on the Colonists than we have"^{1.} Pringle's criticism of the Boer character that "even the very best of these men have been trained from childhood to regard Bushmen and Caffres with nearly the same feelings as they regard beasts of prey, only with far more rancorous animosity, so that they can scarcely be brought to view even the treacherous slaughter of them as a crime"², was very severe indeed.

As might be seen from the above there was no definite policy in respect to the so-called neutral belt between the Fish and the Keiskama Rivers. This uncertainty led to much dissatisfaction. Had Gaika the right to cede this territory? What were Somerset's real intentions? The belt was supposed to be patrolled only by soldiers, and yet in a despatch to Bathurst he had said "the country thus ceded is as fine a portion of ground as is to be found, and with still unappropriated lands in the Zuurveld it might be worthy of consideration with a view to systematic colonisation"^{3.} In spite of this statement Somerset was annoyed when Sir Rufane Donkin established a fair at Fort Willshire, and located a soldier at Fredericksburg. By 1825 farms were being granted between the Fish and the Koonap rivers. Murray and Goderich both referred to this territory as ceded; Goderich instructed that farms should be sold in this area and that no slavery in any form be allowed there.^{4.} The Kat River settlement was also in this area.

At the same time the Khosas were quietly entering the territory from the east. By February 1829

1. Report of 1837 P. 702.
 2. Pringle : A Narrative of a residence in S.A. P. 321.
 3. Theal : Records of the C.O. XII. P. 537.
 4. C.O. 1318 No. 1247.

Macomo had occupied the sources of the Kat River,^{1.} and Charlie the Mankazzana, a tributary of the Kat. The Amidange had also moved into the territory on the west bank of the Chumie from its junction of the Keiskama; and Eno had appropriated to his own use the west bank of the Keiskama from Gwanga nearly up to Fort Willshire. The Colonial Government had connived ~~at~~ at these occupations.

Ordinance No. 49 was abrogated but only "until tranquility shall have been restored".^{2.} Cole stated that after Dr. Philip's tour the natives adopted a more threatening attitude, Macmillan the opposite. Cole certainly thought more stringent measures had to be adopted. The natives seemed to think that the Colonial Government was either afraid or favouring them above the white man.^{3.}

Justus said that Macomo was born in 1796.^{4.} Aitchinson who knew him well described Macomo as "certainly the most daring Caffre of the whole lot; a gallant bold fellow and as a friend, a most excellent one; but as an enemy, a very dangerous one".^{5.} It seemed as if the traders including the Boers did not favour his removal from the Kat River.^{6.} The missionaries were not improving the frontier question, as it appeared that they had persuaded the chiefs that they were greater men than the officers, who were merely government servants, who had been sent to interview them. This was not good for discipline and they were backward in obeying the officers. Mr. Ross, a missionary, and deceived

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1. Theal ; Records of the C.C. VI. P.5.
 2. Cory ; Rise of S.A. II. P.381
 3. C.O. 1317. No. 1148.
 4. Justus ; Wrongs of the Caffre Nation P. 113.
 5. Report of 1856. P. 9.
 6. Ibid.

Aitchinson by hiding the chief he had come to interview under his bed¹: When asked, if he was aware of a letter which Macomo had sent to the Commander in Chief, stating in the strongest terms that the war had originated in the encroachments made by the British he replied that if such a letter had been written, it had been written by some of the London Missionaries; it was their act and not the Kaffirs'; he could positively state that Macomo could neither read nor write; the London Missionary Society had frequently put such ideas into the Natives' heads.²

By 1834 Macomo was again in the Neutral Territory, Cole had never seen Macomo and had not given him the right to enter the territory.³ This was Macomo's second return after an expulsion for in 1828 he had been permitted to re-enter the Neutral Territory because of the hardships he had suffered as a result of this expulsion. But robberies increased again and in 1829 an attack of Macomo on the Tambookies was the occasion or the pretext of his expulsion.⁴ Kayser in a letter explained that it had taken his people the whole day to obtain Macomo's consent to Warren, a trader's murder;⁵ but did he not have the power to prevent it?

After Macomo's entry into the Ceded Territory Dundas wrote "it comes within the scope of my duty to point out that great inconvenience is now experienced therefrom, for it appears to me perfectly clear, that towards the tranquility of the frontier on the Caffre side and for the prevention of severe measures and bloodshed ultimately, the total expulsion of the Caffre

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1. Report of 1836 P. 10.
 2. Report of 1836 P. 140.
 3. Report of 1836 P. 92.
 4. Report of 1836 P. 35.
 5. Report of 1836 P. 719.

hordes from the whole of the Ceded Territory will not only be necessary, but also the occupation of said Territory by His Majesty's subjects as densely as its nature will admit absolutely indispensable".^{1.} Macomo when there was a danger of his being expelled came to see Stockenstrom ~~as~~^{and} pleaded that he be permitted with his family alone, to live anywhere in the Colony as he was in great distress, doubting his sincerrity Stockenstrom refused.^{2.} Charlie was defiant so Stockenstrom recommended his expulsion from the Makazzana, but because of horse-sickness Somerset could only provide the Kat River Hottentots with officers and rations.^{3.}

Migrations of farmers beyond the frontier had to receive government sanction.^{4.} Till further orders none of the farmers going into the Ceded Territory were to cross^s below Fort Beaufort.^{5.} As regarded the Hottentots the territory between the Kat and the Genappe was divided into 58 locations and for each location one outspan was provided; a greater proportion of men had to stay under arms here than in the northern locations.^{6.} The military and Burgers were united to prevent any ^sasumption of territory on the Kat River by Macomo. The farmers were divided into groups of twenty to thirty armed men for this purpose. Because of the drought farmers were permitted to graze their cattle in this belt, but "these persons must be given to understand that their temporary occupation of the country gives them no claim whatever to future location there."^{7.} The farmers who refused to do military service were to be ordered to quite the Ceded Territory immediately.

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1. C.O. 586. No.18.
 2. C.O. 647. No.24.
 3. Ibid.
 4. C.O. 647. No.27.
 5. C.O. 617. No.31.
 6. C.O. 647. No.16.
 7. C.O. 1505. P. 477. and C.O. 1506 P.487.

" On the same conditions any Hottentots of character who possess stock may be encouraged to remove to the new line, in the vicinity of which it is His Excellency's intention that such of them as may prove deserving shall be permanently established."^{1.} The governor informed Stockstrom that he had told Somerset that the farmers were to be allowed temporary occupation of the land between the Winterberg and the Keiskama but did not say a word of the Hottentot settlement as he was afraid of publicity at this stage.^{2.} Not only were the Kaffirs of the Makazzana causing trouble, but this bush was also the lair of Bushmen and Hottentots and runaway slaves.^{3.} The chiefs Pato, Kama, and Congo wished to purchase some land between the Fish and the Keiskama. Somerset had to give his opinion and if the chiefs had carried out their part of the bargain there was no alternative.^{4.} Stockstrom pointed out that one of the causes of unrest on the frontier was because the chiefs were permitted to re-enter land of which they had been dispossessed. They were admitted on certain conditions which had to be binding on both parties if they could be substantiated. "It will appear to be my decided opinion that no part of the Cede Territory ought to be incorporated with Caffreland, or entirely Ceded to any part of Caffres as Caffres so that if the session must take place on the strength of any engagement of Government or other motives of policy, the Caffres must be made amenable to our laws under certain modifications an experiment which I have formerly recommended."^{5.} This attitude should

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1. C.O. 1505 P.477. and C.O. 1506 P.487.
 2. C.O. 1505 P.479.
 3. C.O. 580 No. 212.
 4. C.O. 686 No.16.
 5. Ibid.

7
 C.O.
 1505
 1506
 580
 686
 Ibid.

be taken up by the government as the natives looked upon their return to the Ceded Territory as an act of weakness hence Macomo's attitude to the Tambookies, therefore he approved Macomo's expulsion; all Kraals which made raids should be expelled.^{1.} Somerset had often connived at the return of natives to the Ceded Territory, especially as he had friendly feelings towards Macomo.^{2.} At last definite orders came for Charlie's expulsion, but only Colonial cattle could be seized and no kaffir cattle;^{3.} because of his attack on the Tambookies Macomo was also ordered out of the territory,

He had chased them 20 miles into the Colony and killed some there. Stockenström had to inform the other chiefs that no action was intended against them, but "it is scarcely necessary to impress on you how desirable it would be to accomplish the expulsion of Macomo without having recourse to the service of the Commando."^{4.} The Commandant of the frontier had to decide whether it would be necessary to call up the Commandoes or not. If it was decided to do so Stockenström had to accompany the forces to see that Macomo's kaffirs were actually driven beyond the frontier fixed on the 14th of October 1819; Even when driven out they had to be informed that full reparation had to be made to the Tambookies for the heavy loss of cattle sustained at their hand. Mapassa who seemed to have shared in the booty were also to be expelled.^{5.}

In London a London Missionary party took up the attitude that Bowana the Tambookie chief had as-

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1. Report of 1836 P.100.
 2. Report of 1836 P.308.
 3. C.O. 1507 P.165.
 4. C.O. 1505 P.415.
 5. Ibid. and C.O. 1507 P.385.

ked Macomo to intervene on his behalf in the internal affairs of his tribe. (This will be discussed fully after the facts of the raid and Macomo's expulsion have been given). A report by Hallbeck before the raid threw ample light on the subject.

The position of these missionaries in the Tambookie country was rather precarious and they asked the Governor for protection. The station at Klip-
plaat was robbed on the 21st of October 1828, probably by the Fetchani, losses sustained were:

Missionaries 5 bullocks and 3 horses	Value	Rd.	300.
Daniel. Kaffir interpreter 1 bullock	"	"	30.
Sebastian Stoffel interpreter 3 bullocks	"	"	75.
Wilhelmina Stompje school mistress 3 cattle	"	"	45.
Henry Beukes 19 cattle and 3 horses	"	"	710.
Ephraim Willems 4 cattle	"	"	60.
		Rd.	<u>1220.</u>
	or		£91.10.0.

Beukes lost everything he possessed. The Commanding Officer scoured the country and found nothing, yet the night of the 24th and 25th October about 60 men came with fire brands to set the station alight but were frightened away by the dogs and a few shots fired at random. The dragoons were being shifted away and the Tambookie chief Bowana was now also threatened by Macomo on what grounds he did not know, but the result was that they were crowding round the Klip-
plaat river for protection.^{1.} He therefore asked for protection against the marauders and Macomo, the latter would probably not attack if he knew the Colonial Govern-

1. C.O. 587 No.25.

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ment would take action.^{1.} The Klipplaat river was so well laid that a detachment there would help greatly in protecting the frontier as well as Bowana and the stations. Bowana was so anxious that he had been thinking of going to Grahamstown to ask for help.^{2.} As a result of this fear many Tambookies established themselves in the colony, but Captain Armstrong conducted them across the frontier again,^{3.} this action was approved by the governor.^{4.}

Stockenstrom placed his opinion about Macomo's expulsion in writing on the 6th of February 1829.^{5.} When Macomo's occupation of the Kat and Koonap was pointed out to Lord Charles Somerset, he allowed him to remain on condition that he did not disturb the frontier. Macomo and his followers had by many acts of aggression provoked the carrying out of the threat of expelling him. The Commissioner General thought that the late outrages against the Tambookies certainly called for the enforcement of this threat in order to maintain the dignity and respect among the neighbouring tribes. Macomo was well aware that the Tambookies were always on the best terms with the colony and that they were peaceable and friendly.^{6.} He followed into the Colony and plundered them in the midst of the Colonists. This/^{could}only be remedied by a full compensation of the injured Tambookies, and the expulsion of Macomo from the Ceded Territory. He did however recommend that the natives be allowed to return to reap their crops; ; in the expulsion force had to be used if necessary, the cattle should be driven beyond the frontier

1. C.O. 587. No.25.

2. Ibid.

3. C.O. 582. No.99.

4. C.O. 1572. P.30.

5. C.O. 619 No.6.

6. Ibid and Report of 1836 P.129.

and the huts destroyed. If necessary the Burgers should be called up to help the troops, so that they could be prepared for acts of vengeance on the part of Macomo but Stockenstrom was convinced that a mere show of force would be sufficient. He would also make it clear to the other chiefs e.g. Pato Kama etc. that the expulsion of Macomo from the territory would have no effect on them.^{1.}

Cole agreed entirely with Stockenstrom, when he acknowledged the above report especially as Macomo had in defiance of the Governor's request refused the meeting of the chiefs at Fort Willshire. He had not only to be expelled but had to make reparations in full to the Tambookies; as many of the Tambookie cattle and horses were not found Cole empowered the officers to seize Macomo's stock.^{2.} The Commander of the frontier decided that the Burgers beyond the Fish River should be called up and also those who had temporarily emigrated into the Ceded Territory, all these Burgers were to meet at the Gonappe Post on the 30th of April 1829.^{3.} When Stockenstrom gave these orders the military were also called up. "I have consequently given it as my opinion that the cattle in Macomo's kraals whether kaffir or Tambookie cattle should be seized and not restored before the desired restitution be made and Macomo treated as an enemy till this just command be complied with. If he has sent off, or allowed to be taken off by others, the property so unjustly acquired by himself he should be held responsible."^{4.} Only cattle in Macomo's kraal were to be seized and the

1. C.O. 619 No.11.

2. C.O. 1572 P.81. and Cory C.O. Letters 1824-36 II.P.158.

3. C.O. 617 No.17.

4. Ibid.

women and children left alone.^{1.}

Stockenstrom actually met Kai Kama and Kongo at Wesley Wille on the 8th and 9th of April 1829 and explained Macomo's position to them; he also told them firmly that the Commissioner of Albany and Somerset was complaining about petty thefts which would be severely punished if the offenders were caught.²

Congo urged the perman^{nt} cession of this land to them in the Ceded Territoty but Stockenstrom intimated that he was not authorised to promise this. He also complained to Gaika of the conduct of his son Macomo and told him what the government wished to do - "I must however state that I placed no confidence in this man's professions; he harrassess and plunders his own people systematically and thereby drives them to commit depredations on the colony and invariable shares in the booty when he can without fear of detection".^{3.} Several kaffirs complained of this and deserted him for other chiefs. In 1829 he was on bad terms with Macomo, but there was no doubts that a great part of the cattle taken by Macomo from the Tambookies were in his kraals. Stockenstrom told Gaika of the danger he was running by not giving them up.

