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# THE DIARY OF C.L. SMITH -

# A CRITICAL EDITION AND APPRAISAL.

by

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Thesis presented for the Degree of

Master of Arts

at

Rhodes University.

Rhodes University.

January, 1960.

## PREFACE

Among the authorities quoted by W. M. MacMillan in "Bantu, Boer and Briton", is the Diary of C. L. Stretch. The text of the Diary has been transcribed from a microfilm of the original (L.G. 337, Cape Archives), and the transcription forms an integral part of this work. Since the Diary is necessarily related to the memorandum on the Stockenstrom Treaty System, which Stretch compiled after the outbreak of the Kaffir War in March 1846,[1] the memorandum has likewise been incorporated in this work. The original text of the memorandum formed part of a collection of letters arranged by Mr. W. G. A. Mears in the Gubbins Collection of the Witwatersrand University Library, and was burnt in the fire which destroyed part of that collection in 1931. Fortunately, Mr. Mears had produced several printed copies of the memorandum, and it is from one of these reprints, presently in the Gubbins Collection, that the copy here presented has been made.

In the investigation of the Diary and its validity as evidence, the origin and structure of the Treaty System, and the functioning of the treaties, in both their original form and subsequent modification, has been examined, with special reference to Stretch and the Gaika tribes. This has made possible an attempted re-assessment of the Treaty System as a working solution to the problems of the eastern frontier.

(1) The memorandum was evidently compiled at some time in 1846 or 1847. Cf. Memo, 12: Maitland is referred to as "the present Governor". Maitland's Governorship terminated on 27 January 1847.

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## ABBREVIATIONS.

Diary, for "The Diary of C.L. Stretch".
Memo., for "Memorandum on the Stockenstroom Treaty System" by C.L. Stretch.
P.P., for British Parliamentary Papers.
G.H., for Government House Records.
C.O., for Colonial Office Records.
Rec. C.C., for "Records of the Cape Colony", compiled by G. McCall Theal.
Eybers, for "Select Constitutional Documents", illustrating South African History, compiled by G.W. Eybers.
Cory Library Ms., for Papers in Cory Collection, Cory Library, Rhodes University.
Cory, Notes, for Typescript copies of some of the loose material in the Cory Collection, Cory Library, Rhodes University.
S.A.C.A., for "South African Commercial Advertiser".
G.T.J., for "Grahamstown Journal".
Theal, for "History of South Africa", by G. McCall Theal.
Cory, for "The Rise of South Africa", by Sir George Cory.
Godlonton, Case of the Colonists, for "Case of the Colonists of the Eastern Frontier of the Cape of Good Hope in reference to the Kaffir Wars of 1835-6 and 1846", by R. Godlonton.
Boyce, Notes, for "Notes on Cape Affairs", by W.B. Boyce.
Bowker, Speeches, Etc., for "Speeches, Letters and Selections from important papers of the late John Mitford Bowker". Grahamstown, 1864.
Urie, for "A critical study of the Evidence of Andries Stockenstrom before the Aborigines Committee in 1835 viewed in the light of his statements and policies before 1835", by J.M. Urie. Unpublished M.A. thesis, Rhodes University. 1953.
Du Toit, Cape Frontier, for "The Cape Frontier: A Study of Native Policy, 1847-66". D. Phil. Pretoria, 1849.
Stretch, Correspondence, for "Correspondence between Charles Lennox Stretch (late Diplomatic Agent to the Gaika Tribe of Kaffirs), the Secretary of State for the Colonies, and the Colonial Government of the Cape of Good Hope. (ii) 3-45 pp."

## A NOTE ON SPELLING AND PAGINATION:

In the transcription of Stretch's Diary the original spelling, and page numbering, have been strictly adhered to. Where pages are not numbered a distinctive numbering has been inserted.

Generally, in this work, the spelling of proper names is that used by modern authorities such as Walker, MacMillan and Cory. The conflicting spellings in contemporary sources, including the Parliamentary Papers, has made necessary this use of standardised modern versions.

A. THE DIARY OF C. L. STRETCH.

## N O T E.

The numbering (i) - (viii) of the first few pages of the Diary is my own.

A pencil underlining denotes that the word(s) in the manuscript was illegible.

Stretch's spelling of proper names has been strictly adhered to, even where it is apparent that various spellings within the text refer to the same person etc.

(i) ".... with the object of pleasing the Grahamstown Clique and destroying the Caffer Government General."

C. L. Stretch.

Ebenezer Smith Esq.,
No. 7 Billiham Square,
LONDON.

---

(ii) Napier[1] by this order to the Agent General opened the flood gates of all the Mischief that followed the publication of this order that the "Not Reclaimable List" be kept, thereby giving Every one an Opportunity to make statements of thefts that never occurred - and which the Colonial rogues too eagerly availed themselves of.

C.L.S.

(iii) During the period Capt.Stockenstroom[2] was in England Sir Geo. Napier required Col.Hare to State Officially the quantity of Cattle taken from the Colony from the period when Stockenstrom's Govt.Commenced and Contrary to the Treaties both the Reclaimable and unreclaimable Lists were Examined and the Number of cattle, etc. in both were added together and a Claim of £13,000 made against the Gaikas. It was very disgraceful of Sir George Napier by thus falsely making it appear the system was bad.

This proceeding was ruinous to the Caffres. It was as bad as the reprisal System.

Tyumie 1844. C. L. Stretch.

(iv) Return of Cattle and horses stolen from the Colony during the administration of frontier affairs by Capt.Stockenstrom, Lieut.Governor and after his removal by General Napier and Sir P. Maitland who followed Capt.Stockenstrom - and the "Not Reclaimable List" made the Caffre Chiefs responsible for Every Lie the Settlers and Boers told of supposed losses or thefts.

C. L. Stretch.
Diplomatic Agent.

In order to prevent the dishonesty that prevailed during the reprisal System from 1822 to 1834 a Clause was inserted in the Glenelg[3] Treaties to the effect that proof would be required

---

(1) Napier, Major-General Sir George Thomas, Governor of Cape Colony, 22 Jan., 1838 - 18 March, 1844.

)2) Capt.Stockenstrom: Lieutenant-Governor of the Eastern Province, 25 July, 1836 - 31 Aug., 1839. Formerly Commissioner-General for the Eastern Province, July, 1828 - ca. 1833. May 1846 - appointed Commandant-General of the Burgher Forces, 7th Kafir War. etc.