The Commissioner General did not see Botman and Eno though they were told to meet him. Eno was a desparate plunderer and was known to have a great deal of the Tambookie cattle. He also saw Mr. Thompson but not Mr. Ross, the former told him that he would soon be leaving Kaffirland as it was not agreeable to be both government agent and a missionary and the recent

1. C.O. 617. No.18. and Cory C.O. letters 1824-36. II P.158.

2. C.O. 617 No. 19

3. Ibid.

occurrences would make him more obnoxious to the Kaffirs.^{1.} In a letter dated 29 April 1829 Stockenstrom informed Thompson of the proposed action against Macomo.^{2.}

The Commando against Macomo marched on the 1st of May and reached his kraals on the 2nd.^{3.} The mass of the kaffirs had fled to Kaffirland, but Macomo still lurked in the bush with a small party. After^{4.} some trouble Stockenstrom persuaded Macomo to meet him. He shook hands with Macomo and told him Gaika had given up the land but he had been allowed to live there provided he did not disturb the colonists. Despite promises his people had committed depredations. The Government forbearance had ended as a result of his chasing the Tambookies into the colony and plundering them. If he quitted this territory and gave up the Tambookie cattle^{5.} serial relations would be returned with him.

Macomo replied that he had committed no offence against the Colony and had stopped plundering as much as he had be able. He had attacked the Tambookie because they had stolen from the Colony and Bowana had asked him to attack them. (Compare this with Hallbeck's letter).

This had been denied by Bowana, in any case a request from Bowana would not justify murder and plunder in the Colony. There was also ample proof that Macomo had not checked but encouraged theft. That very morning two head of cattle stolen the previous month from the colony were found in his kraal. Macomo replied that the people plundered but the Chief were held responsible; he hoped Stockenstrom would intercede

1. C.O. 617 No.19.

2. C.O. 617 dated 29 April 1829.

3. Report of 1826 P.213.

4. C.O. 617 No.21.

5. C.O. 617 No.21 and Report of 1836 P.150.

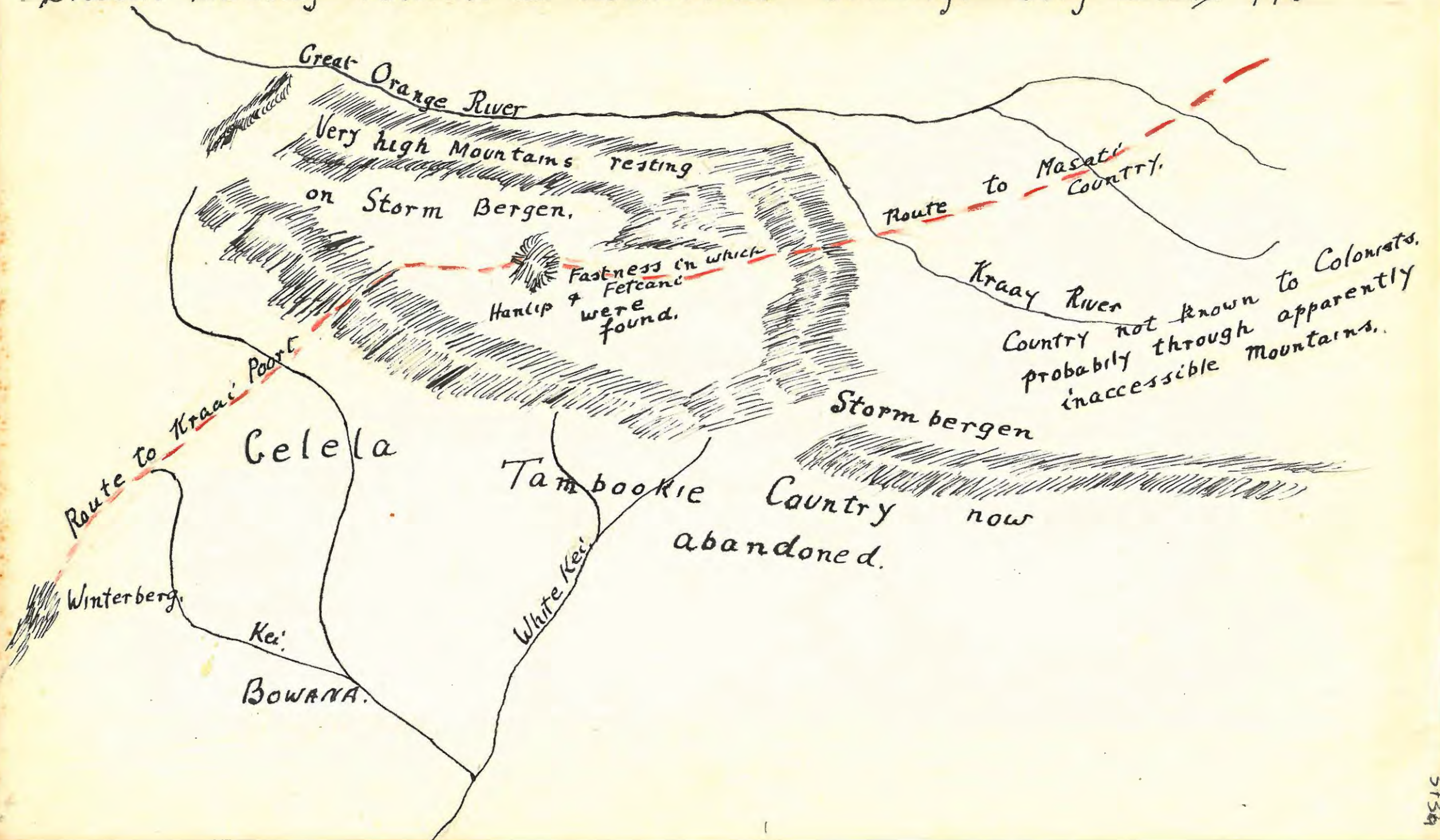
with the Governor to let him remain in the territory and he would return all the Tambookie cattle; he was informed that he had to produce 3000 head of cattle at Fort Beaufort for the Tambookies. The wily chief then asked Stockenstrom's advice for he said the Commissioner-General knew the cattle had been distributed all over Kaffirland and he possessed none.

As was well known the kaffirs always tried to drive all their cattle away. The kaffirs threw some assegais and killed a few horses whereupon the commando fired, one kaffir was killed and two wounded one so severely that he died the next day. During the night some kaffirs crept between the cattle, killed six and wounded several. As a result of Macomo not producing the stock and his people's attack Stockenstrom was obliged to burn the huts and driven out by force those still lurking in the Ceded Territory, with as little blood shed as possible.^{1.} The cattle taken would be given to the Tambookies and the deficiency required from him. On the 4th of May these cattle were handed to the Tambookies,^{2.} who returned to Vusani whom they called the Great Chief.

Farmers were often to blame for thefts as they left their cattle out at night or badly herded with the result that they could not tell who the thieves were. In this case the patrol followed the spoor to the nearest kraal; and the number declared by this interested person to have been lost was taken from the Kraal.^{3.} This as will be seen later was open to abuse. Stockenstrom also maintained that many innocent kraals suffered as the real thieves drove the cattle near a kraal and often left

1. Report of 1836. P. 36-7.
 2. C.O. 617 No.21.
 3. C.O. 617 No.21.

Sketch showing Fetcani and Tambookie Country. Cory Lt. III. 74.



Country not known to Colonoists probably through apparently inaccessible mountains.

left one or two cattle behind to put the pursuers off the scent.^{1.} Was this likely in practice? Certainly not.^{2.}

Mr. Ross, the missionary with Macomo claimed £20 compensation from the colonial Government for buildings which he had to abandon, when he followed Macomo to his ne^{3.} abode.^{4.} He was refused compensation.

Thompson the Government agent in Kaffirland thought Macomo's removal was going to have far reaching results, as not only were the natives who had been removed annoyed but it was making an unfavourable impression on all the natives,^{5.} this was especially true of Macomo because one of the districts in the Koonap from which they had also been expelled, was regarded by them as part of Kaffirland, as they were left in undisputed possession of it in 1819.^{6.}

Botma, Pato and Eno did not occupy part of this district, as it had belonged solely to Macomo, and they had held part of the Neutral Territory only by permission. Their expulsion caused them much difficulty as their former territories were occupied by natives pressing on behind; so they were also exasperated. Trouble could thus be expected from all parties, who would thus dis-turb the peace and annoy the settlers.^{7.}

The first missionary to make a fuss about Macomo's expulsion was Mr. John Ross. His version of the story was.^{8.} The Commando entered Macomo's country

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1. C.O. 617 No. 21.
 2. Report of 1836 P.358.
 3. C.O. 617 No. 33.
 4. C.O. 1506 P.94.
 5. C.O. 617 dated 1st July 1829.
 6. Ibid.
 7. C.O. 617 dated 1st July 1829.
 8. C.O. 617 No.84.

On the 2nd of May 1829, fired the bush, took his cattle and on the Sunday (the next day) began to burn the huts.

Ross maintained that no time had been given to Macomo to comply with the Government's wish whatever it was. Ross understood the cause of the Commando was Macomo's supposed attack on the Tambookies and the carrying off of 5000 cattle, and the Government wanted 3000 returned. Macomo never denied that he had attacked the Tambookies and being successful he dealt with them according to their own customs. Bowana and his aged father Tahatshu were supposed to have called on Macomo to help subdue his rebellious people, whom they could not restrain stealing from the colony. After the campaign ^{he} delivered four head of Colonial cattle found among the Tambookie cattle to Somerset. Macomo asked what he should do when he saw colonial cattle among the Tambookie. Ross said Macomo was in a delicate position. "he had been told by the Governor the Commander in Chief of the Colony to punish all who stole from it, and then he was told by an inferior officer not to do so", and when he asked for an explanation he received no reply.^{1.}

Macomo's chief crime was the he drove the Tambookies into the colony. But he was for years the acknowledged friend and defender of the colony, he punished thieves from the Colony; but did he cross the boundary or only drive the Tambookies among the colonists who were grazing cattle in Kaffirland? Maintained Macomo had been driven out not from the Neutral Territory but his own country. On what grounds? Macomo was not warned or ordered to leave that country at the treaty of 1819 not at any subsequent period; Macomo's territory was not to be found in a map or diagram made of the Neutral Territory.^{2.}

1. C.O. 617. No.84.
2. Ibid.

Ross' statement is deserving of comment. Firstly Macomo had refused to meet both the Governor and the Commissioner General; he was told he would have to make reparations and had refused to comply. If as Ross stated he had seized 500 cattle. Surely the Government was very lenient by requiring 3000 to be returned, so the cattle taken from Macomo and given back to Bowana and his Tambookies were less than they had lost.¹ Macomo's story of Bowana's request for assistance and his methods have a special significance in our times also Ross' implicit faith in his ideal. Macomo thus anticipated the methods of our modern European dictators by more than a hundred years. Nothing is new in this world of ours.² Compare the reports of the frontier officials as given above and then decide whether Macomo was the friend of the Colony or not. Campbell and Stockenstrom both stated that some of the Tambookies had been killed twenty miles within the Colonial Territory. Macomo was living on the Colonial side of the Chumie which according to Aitchinson's interpretation belonged to it, and Macomo's being left in possession of this country showed how sympathetic the Governor had been, and did not give Macomo a legal right to the Country. The fact that he had lived there since 1819 did not alter the fact in the least. I do not like Ross' remark about the "inferior officer" to me it fully substantiates Aitchinson's complaint about the missionaries teaching the chiefs to look down on the frontier officials as their inferiors.

1. Report of 1836. P.214 and P.357.

2. Cory C.A. IV 1825-1835 P.96.

After this Macomo asked Foss to write that he had 380 of the Tambookie cattle and no more. Proof that Macomo thought the Colonial Government was weak and indcisive, and could be bluffed. Macomo again expressed surprise at Somerset's anger and his expulsion from the land in which the Commandant had permitted him to live undisturbed. "The chief requests me further to state that he begs Colonel Somerset would be pleased to grant him a section of land where he may be under your hand and receive order in all affairs from yourself. The chief complains that his messages are misinterpreted at the Fort".^{1.}

This was what Stockenstrom wanted to do and what Sir George Grey introduced. This system of indirect rule has been introduced with much success by Great Britain in her crown colonies; according to this system the chief rules his people under the direction of Europeans.

In 1831, Macomo and other chiefs again attacked the Tambookies. Field Commandant van Wyk and Field Cornet Pretorius wanted to know what they were to do, as the fugitive Tambookies had settled in the measured land of the Colonista. These vagrants stole and the two Boer Commanders knew of cases where Mapassa had threatened the farmers. Stockenstrom told van Wyk he could repel force with force.^{2.}

Kay told the Committee of Enquiry that he had visited Kaffirland soon after the expulsion of Macomo and the scene was distressing as the native huts had been burned and the kraals were mepty. The feelings of the natives were not respected but outraged. He

1. C.O. 617 dated 23 April 1829.
2. C.O. 654 No.6.

praised Cole's motives in establishing the Kat River Hottentot settlement; though the motives were laudable they excited a feeling of revenge in the mind of Macomo. The Kaffir was thus annoyed because his land was given to the Hottentot, who was then armed by the Government, "whilst the poor Hottentot himself was hereby placed between two fires - the prejudiced boor on the one hand, and the enraged Caffre on the other."^{1.}

Justus went further and attacked Stockenström for expelling Macomo, for said he, the Commissioner General had admitted that the Chief had been "quiet of late".^{2.} The "of late" is significant so Justus must have realised that Macomo had committed depredations; besides this all the reports of the Commissioner General which I read - and those were all from 1828 to 1832 - stated the direct opposite.^{3.}

James Read Junior wrote an invitation to Macomo through Mr. Kayser to attend a missionary meeting at the Kat River. The Reads knew quite well that such an invitation was illegal, who were they to ride over the laws of the Colony? Macomo arrived at the Kat River settlement on the 6th December 1833. He stopped the night and attended the public meeting, made a speech and after they had left the meeting, and were sitting together, Sergeant Sandys came, while they were having tea. Read went to the Sergeant, and Macomo came out immediately. The Sergeant offered Macomo brandy which he indignantly refused saying this was not the first time the Sergeant had insulted him.^{4.} Well Macomo had the Reads summed up, they now believed

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1. Report of 1837 P.63.
 2. Justus : Wrongs of the Caffre Nation. P.127-8.
 3. Shaw : Story of my mission in S.E.A. P.141.
 4. Report of 1836. P.589.

he did not touch brandy and yet he bought it at the Fort as stated previously. Read's evidence was probably very near the truth in this instance, he was also present at the arrest. But Pringle the poet, had to make the best of poetic licence, and of course he was not present, this man could use word to twist facts. Here is his evidence and "in the midst of this exhilarating scene, the African Chief recommending to his followers the adoption of the GREAT WORD, they were interrupted by the sudden appearance of a troop of dragoons despatched from the military post to arrest Macomo for having crossed the frontier line without permission; this was affected in the most brutal and insulting manner possible, and not without considerable hazard to the chieftains life, from the ruffianlike conduct of the drunken sergeant, although not the slightest resistance was attempted".^{1.}

Pringle here made a deliberate misstatement, the meeting was over when the sergeant appeared, and secondly ~~and~~ tried to convey the wrong impression that Macomo was attempting to convert a large number of his followers when only a few had dodged the fort with him.

Wade in his evidence said that Read's invitation had been sent to Macomo in October 1833, although he knew perfectly well that no native was allowed in the Colony without a pass. Lieutenant Gardiner refused to let him enter but he did so by another way with twenty followers and stayed two days with Read. As soon as Gardiner heard of this he sent a sergeant to arrest Macomo. The man was not drunk or disorderly. Read went with

1. Report of 1836 P.418.

Macomo to the post and excused himself by saying "he was not aware that Macomo ought to have had a pass"^{1.} Gadriner was in England and corroborated Wade's statement. Though Wade thought Macomo was a danger to him Eno was the greatest scoundrel on the frontier.^{2.}

Pringle in evidence stated that Macomo wanted to live in peace with the Colony on the land given him in the Chumie Valley by Somerset and Stockenstrom and "which appears to have been verbally guaranteed to him also by Sir Lowry Cole"^{3.} The word "verbally" is significant for Cole visited the frontier only once and Macomo refused to see the Governor, ~~he~~ probably had a too guilty conscience even in 1828 - Cole never saw Macomo. Macomo was arrested at Mr. Read's place and not at the Church but at his house; secondly^{4.} Read knew he was not to be allowed within the frontier. Sergeant Sandys reported at the fort that it was quite apparent that the Reads wanted to help Macomo to escape, as it was nearly dark. Read went to the fort with the party, where he repeatedly stated that Sandy's conduct had been proper. Read Senior who was then an old man was given a bed there for the night.^{5.}

Missionaries were always useful in arranging interviews between the Government and the chiefs,^{6.} and has already been stated Thompson was not only a missionary but the recognised Government agent in Kafirland. In this way the Government was kept notified of event in the native territories. On the 16th of

1. Report of 1836. P. 286.
 2. Ibid.
 3. Report of 1836. P. 418.
 4. Ibid.
 5. Report of 1836. P.418.
 6. Report of 1836. P. 92.

November, Thompson wrote a letter informing the Governor of Gaika's death and the probability that Macomo would be chosen as regent for Sandili.^{1.} The Glasgow missionaries also asked leave to establish a mission station with Vusani,^{2.} When treaties were made with the chief all the clauses had to be fully explained to them, and the discussions had to take place in the presence of witnesses. Three copies were made of any treaty, one was kept by Stockenstrom, the second by the chief and the third by the Commandant of the Frontier, the original was sent to the Government office. The chief received his copy as soon as possible and "let him understand that then he will know the exact position by getting one of the missionaries to read it for him again if forgotten".^{3.} But this dual function placed the missionaries in an inenviable position, and Thompson had occasion to complain repeatedly of his delicate task. Moffat was also convinced that the missionaries should not do this as sooner or later they would be involved in politics and this was most undesirable, when the Kaffirs robbed the stations at the Chumie under the connivance of Gaika. Thompson was quite aware of their sentiment, but the attack "at the same time pointed to me the difficult and it may be dangerous situation I hold in the double capacity of a teacher of religion and resident agent of the Colonial Government in Kaffraria".^{4.} Thompson at first thought their attitude was because of his teaching Christianity "but later transactions have shewn that the bitterness of their hostility arises from my immediate connection with the Colonial Government".^{5.} "They consi-

1. C.O. 617. No.72.

2. Ibid.

3. C.O. 1510. P.474.

4. C.O. 587 No. 21 and C.O. 586. No.19.

5. Ibid.

der me the principal insitgator of the chastements they have at any time received from the Colonial power for their thefts".^{1.} This animosity against him extended to the people under his care, with the result that they wished to be recognised as British subjects and be placed under the protection of the Colonial Government. He informed Stockenstrom of these developements.^{2.}

In his evidence Wade maintained that the tour of Dr. Philip and Fairbairn did much to excite the natives. Cole carefully refrained from using missionaries for political purposes, and positive proof of aggression had to be substantiated before action was taken against any chief. Wade was positive that Dr. Philip's speech to Botma at Fort Willshire did much to excite the natives. Cole could not get Botma to give evidence, but Wade, while the commission was on, wrote to ~~Lieut~~^{lieu}enant Robertson who was present at the conversation; Robertson said Philip had told Botma that he "had been and illused man; that his case ought to be made known in England; that he ought to go himself to the King and the Parliament and ^{if} they did not give him redress for himself and his people, all he had to do then would be to appeal to the British public, and they would see justice done him. ~~Lieut~~^{lieu}enant Robertson mentioned this to Colonel Somerset, at that time commandant of the frontier".^{3.}

The kaffirs knew Philip had no power and that Cole was not using missionaries for political purposes, but natives withint and without the Colony

1. C.O. 587. No.21. and C.O. 586. No.19.

2. C.O. 587. No.21. and Cory C.O. IV kaffirland P.419. & Cory C.O. IV Kaffirland P.437.

3. Report of 1836. P.285.

had great faith in Philip's power and they probably thought he could get the Ceded Territory back and this tended to unsettle them.^{1.} How did Fairbairn describe the expulsion of the Chief? On the 3rd of April 1830 he wrote "Macomo, having lost his land, has recovered his character. Botma has been removed to a situation which few will covet and Eno, whose fortunes have been similar, now resides in outward quiet, but brokenhearted in the neighbourhood of Fort Willshire"^{2.} With a great flow of language Fairbairn praised the virtues of the above injured chiefs and commiserated with their sorrows, (He could because Cape Town was safe from their raids!) and his grand finale was "in Tzatzoe you find a model of industry for your Albany farmers and Dutch boers."^{3.} After this tour Somerset found a hostile resistance to patrols.^{4.}

This was just over when Mr. Bruce came to agitate the natives.^{5.} Bruce reported the old complaints of the London Missionaries and stated he had gained his information for Mr. Chalmers. The latter on oath denied this and asked for an enquiry which was refused by the Governor as he was prepared to take Chalmers' word. Bruce had raced through Kaffirland in three weeks, in the correspondence which followed only Tzatzoe i.e. Brownlie supported Bruce.^{6.}

Wade stated, that he firmly believed that the kaffirs looked to Dr. Philip and to Mr. Read in particular as persons who had very great influence with the Government. The conversations of these men induced the kaffirs to think they would do for them what they

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1. Report of 1836. P.286.
 2. Report of 1836. P.372.
 3. Ibid.
 4. Report of 1836. P.373.
 5. Ibid. and Cory C.O. Kaffirland IV. P.374.
 6. Report of 1836. P.374.

had done for the Hottentots.^{1.} Buxton's questions here tried to credit Dr. Philip with the passing of Ordinance No. 50. Wade denied this and stated further that he was under the impressions that the Kaffirs thought that the Hottentots who were excited through Philip's Vagrancy agitation would join them.^{2.}

Read and his son caused excitement by their speeches and D'Urban was obliged to move Read from the Kat River to Grahamstown. The Kaffir Majeico reported Read as saying to him "Don't you see that the English are taking away all your country? Why do you sit still?"^{3.} Read had one of Gaika's sons contrary to law on his settlement - and this after the Macomo affair.^{4.} There upon Wade pleaded for a Commission of competent and unprejudiced men to examine the question on the spot, and let accusers and accused face one another and he was sure the colonists would be acquitted. A commission in London could not come to a just conclusion.^{5.}

Mr. Bruce claimed to be unbiased and yet he actually went to Kaffirland "in search of cases concerning commandos in Caffreland, and wished him (Mr. Chalmers) to furnish him with some instances of military oppression against the Caffres".^{6.} These he published in the "South African Commercial Advertiser."^{7.} (It was really a case of seek and ye shall find or invent). Bruce as has been stated quoted Chalmers as his authority, in a letter Chalmers said he gave Bruce no information, after a Commando there were more people at his stations "but so far from saying with Messrs. Brownlie and Read that I considered the Chief ^{Charlie} and Botman

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1. Cory C.O. Kaffirland IV P.375. Report of 1836. P.373. Report of 1836. P.329.
 2. Report of 1836. P.378.
 3. Report of 1836. P.393.
 4. Report of 1836. P.394.
 5. Report of 1836. P.416.
 6. Report of 1836. P.394.
 7. S.A. Com. Adv. IX No.571.

and Macomo were honest men, I stated that they were generally found to conceal cattle when they could; nor am I their enemy because I say so; I know it is the truth"^{1.} Brownlee wrote Tzatzoe's letters in the South African Commercial Advertiser, and the letters transferred to the Grahamstown Journal for publication were in the writing of Read Junior.^{2.} John Milford Bowker thought that Tzatzoe could "neither write nor read manuscript".^{3.}

Dundas' attitude was that the time for abstract thinking had passed, and here was a particular case. The settlers had been sent out and it became the duty of the Government ~~to~~ protect them. The Fish River was an impossible frontier.^{4.} Dundas supported Wade in his accusation of Dr. Philip, and went further and attacked the methods of the London Missionary Society as giving rise to much of the trouble in the Cape. Dr. Philip in particular caused much trouble on the frontier and he was always actuated by the best motives.^{5.} He also wrote a book (Researches in South Africa) which was not always true, but which seemed to have "become important in the eyes of a certain set in England",^{6.} but disturbed the peace and quiet of the Colony. The Committee of Enquiry was supposed to be impartial but the questions put to Dundas implied that Philip did ^{not} get justice when fired for libel, to this Dundas replied "Yes, but less than justice". The Wesleyans did good work among the Kaffirs but Dr Philip and his friends interfered too much in politics.^{7.} Stockenstrom was of the opinion that the missionaries had done much to civi-

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1. Report of 1836. P. 416.
 2. Ibid.
 3. Report of 1836. P.417.
 4. Report of 1836. P.135.
 5. Cory C.O. Kaffirland IV P.440. & Cory C.O. Kaffirland IV P.14.
 6. Ibid.
 7. Cory C.O. Kaffirland IV. P.14293 and Cory C.O. Kaffirland IV P.440.

lize the Kaffirs, but unfortunately there were many who believed in the Kaffir stories.^{1.} Philip also took too much upon himself e.g. when he ceded the territory at Philippolis to the Griquas, Melville showed Stockenstrom the paper when he invited him. Thereupon Stockenstrom disputed Philip's right to do so and wrote to the Governor about the affair. He also found the same of the charges made by Dr. Philip on the Government of the Colony and others on the farmers to be entirely false and others exaggerated.^{2.} When he went to the frontier with Colonel Collins as a young man he found farms right up to the Kat River. There were also farmers who remembered the time when there were no Kaffirs west of the Kat River.^{3.} Stockenstrom proposed that the missionaries at the kraals act as intermediaries between the chiefs and the farmers. If a farmer was plundered he should go to the missionary who should then try to settle the affair between the two parties. The missionary would have the confidence of the chief, he did not propose to make political agents of the missionaries.^{4.} He approved the making of treaties with the chiefs.^{5.}

Donkin was also absolutely opposed to the missionaries being used in a civil role, when at the Cape he thought and still did "that the best chance we have of civilizing the savage tribes of South Africa, and of converting them to Christianity, was by means of missionaries, who would zealously and religiously devote themselves to that good work, without inter-

1. Report of 1836. P.95.
 2. Report of 1836. P.217.
 3. Report of 1836. P.218.
 4. Report of 1836. P.186.
 5. Ibid.

meddling with the politics either internal or external of the Colony".^{1.} Mr. Hindley: "Do you think that the missionary loses his civil character? Certainly not, but he unfits himself for his religious duties if he takes upon him a diplomatic or political character".^{2.} Thus for converting savages in South Africa civil and religious duties should not be combined. Donkin was afraid that where civilized people came into contact with barbarians there would always be an encroachment on the grounds of the latter.^{3.}

Philip was nothing but a political agent of the Clapham Seat in South Africa. Philip's letters about the Hottentots were read at Bible meetings.^{4.} Great were the rejoicings by this seat when the district of Queen Adelaide was handed back to Macomo.^{5.} To produce more effect Dr. Philip brought Tzatzoe, Stoffels, Read Senior and his half breed son to England with him when the Committee resumed sitting in 1836.^{6.}

While Tzatzoe gave his evidence Read had to translate.^{7.} (for a man who could write beautiful English and quote Latin and Greek!) Tzatzoe vowed that as a Christian he would not invade the colony or spill blood. He informed the Committee that Philip had always encouraged the chiefs to have their children educated. When the missionaries preached to the Kaffirs they replied "Why do you not go and teach your own people who shoot us every day and take our cattle"^{8.} Exactly why did they not minister the farmers and help to edu-

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1. Report of 1836. P.648.
 2. Ibid.
 3. Ibid.
 4. Report of 1836. P.362.
 5. Report of 1836. P.369.
 6. Ibid.
 7. Report of 1836. P.563.
 8. Report of 1836. P.572.

cate their children when they were crying out for such help.

Aitchinson again was very severe in his criticism of the missionaries. To the question "Do you think that the missionaries have improved the character of the Caffres ?" he replied. "Not in the least; with the exception of Kama and one or two of his tribe. I have not seen the slightest improvement by the missionaries among them; in fact, in the neighbourhood of Chumie, where the great missionary station is, they are the worst behaved Caffres of the whole tribe".^{1.} With few exceptions had seldom found the Colonists the aggressors. Most of the missionaries among the kaffirs were of the artisan class who could not support themselves but received money from England.^{2.} Philip himself took the word of a kaffir before that of Bowkes,^{3.} the Reverend Doctor placed the blame of frontier disorders at the door of greedy and unprincipled traders and the commandoes which have reduced peaceful people and ones rising in industry to banditti. This system might have enriched a few but caused much poverty and ruin.^{4.} As a result of all this plundering of the Kaffirs Macomo's simple reaction was what one could expect.^{5.}

Wade produced written evidence to prove that both Kay and Pringle had made misstatements. Kay had stated that Macomo had been driven from the Kat River solely with the object of founding a settlement for the Hottentots, when in fact the idea originated only after Macomo's expulsion;^{6.} also Kay did not quote Somerset's despatches accurately; he quoted Somerset as having written " that Matuwana was desirous of remaining inactive in

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1. Report of 1837. P.12.
 2. Report of 1837. P.11.
 3. Report of 1836. P.706-7.
 4. Report of 1836. P.693.
 5. Report of 1836. P. 556.
 6. Report of 1837. P. 91.

the position", when the full sentence was, "Montuwana was desirous of remaining inactive in his position, his people objected to it, and would not allow him to do so"^{1.} Pringle stated that a Commando had killed eighty people when the correct number was ~~eighty~~^{twenty}^{2.} one.