(3) Glenelg, Lord (Charles Grant), Secretary of State for War and Colonies, 18 April, 1835 - 19 Feb., 1839.

that when Cattle was Stolen from the Colony that the Kafirs were the thieves, and unless that proof was given to the Resident Agent, The Government did not recognise any claim for compensation, but those farmers who stated the cattle had been taken by Caffres were allowed to search for them in Caffraria and Obtained the Assistance of the police, but Governor Napier directed that all reports of Cattle Stolen should be Charged to the Kafirs from 1841.

almost dishonest and tyrannical.

C. L. S. -

Page 1. Return of Cattle, horses and Sheep reported to the Diplomatic Agents has having been stolen by the Border Tribes from 1 August 1837.

| Name of Owner | When lost | Number & Description of cattle | Field Cornetcy | By Whom Reported | When |
|---|---|---|---|---|---|
| | | Cattle Horses Sheep | | | |
| 7th Hendrik Martinus, a Bastard Hottentot Settler on the Location at at the Confluence of the Kat & Fish Rivers. | 22 July | 2 | Fish R. | Capt.Gold[1] | |
| 9th Tyso Human(?) | | 4 | " | " | |
| 10th " " " " | 30th " " " " | 1 | | | |
| 11th Adam Peters(?) | 8th Aug | 8 | | Beaufort | Capt Armstrong[2] |
| Unknown | Unknown | 9 | 1 | Unknown | None |
| 14th Unknown | Unknown | 5 | 4 | Unknown | None |
| 19th Unknown | No report | | 2 | Baviaans | Maqomo[3] |
| 20th " | " | 4 | | Unknown | " |
| " Capt Stockenstroom | " | 19 | | | |
| " Wm Grobler(?) | 8th | 7 | | Beaufort | Capt Armstrong |

Tyumie.
2 September 1837.

(1) Gold, Capt.Henry Y., 75th Regt.
(2) Armstrong, Capt. A. S., later Lieut.-Col., Cape Mounted Rifles.
(3) Maqomo, Son of Gaika.

| Recovered | Cattle | Horses | Sheep | Name & Tribe of Delinquent | Steps taken by Agent & Results | Remarks |
|---|---|---|---|---|---|---|
| | 8 | | | Toko. Maqomo | To whom he was reported and the spoor was brought to his kraal, he was fined 6 cows and 2 calves for the owner of the horses and 3 year-old calves for 4 Policemen Employed in tracing the spoor from Botha's Post to the Chief's kraal. C. L. Stretch. | |
| | 12 | | | Sutu[1] | 4 oxen was stole from Mr.Human and 12 beasts were sent by the Policeman Coola(?) as Indemnification - Vide receipt. | |
| | | | | Tyali[2] | Two horses were stole from Kat River on the 30th July by Umhala people. one Tyali recovered and brought here the thieves escaped with the other, but Tyali has sent to recover it - which he has since effected and the Piebald horse returned to Echut's Post. | |
| 11 Aug. | 6 | | | Tyali | 2 cows with three calves levied | |
| | 9 | 1 | | Tyali | on one of the thieves who wounded one of the said 8 head of Cattle, and the others concerned in the theft were to pay for the two oxen slaughtered. | |
| 11 Aug. | 5 | 4 | | Tyali | returned to Fort Beaufort, vide receipt. | |
| 18 Aug. | | 2 | | Umhala | Thief apprehended and committed to Prison. | |
| 20 " | 4 | | | Tyali) | Maduniu reported this Circumstance | |
| 26 " | | | | Tyali) | and hunted out the thieves. | |
| 26 " | 7 | | | Tyali) | [handed(?)]. | |
| | | | | | C. L. Stretch. J.P. Diplomatic Agent. | |

(1) Sutu, Great-widow of Gaika. cf "Sonto", a son of Eno.

(2) Tyali: left-hand son of Gaika.

August 1837

Memorandum.

Aug.16. Cecebe was sent for _____ to search the Trader's shops for 10 Cow skinswhich had been stolen from Maqomo on the 11th August.

Case with Certain followers of Maqomo who stole an ox from the Agent, but which they positively denied altho' the witnesses against the ~~16th~~ 16th thieves, including Maqomo's son, were certain of the theft.

18th. Spoor of two horses traced by order of Maqomo from the Colony to Fort Thompson and from there by the Police to Fokanies's kraal where the thief was apprehended with the property - he belongs to Umhala.[1]

Mr. Roux came to the residency about this Cattle which he stated in his report to Capt.Armstrong had been Stole by the Caffres - but as it had not been traced to the Boundary I could give no Satisfactory information.

20th August.

4 Colonial oxen and 2 Caffre cows brought here by Baesack, a follower of Sutu's stating they had been Stole from the Colony and which Tyali had discovered and returned. No report of this loss has been transmitted to this office.

Magido sent to Beaufort with 2 stolen horses a receipt was received.

C. L. S.

16th
3 head of Cattle brought here by Vandala[2] for those Stolen from Botha's Post at the beginning of July, the spoor of which Cattle could not be traced but as the Spoor had Entered Botman's country he conceived it his duty to make this compensation to the owners.

26th. The above Cattle sent to Botha's Post to Capt.Gold, 75 Regiment.

---



19th August. Two young horses supposed to have been Stolen from the Colony were delivered over to Claas Love by Andre's Tyali's Interpreter, one was sent to Beaufort, but the Mouse Coloured foal remained behind.

/25th .....

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(1) Umhala: TSlambie Chief.

(2) Vandala: petty Gaika chief.
cf Vandana: petty Tembu chief.

25th. 5 head of Cattle given to Mr. Nell as compensation for a Mare that was stolen from him by the Caffres and valued at 90 Ryds.

August 26.

The Chief Tyali brought to the Residency all the Cattle that had been reported at this office as Stolen from the Colony since 1st July. (Thirty-four sent to Beaufort on Monday 27th August with Soisant, San, Peyt and Neska, also 3 horses).

| Oxen | Cows | Horses |
|---|---|---|
| 9 | 30 | 3 |

Witnesses:
J. Hart

C. L. Stretch.
Diplomatic Agent.

Class Love X His Mark.

Received from Sutu, twenty three head of Cattle which was stole from the Kat River on Sunday 20th int. the property of Certain Hottentots alluded to in the report of Mannie Pretorius, the thief Bala states he only took twenty from the Herd which is Corroborated by the Police who followed the Spoor.

Tyumie, Aug., 29th, 1837. C. L. Stretch.

Report of Cattle horses and Sheep Reported to the undersigned as having been stolen by the Border Tribes in September.

| Date of Report | Name of Owner | When Lost | Number & description Horses | Cattle | Sheep | Field Cornetcy | By whom Reported |
|---|---|---|---|---|---|---|---|
| 16th Sept. | Joseph Mildenhall | 13 Sept | | 25 | | Conappe | Capt. Armstrong |
| 20th | Mr. Nell | 17 | | 4 | | " | Mr. Nell |
| 22 | Gert Scheppers | 22 | 2 | | | Beaufort | Capt. Armstrong |
| 21 | Andries Davies | 20 Aug. | | 6 | | Capt. Armstrong | Kat River |
| 22 | Fordman & MacCabe | 17 | 3 | | | Beaufort | Capt.Gold |
| 23 | Jan Bower | 20 | | 9 | | Zuurberg | Jan Bower |
| " | " | " | | 3 | | " | " |

| When Recovered | Number Recovered: Cattle | Horses | Sheep | Name & Tribe of Delinquent | Steps taken by Agent & Results | Remarks |
|---|---|---|---|---|---|---|
| | | | | | | Reported to Maqomo |
| Recovered in the Colony | | | | | | do do |
| | | | | | Spoor should have been given to the Pekatie. Report ommitted by the frontier authorities for August. Requested to be informed if the treaty with the Caffer Chiefs had been complied with as the Police man stated the horses ran day and night and were Collected every Sunday by Baba the Corporal of Police. | |
| 25 Sept. | 9 | | | Phenali (?) of Botman's tribe | The spoor was followed by Mesekio the Pekatie residing opposite to Mowses post and traced to the kraal of Senci who is one of Botman's[1] Heemraden and is neighbour to another named Chethe whom I advised Botman to punish. 6 head of Cattle were taken from the thieves. | |
| do | 3 | | | | | |

Report dispatched on the 10 Oct. including only two of the above cases which came within the rules of the Treaty.

C.L.S.

---

(1) Botman, or Botma, or Botumane, Imdonki (Gaika) Chief.

Remarks for September.

Mr. Collet reported that 5 horses were Stole from him on the 13th but in Consequence of their not having been kraaled or herded.

Sept. 16th Capt.Armstrong would not receive the Report.

Maqomo's followers were employed Searching for them without success.

David Norman (?) a Bastard of Kat river had his horse Stole: it strayed from Beaufort and was found by and detained by Malie a follower of Maqomo's who retained possession until Norman reported the case to the Chief (in Peit('s) presence a Policeman).

11th. Mr. Fordman Lee's Servant made oath that the three cows Stolen from Botha's Post were worth 90 ryds.

3 horses and 4 sheep Stolen from Ackerman's farm - spoor given over to Botman's followers.

28th. 4 calves Sent to the Residency by Botman who retook them
?9th from the thieves returning from the Colony and forwarded to Beaufort by the policeman Philip.

---



Mr. Ackerman received from Botman 2 cows for the 4 sheep.

3 horses stolen from the fields near Botha's post.
2 were found at Tyumie and Fola paid for the third two bulls, 1 cow and 1 calf.

Col.England[1] reported that Mr. Pedloe of Kaga lost several oxen and horses, but as they were (?) without Herds no official notice was taken of the loss,
but a few days afterwards the cattle were found near the farm but the horses are still missing.

Cattle above alluded to were found near Mr. Pedloe's house a short time after the report was made to Col.England.

---

(1) England, Lieut.-Col. Richard, 75th Regt.
In Command Grahamstown 1835 War.
1835 - Appointed with Stretch and others Commissioner for Settlement and Location of Gaikas.

Return of cattle, horses and sheep reported to the undersigned as having been stolen by the Border tribes in Oct.1837.

| Date of Report | Name of Owner | When Lost | Number & description Cattle | Horses | Sheep | Field Cornetcy | By whom reported |
|---|---|---|---|---|---|---|---|
| Oct 7 | Not stated | 3rd | | 2 | | Fish River | Lt.Pollard, 72 Regt.[1] |
| 18 | David Roux | 16 | 7 | | | Gonappe | Capt. Armstrong |

(1) Lt.Thomas E. Pollard, 72nd Regt.

| When Recovered | Desc. & No. of Cat. | Hor. | Sheep | Name & Tribe of Delinquent | Steps taken by Agent and Result. | Remarks. |
|---|---|---|---|---|---|---|
| 19th | 6 | | | Sonto Unknown | Reported to Enc[1] and Sonto who both promised to search for the thieves. These cattle were driven to the vicinity of the _____ on the 17th where they were left and in Consequence of their having grazed about the premises for two days the Govt. interpreter | |
| | | | | | 1. was induced to inquire to whom they belonged without Success until the arrival of Captain A('s) Report. | |
| | | | | | 2. 18th Oct three mares that were taken from the thieves by Sonto on the Night of the 16th near Willshire were brought here by the Chief and Sent to Beaufort the following day, Owner Unknown. | |
| | | | | | 3. Horses reported to have been stolen from Piet Campher Field Cornet of Mankazana on the 29th were seen on the same day passing Platizes (?) kraal and by the military at Howses Post which place they passed also without riders and galloped along the wagon road leading to the Inn they were followed by the Police men Pekana and Baghla who gave up the pursuit on finding they had entered the Colony. | |
| Tyumie 4th Nov.1837 | | | | | C. L. Stretch. J.P. Diplomatic Agent. | |

(1) Enc: Gaika Chief located in Ceded Territory. Head of "Amambalu" Gaikas.

Memorandum for October 1837. -

Lt. P...(?) reported an aggression by some Caffers at his post on the people of Class Schut, but which the owner failed to state to the Pokatie who reside near him, or Even to follow the Spoor of the aggressors.

Hendrik (?) refutes the above report by stating a cow had been killed but no one knows by whom.

16th. (Ceceba?) returned from Umbala's Country with 10 head of Cattle as Compensation for Collet's horses and Mildenhall's Cattle - the case reported to the Lt.-Governor on the 19th and the cattle handed over to Maqomo for the present.

19th. Seven head of cattle reported as having been stolen from Mr. Roux. 6 head were found in the vicinity of the resident's house by Class Love and sent to Beaufort on the 21st in charge of a policeman.

18th. 3 mares that were taken from the thieves by Sonto on the night of the 16th Inst. near Willshire were sent to Capt.Armstrong.