William Shaw always chose suitable helpers e.g. Shepstone, Alyff^{3.} etc. Shrewsbury was at Morley at the Kraal of Dapa a Pondo chief, whose mother was a white woman wrecked off that coast in about 1750. She had been made the wife of the Great Chief. Dapo's sister was practically European in appearance, but seemed to have learned nothing from her mother.^{4.}

Below follows the return of Shaw.^{5.}

1. Wesleyville near the Chalmuna River with the tribe of Pato. About 8,000 persons.
2. Mount Coke in Slambie's country about 8,000 persons.
3. Butterworth near the Kei, Hintza's country about 16,000 persons.
4. Tambookie Mission near the Bashee River and the tribe of the late chief Vosani about 18,000 persons.
5. Morley, Umtata, with Chief Dapa and Qanda about 15,000 persons.
6. Mambookie mission near Zimvooboo River, Chief Faku, about 20,000 persons.
7. Platberg near Vaal Baralong tribe about 5,000 persons.
8. Buchucap, in Griqua Country, Berend Berend's tribe 500 souls.

Shaw's mission at Wesleyville soon grew into

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1. Report of 1837. P. 91.
 2. Ibid.
 3. Eveleigh : The Settlers and Methodin P.64.
 4. Eveleigh : The Settlers and Methodin P.67.
 5. Cory C.A. IV 1824-35. P.136.

a township, it was founded in 1823. On Sunday 30th January 1825 over sixty Kaffir children attended Sunday School, the missionaries seemed to be worried about the nudity of the children. These missionaries used to sleep in the huts so that they got to know all classes of natives were not clean.^{1.}

Shaw took Kana with him into the colony, Kana's wife and children remained at the mission station. At Grahamstown he was given both a military and civil welcome; his reception at Salem was just as kind. When he returned he told his people all about his experiences. Shaw thought these occasional visits by the chief would do much to break down mutual antagonism. At Wesleyville they were perfectly safe and never secured a door or a window.^{2.} Among the natives baptised were Kana and his wife, the latter a daughter of Gaika and sister of Macomo. Ploughs and better methods of agriculture were introduced, and a shop was also opened.

Shaw knew he would have to oppose the view held in England by persons who were accustomed to hear that the Kaffirs were like harmless sheep attacked by ravenous wolves the colonists; but his opinions were honestly formed after long years of experience and "I do not accuse anyone of intentional misrepresentation: but these affairs have too often been stated by public writers after the manner of special pleaders".^{3.} Everything was said for the Kaffirs and nothing for the colonists. Both sides at the Cape had so grouped their facts as to give an erroneous idea of the facts.^{4.} Travellers like Freeman took no trouble to find the

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1. Shaw : Memoirs of the Rev. W. Shaw. P.123.
 2. Shaw : Memoirs of the Rev. W. Shaw. P.132.
 3. Shaw : Story of my mission in S.E.A. P.136.
 4. Shaw : Story of my mission in S.E.A. P.139.

truth and were wholly guided by the two Reads,^{1.} and
these two men have often acted with duplicity.^{2.}

Steedman heard Chalmers preach, the sermon, which was in Dutch, was translated by a converted native. There he was told of the conversion of one of Eno's concubines. There were over 50 children at the meeting and the Church which was nearly always full held from 150 to 200 people.³ Chalmers told him of many people who had been murdered as they were accused of witchcraft, some had fled to him for safety. Steedman lost some oxen in Macomo's country so he went to see him at the fair at Willshire. "There we were informed the he might be met with at the Canteen, his favourite rendezvous, where we accordingly found him surrounded by a large party of his tribe".^{4.}

Steedman
Cradook was a town of forty to fifty houses and 350 inhabitants, but the church formed a prominent object was capable of holding a thousand people. At Nagmaal the church was always full and the town a scene of bustle and activity.^{5.} While so much was being done for the coloureds by the English public what was the position of the Boers. There was a great lack of education facilities for the Boers of the remote districts and "I cannot but think, while there has been a laudable zeal manifested on behalf of the native tribes beyond the borders, the solitary condition of the Boers scattered - shut out from all intercourse with society - has been sadly neglected,^{6.} if not entirely overlooked"

Philipps was also hoping for the best,
Philipps? D.P. to the same Philipps

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1. Green : Kat River in 1851 P. XII.
 2. Green : Kat River in 1851 P. XII.
 3. Steedman : Wanderings and Adventures P.223.
 4. Steedman : Wanderings and Adventures P.245.
 5. Steedman : Wanderings and Adventures P.184.
 6. Steedman : Wanderings and Adventures P. 64

for when asked if it was his intention to return to the colony he replied in the affirmative "for I feel great confidence that the true value of the settlement will now be properly appreciated; that the often - repeated complaints of the colonists will be at length attended to; that a regular and systematic intercourse will be established with the neighbouring tribes, with whom it is the interest as well as inclination of the colonists to live on good terms".^{1.}

One often heard of patrols and commandoes which went after stolen cattle. Now what was the actual difference between a patrol and a Commando.

The Commando will be defined first. A Commando was merely the name attached to a force collected, either a regular military force, or partly military and partly civil. The magistrates of the Cape had the power to order the farmers on military duty when occasion required. The Commandant of the frontier or the civil authority demanded assistance from the military and from the neighbouring countries, to check any inroad the Kaffirs might make, or to recover beasts that might have been stolen. Such a force when collected was called a Commando.^{2.} The conditions governing such a collection of men had been laid down by Lord Macantrey on the 20th of May 1797, but Cole reiterated the ordinance by Ordinance No. 99.^{3.} No officer of inferior status to a magistrate would give orders to collect a Commando. Unfortunately the methods of reprisals varied with the Governors and this led to much uncertainty. Still this was clear no thieves could

1. Report of 1836 P.30.

2. Report of 1836 P.4.

3. Report of 1836 P.27 and G.T.J. II No.82. and G.G.27
6 June 1833 and Harding II P.232.

drive cattle near a kraal to put the British off the scent as the Kaffirs were very observant.^{1.} The Commando collected all the cattle at the kraal and took them to a fort. There people made claims for stolen cattle and the remainder was returned to the Kaffirs. Many were Colonial cattle but not all. Colonists would claim only head for head though the Kaffir cattle were far inferior to the Colonial Cattle.^{2.} A question put to Aitchinson suggested that the marauders were not attached to a chief, but he replied, that he thought no Kaffir could enter the Colony without the knowledge of his chief and secondary there were no such people as vagabond Kaffirs.^{3.} It often happened that cattle claimed to have been stolen had only strayed. When a farmer missed cattle he at once rode to the nearest military stations, there was no way of checking adequately which were genuine and which were false claims.^{4.} On Commando the Boers were always under officers and well disciplined, though not like soldiers. Only once in all his long experience did he (Aitchinson) know of the Boers ~~wantonly~~ killing eleven kaffirs on Commando.^{5.}

The Patrol system was similar to the Commando only it did not go out for a specific purpose only to observe and intercept any parties who might be going to or from the Colony.^{6.} It was easy to trace stolen cattle except in the rainy season, and it was not practicable to take or seek any stolen cattle as the natives had ways of disposing of stolen stock.^{7.} The Commando could march only on the authority of the

1. Report of 1836 P.5.
 2. Ibid.
 3. Report of 1836. P.6.
 4. Report of 1836. P.6.
 5. Ibid.
 6. Ibid.
 7. Report of 1836 P.7.

of the military commander and he had command by the authority of the Governor.

The moment a farmer was aware that his stock had been driven off he went to the nearest military post, as the Magistrate was often sixty miles away. The officer at the post heard the complaint and if he decided it was true he sent a non-commissioned officer to follow the tracks. The tracks of a native were not difficult to recognise. A person who could identify the cattle accompanied the troops.^{1.} Of late the civil and military authorities had to co-operate in sending out a Commando. Often farmers called four times per week to make reports at a fort.^{2.} A specimen order to Aitchinson from Somerset follows below.^{3.}

Fort Beaufort,

16 June, 1830.

"Captain Aitchinson will take the command of the division now assembled at the new post, Captain Aitchinson will receive from the chief (Charlie), who has offered to accompany the Commando, guides to the kraals, whose Caffres are supposed to have committed depredations on the Colony. Charlie's caffres are to conduct Captain Aitchinson to the said kraals, Captain Aitchinson will then secure the cattle of those kraals and drive them off in the direction of the old waggon drift on the Keiskama, where he will join the central division under the Commandant of the Frontier. Captain Aitchinson will inform the Caffres at the kraals, where he seizes the cattle, that he has orders to take the cattle to the Commandant where all Caffre cattle will

2. Report of 1836. P.8.
 1. Report of 1836. P.325.
 3. Report of 1836. P.8.

be restored to them, and only Colonial cattle detained."

"Should the Caffres make resistance or offer any attempt at hostilities, Captain Aitchinson will fire upon them, and resist every attempt that may impede the execution of these orders.

"H. Somerset, Col.
Commandant".

The trouble with the frontier policy had always been, that it was too vacillating, and so there were too many men in charge on the frontier. Very often and especially as Stockenstrom became more liberal towards the kaffirs, he and Somerset could not agree about the necessity of Commandoes. As time went on the Governor seemed to carry out his frontier policy more and more through Somerset, Stockenstrom felt his position and this was probably the primary cause of his resignation. The Commando of 1829 was just such a case. On the 9th of May Stockenstrom wrote that he saw no need for a Commando, a patrol could follow the spear to the kraal of the thieves and not meddle with any other kraals. Under no circumstances should a single head of cattle except those known to have been stolen from the Colony be siezed, whoever should take or make himself master of Kaffir cattle should be prosecuted. No shot should be fired except in self defence, after a patrol the officer in charge was to report to Stockenstrom who would hold the Burger officers responsible. ^{1.} To Stockenstrom's letter Cole replied that he was not aware that he had been opposed to the Commando, as he had received no report. Both Campbell and Somerset had stressed the

1. G.O. 617 No.22.

advisability of such action and as no communication had been received from the Commissioner-General the Governor had concluded that he was too far away, and the matter seemed pressing.^{1.} As regards the accusations against Scheepers and Gordon, Stockenstrom had to investigate the matter and if they were proved the parties were to be deprived of their grants of land.^{2.}

In 1831 Stockenstrom again disagreed with Somerset about a Commando. They should have adhered to the policy stated to the chief that no patrols would be allowed to take Kaffir cattle.^{3.} Then the farmers would have been on their guard, as things stood some farmers lost their property intentionally and made false statement of depredations with the result that peaceable kraals were plundered.^{4.} There was no need at all for a commando especially as Macomo and Charlie had sent back forty horses - seizing some of their own people's in an attempt to satisfy the Colony. There were people who tried to prove to him that the Kaffirs should not be allowed to have horses.^{5.} On Commandoes the one extreme was as bad as another. The degradation of the natives was due to the oppression of the Europeans and their descendants. The natives had to be protected against the oppression, but the colonist had to be allowed to protect himself, the murderers of field cornet Steenkamp should have been punished.^{6.} The whole trouble on the frontier according to Stockenstrom was caused by the Reprisal System, that is taking kaffir cattle for reported losses. Often innocent people were robbed and as they lived solely from their cattle they either robbed the

1. C.O. 1508. P.408.

2. Ibid.

3. Autobiography of Sir Andries Stockenstrom P.399.

4. C.O. 654. No. 16.

5. C.O. 654. No. 10.

6. Report of 1836. P.99-100.

colony or other Kaffir tribes.^{1.} On page 80 he gave a list of names of people who claimed compensation for cattle they did not lose. He was trying to evolve a system that would protect both sides,^{2.} so inroads had to be stopped from both parties and the Kaffirs were to^{be} left in undisputed possession of their property.^{3.} "Whilst the voice of humanity is justly raised in favour of the long and cruelly oppressed blacks, that of justice and prudence reminds us that the whites also have a claim to protection; that they also have lives, property, and rights to lose".^{4.} The false alarms on the frontier which were prolific were advantageous to more but those who coveted the possession of Kaffir cattle.^{5.} Trade and commerce would confer more benefit than war on the frontier,^{6.} and a purely military system would never bring about this state of affairs.^{7.} Lord Stanley believed that the Commandoes were a system of military execution, so that the European could satisfy cupidity with no thought of life.^{8.} But the Commandoes were not pleasing to the farmers, burgers who refused to answer the call were threatened with a fine of £5 in the ordinance, or with losing his land grant.^{9.} In 1819 farmers were obliged to supply Hottentots with mounts, if horses were lost in this Commando or subsequent ones the burgers received no compensation.^{10.}

That Stockenström was determined to protect the colonists also is proved by his wholehear-

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1. Report of 1836. P.85.
 2. Report of 1836. P.91.
 3. Report of 1836. P.96.
 4. Report of 1836. P.100.
 5. Report of 1836. P.101.
 6. Report of 1836. P.251.
 7. Report of 1836. P.243.
 8. C.O. 1321 No.1411.
 9. Cory: Rise of S.A. II. P.399.
 10. C.O. 586. No.14.

ted support of the Commando against Macomo in May 1830. This chief had been particularly defiant and persistent in his attacks on the Kat River Settlement. Stockenstrom immediately called up 150 of the civil force.^{1.} The fact that Cole's proclamation of 1833 empowered a field cornet or Deputy field cornet to send a party into Kaffirland to recover stolen cattle seemed to have aroused the suspicions of the committee.^{2.} Apparently many young kaffirs stole from the Colony to buy wives (labola), often a man was reduced to starvation in one night.^{3.} Because of the numerous depredations on the Colony the Kaffirs could not expect but that attempts would be made to recover the stolen property,^{4.} by driving the kaffirs back however, wars were caused with other tribes and this led to a great deal of misery.^{5.}

Shaw after stating that the system of reprisals as practiced at the Cape was the cause of much misery, proposed that after the spoor had been followed to the kraal - Hottentots were very useful in following the spoor - messages should be sent to the chief and only after reasonable time had elapsed and he still refused to compensate, reprisals should be made.^{6.}

Up to now I have given only the considered opinions of men who had been on the frontier. What effect did their reports have on the Government? Cole did not seek to excuse the raids. His opinion of the kaffir character was a little severe, "The very general disposition to plunder which appears inherent

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1. Cory. C.O. II 1824-36 P.152.
 2. Report of 1837. P.32.
 3. Report of 1836. P.130.
 4. Report of 1836. P.137.
 5. Report of 1836. P.139.
 6. Report of 1837. P. 63.

in the kaffir character, and the open and exposed state of the frontier districts of the colony, rendered the kaffirs most troublesome neighbours though the intimate relations that exist between most people and the colony for the purpose of trade and the friendly intercourse that has for some time past been encouraged, have been attended with consequences in bringing them into a state of progressive improvement and civilization and in tranquilizing the frontier depredations to a considerable extent are still committed in spite of every active exertion being used to prevent them - and inroad differing from the more common acts of marauding intrusion lately occurred which it is my business to detail.^{1.} "

Cole here related the difficulty with Macomo. Of him Macmillan said, "he had earned grace to be left unmolested for nine years".^{2.} Macmillan thereby seemed to intend to give the impression that Macomo had penetrated into the Kat River his father's legal lands - and thereafter lived a quiet inoffensive life. In opposition to this Cole related, "Macomo (the eldest son of Gaika) the kaffir chief who occupied the more northern parts of the territory of the people and whose talents actively daring character and depredations have long rendered him particularly obnoxious to the inhabitants of the frontier".^{3.} In January 1829 Macomo attacked the Tambookies with a force of 400 men and followed them to a distance of twenty miles within the colony where he overtook them, and there robbed them and murdered some of their people.^{4.}

1. C.O. 1444. P.39.

2. Macmillan. Bantu Boor Brittain. P.69.

3. C.O. 1444. P.124.

4. Ibid.

Cole was also of the opinion that by occupying the ceded territory and increasing "our intimacy and intercourse with the Caffres would be the means of rendering them quiet and peaceable neighbours"^{1.} This was what Sir George Grey thought afterwards. The old system of intercourse had proved a failure, and the nature of the country tended to make the idea of forts ten to twelve miles apart a forlorn hope.