---



19th October 1837. The Chief Tyali delivered the undermentioned cattle to Mr. James Hart having taken them from the Pokatie Choko whose son Malie stole from Glenavon 23 head of cattle the property of Rubin Hart Esquire.

19 head belonging to Mr. Hart
26 oxen
7 yearling
5 cows
1 ox lost

1 November.

To Mr. Hart 8 oxen in lieu of 4 slaughtered or missing from the number 23.

19 head of cattle Mr. H. property
27

Mr. James Hart
4 cows to Botha and Lucas
4) oxen to James Hart for the loss of a horse during
1) journey
1 Cow
37

20 (6-14) in possession of the Resident Agent to be disposed of as the Lieutenant Governor shall direct.

Received from the Resident Agent 20 head of cattle remaining after ..... (?) the above number which I have directed shall be given to the individuals therein mentioned and also to the Police engaged in apprehending the thief Malie -

Tyumie 15 November 1837.

His
Tyali X Chief
Mark

Class Love X His mark.

Return of Cattle, Horses and Sheep reported to the undersigned as having been stolen by the Border Tribes as from 1st to 30th November 1837.

| Date of Report | Name of Owner | When Lost | Number & description Cattle | Horses | Sheep | Field Cornetcy | By whom Reported |
|---|---|---|---|---|---|---|---|
| | Tyumie 5 | Dece. | 1837. | None | | C. L. Stretch. J.P. Diplomatic Agent. | |
| 1837 | | | | | | | |
| 5 Dec | De Lange | 30th Nov | | 6 | | Great Fish R. | Capt.Gold |
| Mon 18 | Sheffield | 12 Dec | | 2 | | Kat River | Mr.Sheffield |
| 18 | Gert van Rooyen | 16 Oct | | 2 | | Hermanus' Kraal | G.van Rooyen |

| When Recovered | Number Recovered | | | Name & Tribe of Delinquent | Steps taken by the Agent and Results | Remarks |
|---|---|---|---|---|---|---|
| | Cattle | Horses | Sheep | | | |
| December 1837 | | | | | | |
| 20th Dec. | 6 | 7 | | Umhala | Reported to Veka and Sutu not entitled to Govt aid<br>reported to Botman - not entitled to Govt. aid.<br>Reported to Botman - according to the Treaty. | |

Van Rooyen's loss is the only case (noted?) in my report.

C. L. Stretch.

1st January 1837.

Memorandum November 1837.

Nov 22 Salwana[1] brought 2 horses to the Residency which he had seized from some thieves returning from the Colony.

Nov 23 The above mentioned two mares were sent to Beaufort.

C.L. Stretch.

December 1837

6th Philip Sent to Sonto to inform him the 5 head of cattle had been returned and he must pay the full value of the two horses taken from the Colony.

11th Jago (?) the spoor ended with this man of Maqomo's Tribe of Ackerman's horses.
7 horses of Du Pre's between Botman and Sonto
3 double Drift do 2 do
6 from de Lange spoors to Susu men.

Informed by Botman.
Tola[2] paid 12 head of cattle for Du Pre's 7 horses but they were not delivered at the Residency.

Dec. 12th 11th. The Chief Tyali sent 4 horses which his Pekatle Muti had taken from the thieves when returning from the Colony, and which were forwarded to Beaufort vide Armstrong's receipt.

12th Sonto called regarding the horses taken from double drift and paid 5 head of cattle in consequence of the spoor having been brought to his country making in all 10 head. I however informed him 30 head was the price demanded by the owner.

---



12th Two Commisariat oxen sent with Mr Hart's wagon to Howses Post for which 10 shillings to be paid for their keep.

13th Monday.
Mr Sheffield declares his two horses worth ryds 180
9 cows - 1 .... (?) -.
Van Rooyen " " 250; or 15 head cattle.

Monday,
late in the evening of the 7th Int. Hendrik and Bouka's Nouka(?) reported to Field Cornet Camphor that 2 horses were taken from the field in which they grazed day and night and which were traced to a kraal occupied by Tyali cattle - I proceeded to it

/the .....

---

(1) Salwana - Petty Gaika Chief.

(2) Tola - an Imdenki (Gaika) Chief.

the following day and demanded the horses or compensation but the same evening they returned home.

On my return to my farm I met 6 Fingoes who were on the trail of 2 heifers which proceeded to the same kraal and which was further proved by two men Maqomo gave me to assist in detecting the thieves. the following day however the Heifers were brought back and left hear my cattle.

Pieter Camphor
declaration this 18th day of December 1837

20th December 1837

The Police returned with 6 horses stolen from Mr de Lange by the son of Selo of Cazana Tribe who is a petty chief of Umhala and son of Dushani, they were assisted by Jan Tzatzie people who followed the Spoor to the Chief's kraal - he was fined 6 head of Cattle and 1 old horse which was distributed as follows.

1 horse - retained by the Agent for Police Service.
1 cow Takala - policeman at Tyumie
1 " Enana )
1 " Yatola) Police from Botha's Post.
1 " Wazana)
2 calves 1 slaughtered and Glass kept the other.

C. L. Stretch.

22nd Mathaba is the person to whose kraal Mr Sheffield's horses were traced, he resides with Salwana and Botman is responsible for those of Gert van Royen.

Mr James Hart received 6 head of cattle for the young heifer the Caffers threw into the river.

---

December 23rd.

3 horses taken from some thieves were returned this day by Tyali and sent by Philip and Cabee(?). Policemen to Beaufort.

24th Maqomo sent 20 head of cattle and three young calves to pay Mr Ackerman and the Bastard Daniel for 3 horses - but as they were not worth so many 12 head of cattle and 3 calves were sent to him and the rest 8 returned to the Chief one of which was slaughtered by his men.
2 horses stden from Mr. MacCabe at double drift were traced to Dushani's Caffres and recovered by the Police. Capt.Gold sent after them, with 4 head of cattle for their trouble.

29th Mr Ackerman received

| | |
|---|---|
| 2 cows | 40 |
| 1 heifer | 10 |
| 1 bull calf | 8 |
| 1 small calf | 3 |
| | 61 |

/Daniel .....

| | | |
|---|---|---|
| Daniel an elderly Bastard | | |
| | 6 cows | 120 |
| Hottentot in his employ | | |
| | 1 ox | 15 |
| | 1 heifer | 10 |
| | 2 calves | 6 |
| | | 151 |

By order of Tyalie — James Hart received for 1 calf which 2 young men in revenge for some annoyance they had received from him threw into the river. 10 head of cattle, 4 of which he gave to the people Employed in apprehending the aggressors and 6 he kept himself.

30th Dec. Saturday

Robert Hart esq arrived at the Residency to take notes from his son James Hart relative to his journey to Choko's kraal about his father's Cattle - he remained at the residency until Monday New Years day - and proceeded to Beaufort to have the declaration of his son attested by the Magistrate but as Capt Armstrong was in Grahamstown the object of his journey was not accomplished.

JANUARY 1838



Return of Cattle Horses and Sheep reported to the undersigned as having been stolen by the Border tribes from 1st to 31st January.

| Date of Report | Name of owner | When lost | Number and Description cattle | horses | sheep | Field Cornetcy | By whom Reported |
|---|---|---|---|---|---|---|---|
| | None | | | | None | | |
| | | | 29th January 1838 | | | | |

| When Recovered | Number and Description Cattle | horses | sheep | Name & Tribe of delinquent | Steps taken by the Agent & Result | Remarks |
|---|---|---|---|---|---|---|

None

C. L. Stretch
Diplomatic Agent

Memorandum for January

5th 13 head of cattle and 3 calves sent by Tyali for Du Pre's horses. 4 worth 450.

5 do by Maqomo

The above cattle sent to Du Pre via Ackerman's farm in charge of Saisant and Philip.

C. L. Stretch.

13th 12 head of cattle passed the residency in charge of the Policeman William from Fort Armstrong who reported he received them from Tyalie in Compensation for 6 head that had been stolen from the Kat River Settlement.

Memo Tyumie 14th Feb The Bearers Battle and Takala have four horses in charge to be delivered to Captain Armstrong which were Stole from the fields of the Commandant Groepe on the 12th inst, by a Caffer from Hintza's Country, he states the horses were running day and night and not Guarded.

The thief was caught by the Pekatie near New Post and sentenced to 500 lashes in presence of the Govt. Interpreter and 6 Policemen by the Chief Tyali which punishment was inflicted to a certain extent.

C. L. Stretch J.P.
Diplomatic Agent.

Return of Horses Cattle Sheep and goats or other property robbed from the Colony, taken across the frontier and Reclaimable according to the Treaties existing between Her Majesty and the Caffer Tambookie and Fingo Tribes.

| Date of Robbery | Name of Owner | Property Lost | | | | | When Robbed | When Pursued |
|---|---|---|---|---|---|---|---|---|
| | | Horse | cattle | sheep | goats | other | | |
| 4 Feb | Christian van Ardt | | 5 | | | | 4 Feb | 5 Feb |
| March 13 | His Honour The Lt Gov. | 3 | | | | | Mar 13 | Mar 14 |
| 8th | Philip Norton | | 7 | | | | 8th | 10th |
| April 1838 | | | | | | | | |
| | | | None | | | | None | |

The two cases reported in the Returns for Feb and March, have not been adjusted.

Viz
Christian
van Ardt
Philip Norton.

| Where traced across the frontier | By whom | To whom Reported | When Reported | Property Recovered |
|---|---|---|---|---|
| 6 & 7 Feb | Police | Capt Armstrong & Botman | 9th | Not recovered |
| Spoor effaced | | Capt Armstrong Maqomo | 14th | 3 horses |
| Confluence of Kluklu and Kat River | Police | Capt Armstrong | 14th | Not recovered |
| | | None | | None |

| From whom | Sworn Value not recovered | Name of Officer before whom affidavit was taken | Responsible Chief |
|---|---|---|---|
| Not recovered | | | Botman |
| Takala | the identical property | Mr Stretch<br>Capt Armstrong | Tyali |
| not recd. | not 255 Ryd: | Capt Armstrong | Botman |
| " | " | " | " |
| April | None | None | |

Remarks to contain every necessary particular.

The Property not yet restored or the value.

Recovered by the Chief Melekio who had been sent by Maqomo and some Caffres to apprehend the thieves.

The Police took the Spoor towards a Caffre village, and when within ½ mile sent to call the Caffres to assist but there was no one at home for they were previously in pursuit of Stolen Cattle and the Police returned home.

The Agent has received four statements of losses sustained by inhabitants of the Ceded Territory, but the owners from Carelessness or in the absence of sufficient proof that the cattle and horses were brought into Caffraria cannot demand the interference of Government.

Mr. Nell however on applying to the Chief Botman received on the 21st 18 head of cattle he had lost and 29 head that were stolen (nine) months since.

C. L. Stretch.



Memorandum for April 1838.

18th April. Elias Nell reports that 14 head of cattle were stole from him on 14th inst. They were ....(?) near his house and taken in the night.

Gert Nell his Brother states about the 1st of the Month 22 head of cattle were taken from the fields, they had been running(?) night and day - and not guarded.

Copy. Elias Nell has permission to proceed to Cafferland with the Caffer Police on the spoor of 18 head of cattle stolen from him on the 14th inst.

17th April 1838 Signed A. B. Armstrong.



I William Sheffield do make oath that on the 2nd April while the herds were driving home the Cattle from the fields 5 head were stolen by the Caffers. I immediately went in search of them and found the spoor approaching the Kat River and on arriving at the Boundary I delivered the spoor to the Pekatie Melelic (?). On

/the .....

the 12th inst. I got back 4 head of cattle but one is still missing.

William Sheffield. His

X

Mark

Sworn before me this
16th day of April 1838.
C. L. Stretch.

Witness Class Love His

X

Mark

I Melelic declare I received the Spoor of 4 head of Cattle only from Mr Sheffield, I am certain that this number only crossed the Boundary.

Melelic His

X

Mark

Tyumie April 28th 1838.