The Governor agreed to the Commando against Charlie in 1830 provided the charges against him could be substantiated.^{2.} As Charlie had often plundered the Kat River settlement Cole gave the order for his removal from the Neutral Territory.^{3.} In connection with these intended operations Stockenström ordered a hundred men to assemble on the Kat River on the 14th and 15th of June.^{4.}

Although the Commissioner General ordered only a hundred and fifty men to assemble at the Makazana and Fort Beaufort on the 14th and 15th of June two-hundred and forty appeared.^{5.} There he met Macomo who did not wish to stay with the kaffirs beyond the frontier, but he had no authority to let him in. The Rev. Mr. Thompson was also informed of the operations against Charlie, and Thompson sent for him. Charlie arrived on the 15th and appeared greatly alarmed when told the Commando was operating against him. He admitted that he knew where many of the cattle were and would lead the forces there.^{6.} Stockenström wrote that it was superfluous to add that the farmers wanted kaffir cattle in lieu of their own if the latter were not found. In cases of doubt he would require an oath that the

1. C.O. 1444. P.126.
 2. Report of 1836. P.285.
 3. Report of 1836. P.292.
 4. C.O. 647. No.29.
 5. C.O. 647. No.30.
 6. Ibid.

cattle claimed were Colonial cattle and if kaffir cattle were taken the culprit would be charged with both theft and perjury.^{1.}

Chiefs Sebeco, Zeco, Magoogoo and Jejanie - sub-chiefs of Charlie's were primarily concerned in the depredations. Magoogoo was taken prisoner by Captain Lawen, who was directed by Congo, but the cattle were driven away and could not be overtaken. Zeco's kraal was surprised by Erasmus and a number of cattle taken from the Colony some very recently, were found. Erasmus reported that when they were taking the cattle to Fort Willshire where the Colonial cattle were to be selected he was furiously attacked by the kaffirs led by Zeco himself.

Charlie was with Aitchinson (Somerset's order to Aitchinson has already been quoted) who had every reason to think that Charlie tried to mislead him, and certainly gave him no assistance.

The accusations against these four chiefs "were well founded, and the punishment of the former (Zeco) was justly merited".^{2.} Great quantities of kaffir cattle were necessarily brought with those recognised by the colonists as stolen and sent out to Fort Willshire. Some of these cattle belonged to Charlie others to Zeco. Charlie at first expressed himself displeased with the fate of Zeco whose cause he espoused. He afterwards said he only then saw Zeco and his people's villiany and would punish the latter. Stockenstrom told him he did not intend him to profit from depredations which he most probably encouraged. The Commissioner General would not recoup the farmers on the spot,

1. C.O. 647. No.30.

2. C.O. 647. No.31.

but to punish the kraals so caught in the act, he placed the cattle at the disposal of the Civil Commissioner of Albany and Somerset to compensate them.

Magoogoo who admitted the thefts but said he could not restrain his people, should be punished and made to pay. The Punishment of these two notorious leaders should have a salutary effect on others.^{1.}

The above report was written by Stockenstrom soon after the Zeco affair, but he afterwards began to adopt a different attitude.^{2.} He admitted that in general no individual burger or commando was to blame for the state of affairs on the frontier. The boers were told that any man taking kaffir cattle would be severely punished, but the kaffirs were threatened that if they offered any resistance to the Commando the cattle of the kraal so offending would be siezed to en-^{3.}demnify the colonists for their losses. Now his attitude was that under these circumstances Erasmus made the Zeco affair a put up job to get the kaffir cattle.

This was a serious affair.^{mallo} If Erasmus did wilfully murder Zeco for his cattle then all the complaints of the missionaries against commandoes would be justified. The whole system would not only be a failure - for it was certainly not successful but the Government authorised robbery, for Erasmus was one of the best of the field cornets and both Somerset and Campbell spoke highly of his merits.^{4.} The whole affair was fully discussed before the committee of enquiry; the Stockenstrom, Bruce and Justus version of the affair

1. C.O. 647. No.31.
 2. C.O. 654. No.16.
 3. Ibid.
 4. C.O. 580. No.224.

is given first below and then that of Rutherford and Wade, and the reader will have to decide which version was nearer the truth and whose witnesses the most reliable - always remember that Zeco was a proven notorious thief and scoundrel. Stockenstrom told the committee that as Commissioner-General he had given the following order to Erasmus.

Kat River,

15 June, 1830.

Provisional Field Commandant.

"As it will be permitted to everyone upon this Commando to turn out such cattle as are found among the Caffres, and which he can swear to as having been stolen from colony, I have to order you to make known to all under your directions, that in case of doubts the oath will actually be imposed; and that consequently those who appropriate to themselves Caffre cattle, expose themselves to be prosecuted as well for perjury as theft!"

Your servant,

(signed) A. Stockenstrom".^{1.}

The point was what did he say verbally, ~~had~~ where were the cattle to be sorted? All the evidence given on pages 321-323 of the Report of 1836 against Erasmus was collected from kaffirs and coloureds; they said Zeco was innocently shot. (He) also stated that some coloureds were on a level with the boers.

Somerset's orders to Aitchinson (already quoted) were to seize all the cattle and he was to tell the chiefs their cattle would be restored to them and only Colonial cattle would be taken; presumably the

1. Report of 1836. P.320. and P.394 and Justus: Wrongs of the Caffre Nation. P.149.

orders were the same to all the commanders including Erasmus.^{1.} Stockenstrom said he did not know of the order to Aitchinson. (And yet he was supposed to be in charge of the frontier affairs) In any case this Erasmus murdered Zeco in cold blood and he was determined to punish him to show that both sides of the arrangement would be carried out. (Poor Stockenstrom seemed to have a "both sides" mania). At Fort Willshire kaffir cattle were restored on the spot, the chief making a selection of his own after the Colonial cattle had been removed.^{2.}

Erasmus belonged to a rather superior class and had up to this incident been relied on by both Stockenstrom and the Government. Somerset had suggested that the kraal to which the spoor led should be fired upon if these depredations continued, but Stockenstrom could not agree.^{3.}

Bruce's version was that the kaffirs were helping to drive the cattle on, when they gave the customary whistle, the boers started shooting and Zeco and seven others were killed. The Boers reported that they had fired as the kaffirs were trying to retake the cattle, but Lodewich Peffer told Stockenstrom the real story. Stockenstrom then investigated and proved that the kaffirs had been murdered in cold blood.^{4.} Justus' story was substantially the same as Bruce's. Justus accused Wade of the most glaring and manifest untruth when he stated that the commando had received instructions from the Commissioner-General to bring the Colonial as well as the kaffir cattle to Fort Willshire;

1. Report of 1836. P.236.
 2. Ibid.
 3. Report. of 1836.P.238.
 4. S.A. Com. Adv. IX. No.571.

who was the military Commander in chief, Stockenstrom or Somerset? The latter did give such an order, if Wade made an error it was only an error of name. Then Erasmus was supposed to have taken 2000 cattle into the colony - for no commando came back empty handed - and distributed them among the rapacious boers.^{1.} Of course Justus claimed that Zeco was a high chief,^{2.} and such a chief would have well over 2000 cattle, but in reality he was only an inferior chief under Charlie. He did however admit that Erasmus let Zeco keep the milch cows.^{3.}

Rutherford was opposed to the Commando system. He considered Erasmus an intelligent man, and though many of the Boers could not read they possessed a natural shrewdness, in fact many of them were rather a superior set of men and Erasmus not the least.^{4.}

Campbell told Wade that if Stockenstrom had informed him of his doubts about the truth of Erasmus' statement he would have gone into the case immediately; at Wade's request he did so in 1836 and Wade could present the evidence of the people who had served under Erasmus to the Committee. Lombard's evidence which was presented first, follows: and the names of other witnesses will be given and only any extra evidence or contradictions will be noted.

Stockenstrom sent Erasmus to Zeco and Gebeco's kraals. They took all the cattle many of which had colonial brands, and others were identified by the burgers. He saw a native talking to Erasmus and the milk cows were turned out. There was no violence of any description.^{5.} When going through a wood

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1. Justus : Wrongs of the Caffre Nation. P.149.
 2. Justus : Wrongs of the Caffre Nation. P.146.
 3. Ibid.
 4. Report of 1836. P.473.
 5. Report of 1836. P.300.

he saw armed kaffirs. There were four or five unarmed kaffirs with them to bring their cattle back, these did not help to drive the cattle on. As they came to a ravine the kaffirs in front gave a shrill whistle and the cattle turned back on the drivers. In the great confusion shots were fired and he saw burgers pick up assegais, though he did not see them actually thrown. Erasmus was at the back with him they did not fire nor did Erasmus give the order to fire. Deputy field cornet De Lange was in front.

At Fort Willshire Erasmus stood at the gate of the kraal while the kaffirs turned out their cattle. Charlie was there and when he tried to turn our Colonial cattle Erasmus intervened. The circumstances were explained to Stockenstrom and he approved never did he question Lombard again, or say Zeco and his people had been shot in cold blood.

De Lange corroborated Lombard's evidence, only he stated definitely that Philip Kock had shouted the kaffirs were throwing the assegais. Then he (De Lange) gave the order to shoot. He saw Zeco fall, though he had been unarmed previously he had an assegai in his hand he must have received it from the natives who joined the party later. All the natives shot were armed. On the 7th of June 1836, De Lange was recalled and asked if Zeco was driving the cattle on and he replied that he did not know he was Zeco till he was dead. Then he read Stockenstrom's extract " for which atrocious act, the shooting of Zeco and the Caffres, there could have been no reason except to find a plea

for seizing Caffre cattle, contrary to orders."^{1.}
 This was untrue as the cattle had already been captured. Erasmus had that morning ordered his men not to fire unless the kaffirs attacked. As the attack was so sudden he could not communicate with Erasmus. His Bechuana who was with him had warned him, when they entered the wood that the ones at the back had shouted to those in front attack and seize the cattle; but he had replied that he had to wait till the kaffirs attacked according to orders.^{2.}

Tamboer corroborated the above and added that many of the "agterryers" carried assegais which the kaffirs had thrown. Stockenstrom must have seen these assegais. The Committee made much of the fact that Campbell had questioned only one Hottentot and all his other witnesses were Boers, but Wade assured them that the enquiry was continuing. According to them Stockenstrom's enquiry was more complete - was it because he had questioned only kaffirs and Hottentots, and perhaps one Boer Peffer. This native evidence did arrive later and all the witnesses corroborated the Boers' statements.

Tamboer said Stockenstrom had questioned him and he had told him (Stockenstrom) the same story as Campbell. Stockenstrom had given him some brandy.^{3.} Somerset's evidence was clear and lucid.^{4.} "I remember having sent a commando in that month, to the kraals of Zeco and Gebeco and other Caffre chiefs, for the purpose of seizing cattle. The officers commanding divisions of this Commando were ordered to seize all the cattle of Zeco, Gebeco, Wassi and Magoogoo, and to bring them

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1. Report of 1836. P.302.
 2. Report of 1836. P.303.
 3. Report of 1836. P.383.
 4. Report of 1836. P.384.

to Fort Willshire, where it was intended to select the Colonial cattle from the Caffre cattle".^{1.} After an equivalent had been taken for those stolen the rest would be returned. After the cattle had been brought to Fort Willshire, Somerset handed them over to Stockenstrom. They were separated at Willshire, as any attempts to sort them at the kraals would have led to confusion and bloodshed. Stockenstrom repeated the orders in Dutch to the Commandants - Erasmus was one and they all received the same orders. The Field Commandants were directed to explain the orders to the chiefs. On the 19th of June Erasmus reported Zeco's death to Somerset.

Charlie when claiming his cattle was allowed to select them first. He said he had been with Zeco (this could not be true as he was with Aitchinson and not Erasmus); it was soon found that Charlie was taking Colonial cattle and all the superior cattle out of the herd.^{2.} He instituted an investigation on the spot many kaffirs were questioned, and it was found Erasmus was justified in shooting Zeco.

Norton said an assegai which was picked up by Gert Scheepers had been thrown at him.^{3.} Zeco had brandished an assegai at Greyling and said, "John, you will not pass the Keiskama tonight with any cattle; if you do the river will run with the blood ^{of} Boors instead of water".^{4.} Zeco knew Greyling, used his christian name and spoke in broken Dutch, they all understood.

Erasmus's reply seems to me to be convincing. He had sixty burgers under his command, and he was ordered to seize the cattle and drive them to

1. Report of 1836. P.384.

2. Ibid.

3. Report of 1836. P.385.

4. Ibid.

Willshire, "I received these orders from Captain Stockenstrom, in the presence of Colonel Somerset, the Commandant of Caffraria, and whose orders I understood them (to be), and I was distinctly ordered to seize all the cattle which I might find in those kraals and in the event of any resistance being offered, or, in the words of my orders 'if the Caffres drew any assegais' I was to fire upon them"^{1.} He told Zeco the stock would be given back if he made no resistance. The kaffirs caused confusion by warhoops and assegais, he could not turn the cattle. (Here after his evidence corroborated that of the others).

He then went on to examine Stockenstrom's evidence :-

- No.1. That I seize cattle belonging to Zeco's kraal contrary to orders.
- No.2. That Zeco and six of his men were murdered in cold blood and unarmed.
- No.3. That this was done to find a plea for seizing the Kaffir cattle contrary to orders.
- No.4. That I made a false report.

Erasmus answered the points one by one.

- No.1. Stockenstrom as Commissioner General presumed to give orders in his memoir - London 31st October 1833. They were placed under Colonel Somerset as Stockenstrom only translated the orders, which were to collect the cattle. Aitchinson had the same orders and he produced them in London. Somerset himself said in his report, Erasmus had to take the cattle to Willshire "where the cattle were to be selected".
- No.2. When saying that Zeco was murdered in cold blood he should name the men who gave this testimony to him.

1. Report of 1836. P.386.

This was a grave charge against loyal and respectable men. He did not give orders to shoot but he was ~~sure~~^{sure} if orders had not been given the kaffirs would have re-taken the cattle.

No.3. He was sent to seize all the cattle so he needed no plea. He had the cattle more than an hour when the shots were fired so he did not need to shoot to get them. He had left the milch cows.

No.4. Said Erasmus had made a false report, but Stockenstrom's was false. Erasmus distinctly said that after he had collected the cattle of the kraal and was proceeding with them to Fort Willshire, he was furiously attacked by the kaffirs.

If he were guilty why did Stockenstrom the highest civil authority on the frontier not hold a public examination?

The Cape Government realised only too well that the attacks by the tribes in the rear were pushing the kaffirs into the Neutral belt and even into the northern parts of the Colony.^{1.} The raids of Chaka and Dingaan have been discussed under Natal, other tribes which caused trouble were the Fetcani and the Mantatees.

At first the Fetcani who were inclined to be cannibals and came from the fastnesses of the Stormbergen, were confused with the Zulu, who had also raided the same area.

Dundas met Vusani who had collected 5000 Tambookies to fight the Fetcani, the chief wanted to get back the cattle they had stolen from him. Dundas met led twenty-four men forward and the Tambookies went round to stop the Fetcani from getting on-to the strong ground.

1. C.O. 1316. dated 29th Sept. 1828.

A hundred-and-fifty to two hundred Fetcani who covering their retreat and cattle were thrown into confusion by Dundas' attack. The attack began at 10 a.m., about 25,000 cattle were taken, and sixty to seventy of the enemy were killed while only one Tambookie lost his life.^{1.}

From information gained from two escaped kaffir girls, he thought they were Chaka's people whom he attacked^{2.} - this was incorrect.

Dundas reported that he failed to make direct contact with Chaka about the attacks on the kaffirs.^{3.} The Governor was determined not to sacrifice the border kaffirs to Chaka's object of establishing himself on the frontiers of the colony.^{4.} Nothing was known about Chaka's intention (yet they had, had opportunity of finding out). Faku refused to send a note to Fynn. Chaka's people were brutal and sanguinary he saw many bodies and scenes of ravages.^{5.}

The Fetcani were also doing much plundering. Dundas was sure that the people he and Vusani had defeated were Zulus and not Mantatees as they gave out. Their mode of plunder was too systematic and their dress was Zulu. For some political reason Chaka tried to hide the identity of his people.^{6.} Was it because of Chaka's mission to the Cape? There was one great flaw to Dundas' reasoning, he told of women and children who accompanied the marauders, but Chaka's army never took women and children with it, in fact only unmarried men were sent on these long raids. After the fight Vusani's whole army dispersed with the cattle and had no intention "of waiting the result of the battle or watching the further movements of the enemy".^{7.} Vusani thought the marauders were the

1. C.O. 600 dated 1st Aug. 1828.

2. Ibid and Report of 1836. P.295-8 & Cory : C.A. IV 125-35. P.88.

3. C.O. 600 dated 5th Aug. 1828.

4. C.O. 600 dated 7th Aug. 1828.

5. C.O. 600 dated 15th Aug. 1828. & Report of 1836 . P 328 & Moodie : Battles and Adventures. P.225.

6. Ibid. & Report of 1836. P.285.

7. C.O. 600 dated 15 Aug. 1828.

Fetcani, on his arrival in Grahamstown he learnt that both Hintza and Vusani were again fighting with Somerset^{1.} against the raiders.

Somerset reported that Hintza and Vusani had assembled their forces, and were very pleased to receive British assistance because they knew they could not fight against the enemy alone.^{2.} Hintza especially was pleased because after they had attacked Vusani they were moving towards his country.^{3.} Vusani informed Somerset that he had been robbed of all the cattle which he had recovered during his last action with the Fetcani.^{4.} Hintza and Vusani did not appear to be as friendly as they might be. The marauders were here again erroneously described as Zulus it was obvious they intended to settle in Tambookie country.^{5.} These robbers were becoming bolder, for they attacked the Moravian Mission station on the 22nd October 1828 and stole all the cattle. These Fetcani came over the Kei a second time, this attacking party consisted of sixty men, but they were foiled in their action by a Hottentot who also led Lieutenant^{6.} Warden on their spoor.

Somerset took up his position at the Bashee, after he had received messages from Hintza and Vusani requesting help. The Commander arranged a meeting with Hintza and Vusani at his camp, apparently they had not met before. He impressed on them that in future they had to live together as brothers. Both chiefs agreed that the attackers should be so defeated that they would cause no more trouble, they were also persuaded to spare the

1. C.O. 600 dated 18 Aug. 1828. & Report of 1836. P.295.
 3. C.O. 600 dated 12 Aug. 1828.
 4. Ibid.
 5. Ibid and Cory. C.A. IV 1825-35. P.88.
 6. C.O. 582 enclosed with No.72.
 2. C.O. 600 dated 15 Aug. 1828.

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women and children.

The forces marched forward at night and Aitchinson was detached with about twenty men to speak to ^{the} enemy whose spies were close. The country for several miles was without a tree. On reaching the high ground above the Umtata River he found the enemy posted on the face of the opposite mountain, on the Colonial side of the river with about 16000 men. Aitchinson could not see Somerset because of a small ridge. When he came within fifteen yards of the enemy they came forward apparently with the idea of surrounding him. Suddenly they made a general rush at his party and tried to murder him, and the interpreter had to knock one ^{down} with his gun to get away. The kaffirs had been reinforced by Faku and ^{Walle} made up about 6000 men, Somerset estimated the enemy who had been reinforced at 20,000. The Kaffirs did not help and the whites were outnumbered twenty to one. The enemy fought bravely and gave no quarter ^{no wonder} no prisoners were taken. The Commander moved the civil Hottentots and infantry forward to help the mounted men who were engaged on all fronts. Fire continued unbroken from 6 a.m. to 1.30 p.m. when the enemy were driven back on all points.

While the fight was in progress, the Kaffir allies had employed themselves by murdering the women and children. Somerset succeeded in saving many of them. These women he had escorted to the foot of the mountain and told them to proceed to their nation. He told one woman to inform their chief they had brought the attack on themselves; they had to leave the country and cease their attacks on the Tambookies, as they were the friends

of the white people. He collected forty-seven women and seventy children many of them severely mutilated by the kaffirs. These people refused to return to their tribe which they said was too numerous and they were in a state of starvation.^{1.}

The burgers offered to take charge of these children seeing that they had no means of sustenance. The women were to be sent to Willshire on wagons where they were to be handed over to the Civil Commissioner.

They learned from one woman, that the chief of this tribe was Mantuana; they had lived south of Chaka, who had driven them to the north west. They had conquered many tribes till they came to the Tambookie country. These women stated that they and Chaka had destroyed many tribes but they were independent of him. "Captain Mantuana was desirous of remaining inactive in their present position but the people objected to it, stating that they were too numerous and must push forward to get a country".^{2.}

Judging from the determination of the Mantuana (Mantatees) it was quite probable that they would attack the Tambookies again. Only such cattle as were needed for the use of the troops were taken and he did not capture any cattle from the Mantua.^{3.}

Somerset had only hundred and twenty burgers under his charge exclusive of the hundred sent him under Commandant van Wyk. The consequences for the Colony would have been serious had they not helped the kaffirs. This action established a strong feeling of gratitude to the Colonial Government. Storey who had been

1. C.O. 582. enclosed d.d. 29 Aug. 1828.
 2. Ibid.
 3. Ibid.

see
 Burger van Selous
 Family

lost was very kindly treated by the Kaffirs.^{1.} It was Commandant van Wyk who first reported the presence of Mantua at the Bashee; he had also established that they had the same marauding ways as the Zulu they were not however; Chaka's people.^{2.}

Again these plain reports of the officers were twisted and turned. Kay according to Dundas was making false and barefaced assertions when he stated^{3.} that the Tambookies were responsible for these attacks, nor did the Fetcani have these cattle which they re-took; Shrewsbury could have given Kay the proper information.^{4.} Kay reported that the troops had murdered the poor and unsuspecting Matuwana; as has been seen from Somerset's report the kaffir allies and not the troops murdered some women and children.^{5.}

Stockenstrom suggested that a force be placed on the Kat and Chumie rivers where attacks from starving Bechuanas and Mantatees were expected. As a result of the severe drought many gangs looking for food were roaming in this area.^{6.} For the same reason farmers were also allowed to graze their cattle in the Ceded Territory. The Boers had to be in groups of twenty under a provisional field cornet no large farms were to be granted. Huts and wagons were to be drawn in a circle at night with the cattle in the middle. Robbers were to be followed immediately. It was compulsory for parties to support one another if the kaffirs tried to take the cattle by force. Parties had to move from place to place so that the veld could not fail. No building of houses or cultivation of fields was permitted in the Ceded Territory. When the drought had been broken the Government would

1. C.O. 582. d.d. 3 Sept. 1828.
 2. C.O. 582. No.s 90 and 92.
 3. Report of 1836. P.297.
 4. Report of 1836. P.328.
 5. Report of 1836. P.330.
 6. C.O. 617. No.23.

settle them where it saw fit and would not consider the expence or the convenience of anybody. Anybody not complying with these regulations would have to abandon the Ceded Territory. Field Cornet Erasmus was placed in command in the north and I. Dreyer in the south.^{1.}

This land question caused much difficulty. The Boers were migrating into kaffir territory and in 1834 one party even crossed the Kei (in all probability this was Trichardt's trek).^{2.} Boer cattle were consuming native pasturage, and the kaffirs to protect themselves were raiding the Boers. By 1829 the Secretary to the Governor was complaining that he was powerless to stop these migrations.^{3.} Unsuspectably these Vee- and Trekboere were, because of political dissatisfaction were becoming the Voortrekkers.^{4.}

Box thought that the kaffirs would always have pressed on the colony to steal for the sake of plunder and that they have enough land. "In order to get as close as possible to plunder with greater facility; that was always their object to go away from the Ceded Territory, because it kept a space between them and the colonists".^{4.} Pato's tribe told Shaw that the reasons for their inroads on the colony were that they had been excluded from their native land at the Swartkops river near Algoa Bay. This country was occupied by the British Settlers; but the great grievance was the loss of the territory between the Fish and the Keiskama as a result of the treaty with Gaika,^{5.} especially as Gaika had no

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1. C.O. 617 No.25.
 2. Moodie : Authentic Records. P.29.
 3. Ibid.
 4. Report of 1836. P.443.
 5. Report of 1836. P.52.

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right to speak for them and they had not been consulted. As a result of Shaw's negotiations they were allowed to graze their cattle in about half the land in question, subject to good behaviour. They wanted the whole and were afraid of vague terms but they were nevertheless glad. These chiefs were Pato the principal and his brothers Kama and Congo after this lenient treatment they always punished thieves.^{1.} They could always be relied upon to act honestly as a result of the return of their land and also the willingness of the local authorities to listen to their complaints and to do them justice. The British colonists on the whole seemed friendly towards the kaffirs and these chiefs were also desirous of living in peace with the colony. In 1829 and 1830 some of the tribes became uneasy because of Macomo's expulsion.^{2.}

Congo told Young, who had been a missionary for six years with Slambie and three with Pato, that Macomo, Charlie, and Botman had asked him to take part in the war of 1834, but he had refused. They gave as their reasons that their cattle and children had increased and their land was not now large enough for them. He, Congo, then replied that they had therefore no reason for complaint against the British, and it would be foolish of them to fight the Europeans before they could make guns or ships. A few days after Young received Congo's message the Xhossas made their attack on the colony.^{3.}

Philipps testified that the British did not encroach on native territory in the south, though in the north the Boers did graze their cattle on the native side of the frontier. There was no great colour bar at

1. Report of 1837 P.53.
 2. Report of 1837 P.54.
 3. Report of 1836. P.659.

the Cape as he had seen slightly coloured people in
the drawing rooms of Europeans.^{1.}

We still have this land problem today. As the natives have been worsted by the Europeans in the struggle, and have not enough land to carry on their accustomed pastoral and agricultural pursuits, they have been forced to take part in the European economic system.^{2.} This competition of a very low wage earning class has made the position of the unskilled and semi-skilled European still more unenviable. As a result of the war of 1834 the tribal system began to break up and lack of land led to bickering and this in turn to the war of 1846-^{3.} 47. Today the position of the kaffir is much worse. In 1905 the Cape Colony reserved 6,400,000 morgen for the native population of 1,057,610 an average of 6 morgen (12½ acres) per native - a density of 50 persons per square mile.^{4.} The setting of land apart for communal occupation has proved the most satisfactory system. Attempts have been made to establish individual tenure of land to increase industry and break up the tribal system,^{5.} but this had not met with great success.

The people of Grahamstown sent a memorial asking that Stockenstrom be permitted to reside there instead of at Uitenhage which had been selected by Bourke as the Commissioner General's place of residence. Stockenstrom had been appointed to look after the interests of the Eastern Province and Grahamstown was better situated for the purpose. It was nearer to the tribes whose chiefs his duties forced him to interview from time to time.

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1. Report of 1837. P.36.
 2. S.A. Journal of Economics March 1935. P.403.
 3. S.A. Journal of Economics March 1935. P.417.
 4. S.A. Native Affairs Commission. 1903-5 P.14.
 5. S.A. Native Affairs Commission. 1903-5 P.26.

The town was second only to Cape Town in size and as its inhabitants were more exposed to native attacks they were interested in their civilization and improvements.^{1.} This memorial was signed by seventy-seven people among whom was Piet Retief.