C. L. Stretch. Class Love His Witness and Interpreter

X

Mark

MAY 1838

Return of Horses, Cattle, Sheep and Goats or other property robbed from the Colony, taken across the Frontier and Reclaimable according to the Treaties Existing between Her Majesty and the Caffer Tambookie and Fingo Tribes.

| Date of Robbery | Name of Owner | Property Lost horses | cattle | sheep | goats | Other prop. | When Robbed |
|---|---|---|---|---|---|---|---|
| 8th May | Weinand Bezeidenhout | | 14 | | | | 8th May |
| 10th May | John Vaughan | | 5 | | | | February |
| June 4 | W. P. Englebrecht | | 22 | | | | 4th June |
| | Jan de Lange | 4 | | | | | 13th June |
| 2 | William Simpson | | 4 | | | | 2 June |
| | Stephanus Meluny | | 12 | | | | Conappe |
| 10th | Cobus Odendaal | | 7 | | | | " |
| 4th | Jan de Lange | 3 | | | | | Fish R. |
| June 18 | Cobus Odendaal | | 7 | | | | Conappe |
| July 14 | Christian van Ardt | | 4 | | | | " |
| 19 | David Hobson | 2 | | | | | " |

| When returned | When traced across the frontier | By whom | To whom Reported |
|---|---|---|---|
| 9th May | 10th May | Police | Capt Armstrong |
| February | February | " | " |
| | | | C. L. Stretch J.P. |
| 3rd June | Near Botha's | Native Police and Owners | Lt Bingham[1] |
| 13th June | 15th near Howse Post | Native Police | Capt Armstrong |
| 3rd June | Near Howses Post | Mr Simpson | Capt Armstrong |
| 14th June | Near Beaufort | Owner's and Police | " |
| 19th June | " | Owners and Police | " |
| 13 June | Near Howses Post | Native Police | Capt Armstrong |
| 19 June | Near Beaufort | Owner and Police | " |
| 13 July | " | " | Mr Cole[2] |
| 20 July | " | " | Mr Cole |
| | Diplomatic | C. L. Stretch. Agent - reported 7 | August 1838. |

(1) Bingham, Lieut. R. Clavell, 75th Regt.

(2) Cole, Eldred Mowbray. Appointed Resident Justice of the Peace at Fort Beaufort, 1839. May 1847 - Temba Commissioner at Shiloh. (for several months: Theal P.55).

| When Reported | Property Recovered | From whom | Sworn Value not Recovered |
|---|---|---|---|
| 9th May | 20 head of Cattle 29 7 | Tandash | Full value |
| February | 7 cows and 6 calves | Gill | Full value |
| 7th June | 27 including 22 of the identical cattle | Umdankies | Recovered |
| 13th June | | | 600 ryds. |
| 3rd June | 5 oxen | By Botman from thieves | full value |
| 14th June | not recovered | | not |
| 20th June | not recovered | | not |
| 15 June | not recovered | Not recovered | 600 ryds |
| 20 June | " | " | |
| 16 July | " | " | |
| 21 July | " | " | " |

| Name of Officer before whom affidavit was taken | Responsible Chief | Remarks to contain every necessary particular |
|---|---|---|
| Mr Stretch | Tyali<br>Botman | The thefts reported on the 11th May to the Chief Tyali and Maqomo.<br>C. L. Stretch 1st June 1833 |
| Mr Stretch | Botman | |
| Capt Armstrong | Tyali | Reported to Tyali by Soisant on the 19th June. |
| " | Botman | 5 oxen sent to Beaufort the 7th. |
| | Maqomo | |
| | Maqomo | Reported on the 21st to Maqomo. |
| Capt Armstrong | Tyalie | Reported to Tyalie 19 June |
| | Maqomo | to Maqomo 21st June |
| | Botma | Botma |
| | Maqomo | reported to Maqomo |

Mr Hobson is requested to Send the Resident Agent a declaration on oath stating the value of the two Sheep that were Stolen from him in April last which can be sworn to at nearest Military Post as the officers in Command are authorised by the Treaty to receive such depositions.

Tyumie 10th May 1838 C. L. Stretch . J. P.

From the 10th to 17th messengers have been sent to Maqomo and Botma demanding the Cattle of Norton, van Ardt and Mildenhall.

17

The Police from Howses with two from the Residency sent to Tyali demanding 14 head of cattle traced to the kraals of Tandasch which were abandoned the next day.

Cald ?(?) returned this morning from Maqomo with the following message

I have sent to the thieves for the Cattle but it has not arrived, wait a little and you shall have the 10, I owe or that you say I owe" -.

May 19th

Forwarded in charge of Takala 13 head of cattle for Norton.
Tack 10 " van Ardt
Coola 7 " Mildenhall
30

To Capt Armstrong

---



Sunday 20th May.

Reported by the Field Cornet P. Gamphor that three oxen were stole from the kraal of Philip Beuse, and the spoor traced the following Morning as far as Kat River below the Confluence of Mankazana - where the Spoor was lost.

Description

1. Vaal Rhebock(?) as Skeef horn - left ear stump.
2. Brown witte quass low point of horns cut off.
3. Black heifer - onder de blaa, a white mark -.

21st

13 head of cattle answering the description of William Engelbrecht sent to Beaufort by Soisant - but Govt., or the chiefs are not answerable for those deficient -/31

26th

4 oxen marked C taken from two caffres of Botma's tribe, who stole them from the Colony, by the chief Enno, and sent to the Agent.
1 cow defficient of the number Maqomo sent for Mildenhall.

29th

1 ox
1 bull and 8 cows.

10 calves or young Cattle forwarded by the Policeman Cabee(?) to Howses Post for Winand Bosuidenhout in lieu of 14 stolen from the Koonap but no value stated on the 16th May.

C. L. Stretch.

30th

Sent to Beaufort by Tack 7 cows and 6 calves for John Vaughan - value 158 Ryds.

Akert Johannes Nell reported the loss of 18 head of Cattle on the 8th May. Spoor lost by rain between Kat and Fish River.

| | | | | | |
|---|---|---|---|---|---|
| | 4 | large oxen | Quagge(?) Witte pense | 245 | Ryd(?) |
| | 7 | cows | | 265 | " |
| | 2 | young oxen | | 50 | " |
| Jeremius | 5 | cows | | 220 | " |
| | 18 | worth | Ryds | 780 | |

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June 1838

3 oxen brought to the Residency by Jonas (?) Son of Botma brought to the Residency are herewith forwarded in charge of Coola to Fort Beaufort.

Tana states they were taken from the thieves who Escaped and are unknown to Botma.

C. L. Stretch J.P.

Tyumie 7th June 1838.

18th

The Chief Botma sent the undermentioned horses to this Residency on the 17th inst, which have been stole from the neighbourhood of the Great fish river, and also 3 cows which the Chief Chona states were in the fields.

The loss not reported to this office.

1 chestnut horse
1 brown mare
1 Schemmel foal
3 vaderland Cows.

C. L. Stretch J.P.

/To .....

To Capt Armstrong

7 head of cattle received with the above horses as a fine on the property of Chona.