The Hottentots who were armed were placed on the Kat River to strengthen the frontier defences. Experience had proved that they were the best troops to use against the kaffirs.^{2.} A dense population was essential for the peace and tranquility of the frontier,^{3.} and if the land at the Kat and Koonap was left unoccupied more harm than good would have been done. The Civil Commissioner agreed with Stockenstrom about the dense population, but thought white and not Hottentot settlers should have been located in the territory. Enough white settlers could have been found for the purpose, but Stockenstrom thought the Hottentots should be given a chance.^{4.} As a result of this plan Stockenstrom went to Theopolis and was going to visit Enon and Bethelsdorp to inform the Hottentots about the land available for their use at the Kat River. Other settlers would be placed among the Hottentots afterwards, but at that stage such an action would lead to jealousy.^{5.} Stockenstrom first located the Hottentots and then over a hundred English and Dutch settlers in the upper reaches of the Koonap and Fish Rivers. The eastern frontier would thus be more densely populated.^{6.} As soon as the Kat River had been settled and the new line of forts built, there should be greater tranquility on the frontier. After this

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1. C.O. 619. No.1.
 2. C.O. 619. No.14.
 3. C.O. 619. No.16. & Report of 1836. P.83.
 4. C.O. 619. No.16.
 5. C.O. 619. No.27.
 6. Stockenstrom : Autobiography. P.367.

intercourse with the kaffirs would be more friendly and commerce should increase.^{1.} As a result of this settlement at least four hundred armed men should be at the disposal of the Government, on the upper reaches of the Kat.^{2.}

Stockenstrom was not satisfied with the treatment he had received in regard to his post as Commissioner General. The office had been created on the 1st January 1828. He was supposed to be a superior Magistrate to control the affairs of the civil Commissioners and inferior magistrates in cases of emergency, in which a reference to Cape Town would have been prejudicial to the public interests, "and of exercising a special superintendance over the affairs of the border. It will be expedient that the Commissioner General should reside at Grahamstown, but he will be strictly subject to the authority of the Governor to whom he will regularly report all his proceedings and apply for instructions for his guidance."^{3.} It appeared that Stockenstrom as Commissioner General wished to correspond direct with the Colonial office.^{4.} He was annoyed because patrols were often sent out by Somerset and the Civil Commissioner of Albany and without his sanction, and he did not hear about them except from the Governor after they had taken place;^{5.} and Stockenstrom felt that he would rather resign than hold a sinecure office.^{6.}

The Governor had granted Stockenstrom leave to look after his private affairs and he would take it from the 1st of January 1833.^{7.} Stockenstrom, who

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1. C.O. 619. No.36.
 2. C.O. 647. No.16.
 3. C.O. 686. No.11. & Report of 1837. P.43. & Wilmot & Chase: History of the C.C. P. 294.
 4. Report of 1836. P.220.
 5. C.O. 654. No.16 & Report of 1837.P.90.
 6. Stockenstrom: Autobiography. P.336.
 7. C.O. 696. No.18.

seemed to be hypersensitive complained to Cole about remarks Menzies had made concerning him from the bench, but the Governor simply pointed out to him that the Judges were not responsible to him for their acts on the bench.^{1.}

The Commissioner General was given leave to go to Europe for six months or longer if he wished, as his post could be very well filled in the meantime; his salary was £800 per annum.^{2.} During his absence Campbell would become acting Commissioner General as well as Civil Commissioner for Albany and Somerset.^{3.} As the Governor had no means of using his services during his absence, he failed to see why he should grant him half his salary while he was on leave.^{4.}

Cole saw that the fort at Fredericksburg had been beneficial, so he established a post at the Guatana near the site of Fredericksburg it was said that more cattle were recaptured at this post than at any other.^{5.} The chief mischief had been the vacillating policy^{6.} and not the improper conduct of the executive military. The policy was sometimes too lenient and then too severe, again orders were to fire at the kaffirs in all direction and then again not to fire except in self defence. Every Secretary of State had his own policy which he sent the Governor to act upon, and "within the last eighteen months we have had no less than four Secretaries of state, and so long as we remain in the situation of a Crown Colony, with no representative assembly or our own and we must be governed from this country it is impossible any system can be well administered."^{7.}

1. C.O. 1510. P.160.

2. C.O. 1510. P.247.

3. C.O. 1510. P.474.

4. C.O. 1510. P.388.

5. Report of 1837. P.75. & Report of 1836. P.106-7

6. Report of 1836. P.39. & P.68.

7. Report of 1836. P.74.

The Boers were dissatisfied about the loss of the Heemraden. They said they felt that there was no place for them in their own country; the English were to be learned, and then with the establishment of the Kat River settlement they were being squeezed between the English and the Hottentot.^{1.}

The correspondence between Stockenstrom and Retief as given by Preller in his *Piet Retief* proved that the Boers were greatly aggrieved by the native policy of the British Government, for them there could be no equality. Retief accused Stockenstrom of playing up to the British for his own advancement, "Door ambisie, wraaksug en eigewaan gedrewe, het hy die engelse negrofiele op die kommissie letter voorgepraat, en sy mede-afrikaners in hul handelinge ten opsigte van die kaffers, afgeskilder in die swarste kleure, als 'n ben-de rowers en moordenaars".^{2.}

This was what the Boers thought of Stockenstrom and his appointment as Lieutenant Governor - he arrived in Grahamstown on the 3rd of September 1836 - was the last straw for them. Cole said he had for a long time been aware of Stockenstrom's "morbid sensibility",^{3.} but he was a man of talent and of great public and private character. He also had his ambitions. The Governor thought he was dissatisfied in 1833 because as Commissioner General he did not have the power of a Lieutenant Governor.^{4.}

In September 1829 there seemed to be no immediate fear of an attack on the colony. Rumours had probably increased because many natives were entering

1. Stockenstrom : Autobiography. P.391.
 2. Preller: Piet Retief. P.30.
 3. C.O. 1445. P.106.
 4. Ibid,

the Colony without passes. Cole came to the conclusion that the native chiefs, while not actually encouraging raids on the colony did nothing to prevent them.^{1.} There was no apparent sign of a coalition against the Cape. In eight months 5000 head of cattle had however been stolen while the patrols had recovered only 1500.^{2.} Many wealthy people had been reduced to actual want.^{3.}

Many of the farmers on the Kat and Koonap Rivers wanted to have their land surveyed so that they could have it in full property. Free from the restrictions placed on them by Stockenstrom; but he did not see how these restrictions could be relaxed as they were intended to stop bloodshed and plunder on the frontier. The Governor agreed with Stockenstrom and the latter told them a survey would not enable them to leave their farms unprotected; as their cattle would be a decoy for vagrant kaffirs. These thefts caused friction between the kaffirs in the colony. The application was not repeated.^{4.}

Thieving continued at such a rate that Stockenstrom who was in Cape Town had to hurry to the frontier. He told Somerset and Campbell that they could call up the burger forces of Somerset and Tarka before he arrived if they were absolutely necessary. Campbell was also empowered to expell the idle marauders who were wondering around with missionary passes.^{5.} On arrival Stockenstrom was convinced that there was no great confederacy against the colony in September 1829, but depredations were too numerous and precautions had to be taken.^{6.} Thompson made strenuous efforts to find out what the intentions of the

1. C.O. 1444. P.135.

2. Ibid.

3. Ibid.

4. C.O. 686. No.5.

5. C.O. 1506 P.151.

6. C.O. 1506 P.183.

kaffirs were, and sent a circular to all the Wesleyan Missionaries for this purpose.^{1.} Chalmers replied that the rumours about an impending attack by the kaffirs on the Colony were false.^{2.} Bennie had observed no war-like preparations, but there were rumours among the Kaffirs that the English were preparing for an attack, but the kaffirs realised that an attack without the assistance of Hintza or Gaika would end disastrously.^{3.} Ross also reported an anti-colony feeling, caused by the fear of an attack from the colony, but the people and chiefs appeared to have no hostile intentions. Macomo denied stirring up trouble and it was futile for the smaller chiefs to think of war. The story of a probable invasion was first told in Kaffirland by natives returning from the Colony.^{4.}

Cole realised that the depredations were too numerous, but he was not committing an attack by a Commando. If the state of the frontier was as described by Somerset, then Stockenström had to call all the chiefs together and inform them that they would be expelled from the Ceded Territory if the nuisance did not cease.^{5.}

Boyce was of the opinion that a sense of general insecurity pervaded the native territory and nothing but the prompt action of Cole stopped an invasion.^{6.} This insecurity could be ascribed largely to the interference of Dr. Philip and Fairbairn, thus the responsibility rested largely with the directors of the London Missionary Society.^{7.} The letters in the South Afri-

1. C.O. 617. No.60.

2. C.O. 617. d.d. 3 Sept. 1829.

3. Ibid.

4. C.O. 617. d.d. 5 Sept. 1829.

5. C.O. 1507. P.117.

6. Boyce : Notes on S.A. Affairs p.11.

7. Boyce : Notes on S.A. Affairs.P.13.

can Commercial Advertiser enraged the Colonists of the frontier, especially with the charges of murder levelled at the officials.^{1.} Cape Town knew nothing of the state on the frontier, or of the expanding trade; the Commissioner's recommendation of a resident Lieutenant Governor had to be enforced.^{2.} But there seemed no very great danger to travellers in Kaffirland for a small party migrated through Kaffirland to Natal from Uitenhage.^{3.} As a result of the work of Dr. Andrew Smith, Green and Cowie and other travellers much information was gathered about the interior from the Cape through Natal to Delagoa Bay and north beyond Lattokoo.^{4.} Trade had increased so greatly that the harbour at Port Elizabeth had to be enlarged.^{5.} No wonder Cole had to publish a public denial of the rumour that the frontier was in a state of perpetual siege.^{6.}

In Grahamstown the day began with the morning market and goods from Kaffirland and the Dutch farms were sold. One trader's wife - not English - worked all day behind the counter; she fainted from fatigue but relieved herself with a "schnaps". Living was very cheap between 1829 to 1834. A very individualistic type was developing on the frontier and there were no gentlemen. Show and style were unknown and there was no pretence as to appearances. The traders would shut up shop for a day to go to a chapel opening, an anniversary or a missionary meeting or even a picnic. This was not idleness but there was a rough plenty and the majority were without cares. People of all denominations lived in

1. G.T.J. II No.57.

2. Ibid.

3. Stockenstrom : Autobiography. P.384.

4. C.O. 1320. enclosed d.d. 18 Feb. 1832.

5. Ibid.

6. G.G. 26, 13 Jan. 1832.

peace together and no religious squabbles were apparent.^{1.}

Young declared that despite all the clamour the kaffirs were also fairly prosperous. Their numbers had increased since 1819, they possessed horses and guns and their cattle had multiplied greatly. He came to these conclusion from his own observations during the six years he had been in Kaffirland. It was also a singular fact that most of the leading men of several of the tribes always had cattle places either in the Neutral country or as near to the colonial boundary as they could possibly get considering them much safer there than in any part of their own country; hence it was clear that if they lived in any dread from any quarter it was not from the colonists, but from the more interior tribes.^{2.} Shaw wrote from Morley and described the gruesome excesses to which the kaffirs went in their tribal warfare. "Galeka's head (was) said to have been cut off, and the usual washing bowl made therefrom; the liver of Qineko's son was taken out, broiled on the fire and then mixed with other ingredients in the said bowl, and the men were inoculated therewith in a circle round the eye".^{3.}

Looking back it seems as if many wild rumours were spread which had no foundation, or to say the very least often a mountain was made out of a mole-hill, e.g. four traders, Whittle, Hume, Malan, and Ward were reported as masacred by marauders and much consternation was caused in Grahamstown,^{4.} but three months later Whittle arrived in Grahamstown and said that he had every reason to believe that the other three were safe.^{5.}

also

1. Shaw ; Memoirs P.141-2.
 2. Report of 1836. P.659.
 3. G.T.J. II. No.43.
 4. G.T.J. II. No.54.
 5. G.T.J. II. No.66.

The Glasgow Missionaries asked if they could erect stores at Lovedale and Chumie; as Fort Willshire was two or three days away and the people were imposed on by the travelling traders. There was a great need among their people for manufactured goods, and they all used English money.^{1.}

Kay was pleased to be able to tell the Committee that he knew of one Dutch farmer who had all the people in his employ taught to read and write and some of them were received as members of the Dutch Reformed Church.^{2.}

"The rise of the frontier trade marked the indomitable spirit of perseverance and enterprise, which marked both the Dutch and English character, in reference to commercial pursuits in general".^{3.} The trade of Albany was of great importance, and had arisen entirely since the arrival of the British Settlers. Until that period raw hides and horns were considered of little value, nor were the native tribes on our border regarded in any other light than incorrigible and daring plunderers, whom it was praiseworthy and lawful to shoot whenever detected within the colonial line of demarcation. The annual value exported from Grahamstown had risen to £33,634, while many traders in the native territories were quite secure.^{4.}

Several people had proceeded as far as Natal and the way was open and fairly safe. The exports from Port Elizabeth for 1831 were valued £51,296.12.6 - an increase of £1,150.3.6. on the previous year.^{5.}

Farmers and traders arrived with laden

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1. C.O. 617. d.d. 1 Oct. 1829.
 2. Report of 1836. P.440.
 3. Edward's Narrative of the Irruption of the Kaffir Hordes into the Eastern Province. P.129.
 4. G.T.J. II. No.56. & S.A. Directory for 1833.
 5. Ibid.

wagons and the market register showed that from the 1st of October 1831 to the 30th of September 1836 1,906 wagons visited the market.^{1.}

The kaffir trade was worth £34,000 annually to Grahamstown.^{2.} These trade relations were greatly to the benefit to both parties. The civil Commissioner at Grahamstown had too much work to do. He sat as a magistrate twice per week was collector of taxes, Government agent, and as there were no municipal regulations he had to see to roads and water, and the prisoners condemned to hard labour were in his charge, with the result that he could not give his full attention to the district. If all treaties were faithfully observed trade and the economic development of Albany would benefit greatly.^{3.}

The following was an estimate of the flocks and herds of Albany in 1831:-

Horses	1,892.
Horned cattle	29,175.
Cape sheep	78,000.
Spanish sheep	10,000.
Goats	15,000.

One farmer alone estimated his next shearing of 4,600 sheep at £625; he thought that Albany could maintain 300,000 sheep while at time it was holding over 90,000.^{4.}

Not all the criticism in those days was destructive. There were many people who had given earnest and deep thought to the problems and several solutions were offered. The suggestions of the Committee of

1. G.T.J. II No.56. and S.A. Directory. for 1833.
 2. Report of 1837. P.26.
 3. Report of 1837. P.32.
 4. Report of 1836. P.441.

Enquiry I class as merely palliatives, which could not have been of permanent benefit to the Colony as a whole as they were designed only to protect one section of the community.

The Committee concluded that much of the evil came from the uncertainty and vacillation of the British policy, ^{1.} and suggested: ^{2.}

1. That the native policy had to be entrusted to the Executive Government, either of the British or of the Governor in the Colony and not to the local legislature, as it represented the feelings and prejudices of the people who would be anti-native. Copies of laws on native affairs should be sent to England without delay.
2. Contracts for service.

No vagrancy laws were to be permitted. The limit for a contract had to be twelve months, and then the native had to go and sell his labour on the best market; contracts had to be drawn up before the proper officials, and the conditions had to be strictly adhered to or the natives would again be reduced to a state of slavery.

3. Prevent Sale of Spirits.

The sale of ardent spirits or bartoed to the natives should be prohibited, it was hard to enforce the law owing to temptations, but they recommended this to the local Governments. Distilleries were the most deadly weapon to exterminate uncivilized or christian peoples.

4. Regulations as to the lands within British Dominions

It should be illegal for Europeans to require lands of aborigines so far as his Majesty's Government had control over the lands. Also this prohibition should extend

1. Report of 1837. P.76.
2. Report of 1837. P.77.

to lands though not within yet immediately contingent to part of the British Dominion. The Government could not prevent transactions in these countries when they were not within the Queen's alliance, but all British subjects, who embarked on such missions did so at their own risk.

5. New Territories not to be acquired without the sanction of the Home Government.

All Governments were to be informed that they might acquire no new territory without the previous sanction of an Act of Parliament. If under special circumstances land was acquired the responsibility would be the Colonial Executives' and those who acquired it had to be made to understand that the acquisition was not valid until the sanction of an Act of Parliament was obtained. This did not apply to the vacant land within the colony.