3 calves given to policemen Nomaslasla; Chebo and a Caffer of Botma's who assisted to recover the property.

1 Bull
1 ox .....(?) 23 June
2 cows

---



June

4 head of cattle forwarded to Beaufort taken (?) on account of Colonial Govt.

Seven head of Cattle have been delivered by the Chief Botma as Compensation for 3 head traced into his Country and the spoor lost.

G. L. Stretch.

48 head of cattle delivered to Wm Meyer and P. Bakker in lieu of 47 stolen from them on 15th and 28th April.

June: Mr J. D. Nell states the two cows were worth 100 ryds.
1 cow and calf 50 making together 150 ryds

| | | | |
|---|---|---|---|
| or | £10 | 5 | 0 |
| | 5 | 0 | 0 |
| Loss | £15 | 5 | 0 |

---

27th June

Botma sent 3 head of cattle for his share of a loss sustained by _____ of Class Smits River.

July 5th

Received from the Chief Tyali four horses which were stolen from my farm on the Bosjesmans river in the Field Cornetcy Jan van de Vyfer on the 13th March 1838 and for the injury done to the horses during the period Caffre had them in possession I demanded of Tyali 18 head of cattle.

Jacobus Paulus Odendaal

/9th .....

9th July

The following cattle were received from the undermentioned Chiefs and handed over to Mr J. D. Nell.

9 calves from Burgaloo: for Nortons 7 head of cattle.
4 calves, one bull and 1 cow from Maqomo for the man at Glass Smits River.
1 bull and 1 cow from Botma, for the ox taken from MaCabe.
1 bull and 1 cow taken from Chebo do
3 cows and 3 calves reported to Capt.Armstrong but not owner(?).
24 head of cattle.

9th

Maqomo sent eleven head of Inferior Cattle to pay for 13 head that had been stolen from Stephanus Melany, they were accordingly returned by the man who brought them with a demand for 20 good cows.

---



July 20th.

Seventeen head of cattle sent to Beaufort for Mr Stephanus Melany who lost 11 head.

Return of Horses, Cattle, Sheep, Goats and other Property robbed from the Colony, taken across the Boundary, and Reclaimable according to Treaties existing between Her Majesty and the Caffer Tambookie and Fingoe Tribes from August to 1838.

| 1838 | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Date of Robbery | Name of Owner | Property Stolen | | | | Other Property | Where Robbed | When Pursued | |
| | | Horses | Cattle | Sheep | Goats | | | | |
| August | Jan de Lange | 3 | | | | | 4th) July | | |
| | Cobus Odendaal | | 7 | | | | 13th) July | | |
| | Christian van Ardt | | 4 | | | | 14th) | | |
| 9th | Jephta Micheal | | 3 | | | | Kat River | Next morning | |
| Not | reclaimable | | | | | | | | |
| 23 July | David Hobson | 2 | | | | | Gonappe | | |
| 20 Aug | A. Howison | 1 | | | | | Beaufort | | |

No proof the Caffres were the aggressors.

| Where traced across the boundary | By whom | To whom reported | When Reported |
|---|---|---|---|
| Brought forward from the report of July 1838 and not settled for the reason assigned in the Margin | | | |
| Near Blinkwater | Owner and 2 others | Mr Cole | 20th Aug. Not proved to the satisfaction of his Honour & therefore the loss is not to be entertained. |

Mr Hobson's report to the Agent differs from his statement made to Mr Cole on Oath and he has refused Indemnification from the Caffers to whom it appears he applied without the knowledge of the Constituted Authorities. This individual received lately 8 head of Cattle he states were Stolen in 1837 and not reclaimable by Treaty.

C. L. Stretch. J.P.

Maqomo promised His Honor the Lieut.Governor to abide by Mr. Stretch's decision in Odendaal's loss of 7 head of Cattle and the case of Klassens 6 head to be investigated.

| When Reported | Property Recovered | From Whom | Sworn Value not recovered | Name of officer before whom affidavit was taken |
|---|---|---|---|---|
| | | | | |



| Responsible Chief | Remarks |
|---|---|
| Maqomo | The Agent has repeatedly seen the Chief Tyali regarding Mr Lange's horses and demanded Compensation to which the chief has invariable replied that he is using his utmost Exertions to find out the thieves and on the 31 of July he informed me unless they were discovered in 5 days he should levy the value of the horses from the kraals in the vicinity of the Residence of the Diplomatic Agent where the Spoor was effaced.<br><br>Maqomo and Botma state the Native police did not give the spoor of the Cattle Stolen from Odendaal and van Ardt to their Amapakatie but notwithstanding every exertion shall be made to remunerate the sufferers.<br><br>C. L. Stretch. J.P.<br>Diplomatic Agent. |

Memorandum for August 1838

14th 8 head of cattle delivered by Botma to the Diplomatic Agent for David Hobson and sent in charge of a Policeman to Mr Cole Fort Beaufort.

25th 7 head of cattle sent by Botma for a mare stolen from Lewis du Pre but not reclaimable by Treaty, which were forwarded this day to the Special Justice at Beaufort by Gothe a Policeman.

One horse recovered from the Caffres by residing in Blinkwater.

---



September 1838

5th Seventeen goats having been discovered by Sutu which had been stolen from the Colony were seized and sent to the Residency this day with 3 head of cattle which had been levied on the property of the thief who fled from his kraal.

Nathene) Pekatie in charge of the goats and cattle.
Halo )

17th Two fingoes residing in the Kat R. Settlement appeared to Claim the Goats abovementioned. they stated 28 were taken and received back 16, one having been Stolen from the herd on the 16th inst, and the five head of cattle were also stolen from the Fingoe Bobi who had charge of them.

C.L.S.

7 head of cattle and one horse were sent by the Sergt, in command at Mankazana Post which were taken from "two caffres, armed, without Passes", in the Colony - Vide Report.

25th September 1838.

28th Three horses delivered up by Maqomo which had been retaken from the thieves as they were Escaping from the Colony and sent to Fort Beaufort. Panga was sent by Tyali in charge of 9 head of Cattle.

4 cows )which had been retaken from the
2 heifers )thieves who were escaping from the
2 bulls )Colony. They were of Slambie[1]
1 large ox )followers one Escaped and one made Prisoner by Tyali.

/29th .....