6. Religious instruction and education to be provided.

The Colonial revenues had to be charged for the religious instruction of the natives to whom the settled land had belonged - now detribalised - or land in process of being occupied. The Government had to refer such appropriation of the funds to His Majesty's Government. Prices had to be fixed for land taken in South Africa. It seemed as if the ancient inhabitants were dispossessed without ceremony. Thus the colony was to be charged with the education and protection of the native races.

7. Punishment of crimes.

The provisions made for the redress of wrong in the colony were unsatisfactory. Beyond the borders justice was feebly administered and within the savages were ignorant of the code of law, their customs should be taken into consideration when applying the law.

Beyond the borders the British subjects were responsible to the Colonial Law Courts for crimes, but they had no protections when a crime was committed against them by a savage, so protection was offered them. It would be better if a system of treaties were made with the independent chiefs of the border.

8. Treaties with Natives inexpedient.

As a general rule treaties with the local Governments and tribes were inexpedient, the language ambiguous, and this very thing was used by the more powerful Europeans to rob the natives.^{1.}

9. Missionaries to be encouraged to work among the tribes, but care had to be taken in the selection of the missionaries as not only zeal and piety were needed, but care had to be taken that sudden changes in the mode of life of the converts did not undermine their constitutions.

Shaw also made very practical suggestions to the Committee, though he was partial to the Congo tribe.^{2.}

1. The boundary of the Colony should be clearly defined and settled by a written treaty with the border kaffir chiefs.

2. Pato, Kama, Congo and others should be placed in their ancient territory within the Ceded Territory, if they were prepared to receive British protection. They should be made responsible for all stolen cattle actually found in their district and should be helped by a British force to capture them if necessary.

3. Portions of the Ceded Territory should be given

1. Report of 1837. P.80.

2. Report of 1836. P.57.

to the other clans who would comply with the conditions. (In other words he was advocating indirect rule).

4. Treaties were to be made with the chiefs who received lands in the Ceded Territories and the Colonial Government had in each case to reserve the right to interfere in their internal affairs; kaffirs who committed acts of aggression against British subjects were to be made amenable to the Colonial Law Courts. All Treaties had to be translated into the kaffir language.

5. A Government agent should be appointed in Kaffirland or on the border.

(a) As a medium of communication between the Colonial Government and the chiefs.

(b) As the protector of British traders in Kaffirland or people with proper passports.

(c) As a magistrate with full power to arrest British subjects who committed acts of aggression in Kaffir territory.

6. An officer with the same powers as the slave protector should be appointed in Grahamstown to protect the natives and act as counsel for them in the law courts. This official should be independent of the Colonial Government and should report direct to the British Government.

Sum
7. Let the power of the Courts of Law be extended to try cases of crimes committed beyond the frontier or create courts for this purpose.

8. He also proposed the immediate appointment of a Lieutenant Governor for the eastern districts - assisted by a legislative council and to reside in Grahamstown which was near the border.

9. The local Government should be encouraged to assist the missionaries to convert educate and raise the

moral standard of the kaffir tribes .

He thought that the kaffirs had increased but not so the Hottentots. The natives were overcrowded hence their dissatisfaction as they had to have more grazing grounds. The Government had tried to improve the natives by encouraging trade, good work had also been done by the missionaries, they introduced ploughs, wagons and European dress - a village had grown up at Wesleyville. Shaw fought the witchdoctors by proving^{1.} them to be quacks.

To speed up the civilising process he suggested a block system. If D'Urban's settlement could be kept, whites and blacks should have been placed in townships bordering on one another, under British protection, from the colony to the Kei.^{2.} The natives were obtaining much benefit from the stores, when the store was ordered to be closed at Wesleyville, a native teacher wrote a letter in kaffir protesting against such an act, Shaw translated this letter.^{3.} If natives reserves were made near the European towns the Colony could develop this potential source of labour and the natives would benefit at the same time.^{4.}

It is difficult to fix a date for the commencement of the native question as we understand it in South Africa today, that is the permanent submission of the Bantu tribes in appreciable tribes to a European Government; probably the best date is January 1830 - during Cole's Government.^{5.} Cole realised that the policy of no intercourse had proved a dismal failure; but what

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1. Report of 1836. P.59.
 2. Report of 1836. P.90-5.
 3. Ibid.
 4. Shaw : Story of my mission in S.E.A. P.148.
 5. Brookes : The History of Native Policy in S.A. P.12.

was to be substituted in its place? Shaw's proposal - the block system which was also to be tried by Sir George Grey - would probably have satisfied everybody. Unfortunately nothing has been done for the native, he has always been regarded as the son Ham, who was made to be exploited for the benefit of the European. The result has been that they are overcrowded in their reserves,^{1.} from which they flee to the towns often to live in idleness and squalor. But how can the opponents of native development be so short sighted? Can't they see that an impoverished native race is an economic liability which is dragging the poor white lower and lower? Where are we to find suitable employment for the educated native? This is the great problem of South Africa. Educated natives with better salaries would form the basis of our internal market. But no, the natives are below the consideration of many of our members of parliament; they must talk about bilingualism - for years an accepted principle - which to them consists of writing Afrikaans examination, so much so that the children on the platteland either refuse to speak English or massacre it when they do. No our racial selfishness will dominate us until it is too late, and then we have ^{2/4}audacity to call ourselves christians.

In 1905 Bishop Carter said that contact with the European who has come to stay permanently, has made it impossible for the native to stay in his raw state.^{2.} Has this contact been entirely beneficial to the native? Certainly not. We have broken his tribal system with its wholesome discipline and substituted nothing in its place.

1. S.A. Journal of Economics. March 1933. P.106.
2. Carter. The Native question. P.3.

if we were true to our christian principles we should build up a new structure for them through christianity and education.^{1.} No we South Africans are anti-everybody except ourselves, and oh so race conscious; so we do nothing but hate. Has hate ever built ever built up a lasting structure?

The conflict between the primitive subsistence economy of the native and the advanced money economy is at the root of much of the native problem in South Africa. The new system is breaking up the religious view of cattle which plays so important a rôle in the labola system, which regulates the martial as well as the sexual and other relations of Bantu life.

The Natives must have land fortunately a step has been taken in the right direction. They must have some form of title to this land, freehold or otherwise. The natives are sacrificing much for the education of their children. This desire for education encourages the natives to desert the scattered rural areas for the towns where educational facilities are better. Education certainly makes the native more reliable. In the towns wages are better and the Bantu today do not wish to work only for old clothes and food, but for money with which they can buy decent clothes and luxuries. In other words their educational standard is far in advance of the economic privileges which we are prepared to give them. Is this not leading to much suffering and discontent? Then we complain about the spread of communism among the natives.

The result is that the native is underselling the semi-skilled and unskilled European on the

1. Carter : The Native question. P.3.

labour market, especially in the large towns and small urban areas.¹ The European cannot live on the same standard as the natives and our shortsighted policy has been to pay the European labourers wages which they do not earn - just because they are "ons volk" and have to be maintained. This has had a demoralising effect on the European who will not do anything for himself and we continually hear the cry "die Goewerment moet help". The best policy would be to advance the standard of the native to that of the Europeans, and not in the towns but in the country.

Racial political and economic problems are entwined, and no professional politician or lawyer is going to help us to solve this problem.

The traditional system of the native was co-operative and not competitive.² The family and not the unit formed the basis of their life - they were tribal and not individualistic. Their conception of the inalienable tribal ownership of land made land tenure secure for the tribe and tended to conserve the small scale of manufacture. We have to train individual ambition. Is this not why the natives are so susceptible to communistic doctrines? These ideas fit their racial traditions, and is this not the age of racialism gone mad?

Something has to be done for the native and my advice to our rulers is, do it quickly thoroughly sympathetically and without fear. The European must be educated to know that he has a responsibility towards his darkskinned fellow countryman.

1. Hobart-Houghton. Some Economic problems of the Bantu in S.A. P.4.

CONCLUSION.

There were no great upheavals during Cole's governorship, but his rule has been a very interesting study. The old order of things was coming to a close. The ^{way} was prepared under Cole for freeing of the slaves; and the old despotic rule became a thing of the past. The British Settlers agitated for and obtained a free press; thus the foundation was laid for democratic institutions. He was the first governor to lay emphasis on the necessity of municipal councils not only as a way of decreasing expenditure, but also as a school for representative government. The Boers were becoming race conscious and the present orientation of the political parties had their origin in this period, though subsequent events have ~~made~~ made the political struggle embittered. Above all the stage was being set for the Great Trek and the opening up of the whole of the present Union of South Africa and Rhodesia.

While the Afrikaans section were pondering over their political grievances, the British immigrants were developing trade and industry in the eastern districts. The returns of the Civil Commissioners proved conclusively how well they succeeded, for sparsely populated Albany which had to contend with native invasions, paid much more in taxes than a district like Stellenbosch.

Last but not least the native question was entering upon its modern phase. Chiefs were losing their power, they admitted that they could not control their subjects, and natives were entering the service of Europeans; not only to steal with greater impunity but also to be able to enjoy the security offered by a well organized and discipline society. They sought what a savage tribal existence could not give them, namely the security of the individual. Security and prosperity for the individual

constitutes a wealthy and contented community or nation.
Are we going to give them and the country what they
seek?

MEMBERS OF THE SENATE

1875	1875	1875	1875
1876	1876	1876	1876
1877	1877	1877	1877
1878	1878	1878	1878
1879	1879	1879	1879
1880	1880	1880	1880
1881	1881	1881	1881

MEMBERS OF THE HOUSE OF REPRESENTATIVES

1875	1875	1875	1875
1876	1876	1876	1876
1877	1877	1877	1877

MEMBERS OF THE SUPREME COURT

MEMBERS OF THE SUPREME COURT

1875

1875	1875	1875	1875
1876	1876	1876	1876
1877	1877	1877	1877
1878	1878	1878	1878
1879	1879	1879	1879
1880	1880	1880	1880
1881	1881	1881	1881

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C.O. 1317.	15 June 1829.	to	11 November 1830.
C.O. 1318.	22 November 1830	to	1 September 1831.
C.O. 1319.	11 May 1831	to	28 March 1832.
C.O. 1320.	29 March 1832	to	31 March 1833.
C.O. 1321.	3 April 1833	to	3 May 1834.

Despatches to the Secretary of State.

C.O. 1443.	7 March 1826	to	12 July 1828.
C.O. 1444.	11 September 1828	to	1 February 1832.
C.O. 1445.	2 January 1832.	to	14 January 1834.

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C.O. 573.	Simon's Town, Port Elizabeth, Port Frances, Saldanha, Plettenberg's and other Bays etc.
C.O. 575.	Letters from Graaff-Reinet.
C.O. 577.	Letters from Stellenbosch.
C.O. 579.	Letters from Albany and Somerset Volume I.
C.O. 580.	Letters from Albany and Somerset Volume II.
C.O. 582.	Commandants on the Frontier and Robben Island.
C.O. 585.	Register of Slaves and Deeds, Guardians of Slaves, Director of Government, Slave Hospital.
C.O. 586.	Commissioner-General.
C.O. 587.	Agents and Missionaries in the Interior.
C.O. 594.	Memorials.

439.

1829.

- C.O. 600. Papers relating to the Kaffir Chief Chaka. 1828-1829.
- C.O. 604. Letters from Albany and Somerset. Volume I.
- C.O. 605. Letters from Albany and Somerset. Volume II.
- C.O. 606. Letters from Graaff-Reinet.
- C.O. 614. Superintendent of Police.
- C.O. 617. Orphan Chamber, School Commission, Agents and Missionaries of the Interior.
- C.O. 619. Commissioner-General.
- C.O. 620. Supreme Court, Attorney-General, Clerk of the Peace, Judge of Police, Sheriff and Commissioner Watermeyer.
- C.O. 621. Collector of Taxes and Tithes, Trustees of Town Property, Town Markets, Hospitals, Registrar of Deeds and Guardian of Slaves.
- C.O. 623. Colonial Office 1826, 1827, 1828, 1829.
- C.O. 625. Memorials.

1830.

- C.O. 630. Albany and Somerset.
- C.O. 631. Supreme Court, Attorney-General, Clerk of the Peace Cape Town, High Sheriff, Fiscal.
- C.O. 636. Graaff-Reinet.
- C.O. 637. Simon's Town, Port Elizabeth, Port Frances, Sladanha and other Bays.
- C.O. 638. Orphan Chamber, Bible and School Committee, Registrar of Slaves, Eastern and Western Divisions Protector of Slaves, Director of Government, Slave Hospitals, late Sequestrator and Vendue officials.
- C.O. 640. Judge and Superintendent of Police.
- C.O. 645. Civil Commissioner, Cape Town.
- C.O. 647. Commissioner-General.
- C.O. 648. Consistories, Clergymen, Agents and Missionaries in the Interior.

1831.

- C.O. 654. Commissioner-General.
- C.O. 666. Graaff-Reinet.

- C.O. 667. Albany and Somerset.
 C.O. 669. Supreme Court, Attorney-General, Clerk of Peace Cape Town, High Sheriff.
 C.O. 670. Orphan Chamber, Bible and School Committee, Protector and Registrar of Slaves and Deeds, Director of Government, Slave Hospital, and Commissioner of the late Sequestrators Affairs.

1832.

- C.O. 677. Council 1830, 1831, 1832.
 C.O. 678. Orphan Chamber, Bible and School Commission, Protector for Slaves Eastern and Western Divisions, Registrar of Slaves and Deeds, Director of Government, Slave Hospitals.
 C.O. 682. Supreme Court, Attorney-General, Clerk of the Peace Cape Town, and High Sheriff.
 C.O. 686. Commissioner-General.
 C.O. 691. Letters from Graaff-Reinet.
 C.O. 694. Letters from Albany and Somerset.
 C.O. 700. Memorials.
 C.O. 702. Memorials.
 C.O. 703. Memorials.

1833.

- C.O. 706. Orphan Chamber, Bible and Slave Commission, Protector of Slaves Eastern and Western Divisions, Registrar of Slaves, Slave Hospitals.
 C.O. 709. Consistories, Clergymen, Missionaries.
 C.O. 714. Letters from Albany and Somerset.
 C.O. 715. Letters from Graaff-Reinet.
 C.O. 717. Supreme Court, Attorney-General, Clerk of the Peace Cape Town and High Sheriff.

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- C.O. 1507. Letter Book. 1st March 1830 to 30th November 1830. Civil III.
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- C.O. 1509. Letter Book. 1st October 1831, to 31st August 1832. Civil V.
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ABBREVIATIONS.

C.O. for Colonial Office.

G.G. " Government Gazette.

Cory. C.O. for Cory's copies of Colonial office letters.

Cory. C.A. " Cory's copies of Colonial Archives.

Roman figures for Volumes.

Arabic figures for pages or numbers.

e.g. Cory, ⁷
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