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1) TSlambie or Ndhlambi: Gaika's uncle and rival. The TSlambies were situated between the Gaikas and the Congoes. See Map and Thesis P. 63

29th The above cattle claimed by William Jacobs a person of colour on account of his Master Mr van Rooyen of Hermanus[1] Kraal who stated the cattle had no herd with them when the Caffres stole them as he was the cattle herd but the day they were taken he was employed on another service riding wood(?), and when his Master found the cattle was gone he accused William of neglect and flogged him.

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(1) Hermanus, Alias Ngxukumishe, or Xogomesh; a Gaika Chief with location near Fort Brown.

Return of Horses, Cattle, Sheep, Goats and other Property robbed from the Colony, taken across the Frontier and Reclaimable according to the Treaties Existing between Her Majesty and the Caffer Tambookie and Fingo Tribes.

| Date of Robbery | Name of Owner | Property Lost | | | | |
|---|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats | Other Property |
| | Jan de Lange | 3 | | | | |
| | Christian van Ardt | | 4 | | | |
| 14th | Jan Ackerman | | | 4 | | |
| | Dirk Odendaal | | 6 | | | |
| Aug 30 | Johannes Classens | | 7 | | | |
| 25 Sept | Unknown | 3 | | | | |
| | Gert van Rooyen | | 12 | | | |

October

| | | | |
|---|---|---|---|
| August | Jan de Lange | 3 | Vide Conappe report for September and my letter to his Honour the Act.Lieut. Governor. |
| | Christian van Ardt | 4 | )Compensation cannot be )demanded from the Chiefs )in consequence of the |
| | Jan Ackerman | 4 | negligence of the police - vide report for August and my letter on Police offence(?) to His Honour 6 November. |

Dirk Odendaal has been compensated by order of the Chief Botman.

C. L. Stretch. for October.

| | | |
|---|---|---|
| | Hendrik van Nieuwkerk | 3 |

| Where Robbed | When Pursued | Where traced across the Frontier | By whom |
|---|---|---|---|
| ) Kat R.) | Vide Report for August 1838 | | |
| " | Following | day Kat R. near Botma | Police |
| | Following | day " | Police |
| Kaga | 1 Sept. | Not traced across | not |
| Unknown | Unknown | not traced | not |
| Hermanus Kraal | Not stated | Kat River | Police |
| Klu Klu | 30 Oct | Near Beaufort | Owner & Police. |

SEPTEMBER 1838

| To whom Reported | When Reported | Property Recovered | From whom |
|---|---|---|---|
| Mr Stretch | 15th September | Not recovered | Not recovered |
| Lt Gordon[1] | 22nd " | " | " |
| Mr Cole | 4th September | Not recovered | not |
| | delivered by Maqomo whose followers recaptured them from the thieves. | | |
| | 9 head of Cattle Claimed by van Rooyen, by Tyali whose followers took them from | | were sent here |
| | Not guarded | 2 horses | |
| Mr Cole & Stretch | 31 October | Not | Not |

(1) Gordon, Lieut. C. E. R., 75th Regt.

| Sworn value not recovered | Name of Officer before whom affidavit was taken | Responsible chief | Remarks |
|---|---|---|---|
| | Mr Stretch | Botma | Reported to Botma by Police |
| | Not sworn to | Tola | Police traced the spoor |
| | | Adam's people | The Spoor was lost between Mr. Blakeway's farm and Adam's Cattle Kraals |
| the thieves, and one of them belonging to Umhala made prisoner. | | | |
| | | | C. L. Stretch. |
| 600 rds | Mr Cole | Maqomo | The owner & Police traced the spoor near the Tyumie vale and gave spoor to a Pokatie of Maqomo's Boroma. |

Report. Not Reclaimable for October.

Dirk van Rooyen 12 Head of Cattle. Stolen from his farm and recovered by Tyali.

William Sheffield, 2 oxen stolen and Compensated by Botma 4 cows and 2 calves.

Unknown. 7 head of Cattle taken from the thieves who were Escaping out of the Colony, by Platye of Botma's Tribe.

Jan de Lange made a false report that 13 horses had been stolen from him.

C. L. Stretch.

Tyumie 6th November 1838.

October 1838

1st. The Policeman returned with payment for sheffields 2 oxen. The cattle detained until the valuation of the oxen was forwarded to the Resident Agent.

2nd Botma sent head of cattle that were taken from some thieves who were coming out of the Colony, by Platye, of which No Report has been made by the Colonists.

3rd Lieut.Gordon commanding at Botha's Post reported that Mr de Lange had lost 13 horses, 3 were retaken by the Police between Ackerman's and the Post.

Tyali informed me he had sent Umhala's man who stole van Rooyen's cattle home, one of his own people was Concerned in the Robbery and was punished by his Chief.

4 XoXo[1] returned 14 shillings which Col.Grieves sent for the cow that was slaughtered at Echut's Post and informed the Agent he would rather wait and get a Cow from the fines of which Col.Grieves was informed on the ....(?).

5th Mr Cole forwarded a report of Damon September a manumitted salve in the employ of Stanton and Simpson that 2 oxen had been Stole from the kraal he was in Charge of. Spoor traced to Kat River but spoor not given over to Pekatie or Police.

It does not appear from Damon's Statement that the Treaty has been observed. He merely says the spoor was traced to Kat River, and there left without informing the nearest Pekatie, or the Native Police, who ought to have been informed, in order to pursue the thieves before the Spoor was effaced. I therefore cannot demand Compensation until further proof be adduced to the Chiefs.

C. Lennox Stretch. J.P.

5th October, Friday.

6th In charge Peit a Policeman for Mr Cole
4 good young cows
2 calves for Sheffield as compensation for two oxen traced into Caffraria worth 100 Ryds.

C. L. Stretch. J.P.

Satur-day Tyali sent three head of cattle in lieu of those Mr van Rooyen lost, one of the cows supposed to be his own property.

---

(1) XoXo: Son of Gaika.

Monday Oct.15th

The Chief Botma recovered 7 head of cattle from a Caffer who had stolen them from the Colony, but one young white and black heifer died after they were delivered. 6 are therefore sent in charge of Madunia to be delivered to E. M. Cole Esquire for which a receipt is required.

C. L. Stretch. J.P.

Mr G. Devenish's[1] loss of 13 head of Cattle had not been reported at this office but the Agent has been informed that a Caffre named Lucas is in some way implicated in the theft - he resides with Hermanus in the Blinkwater and one of Mr Devenish's cows was found among his Lucas's Cattle which he most readily gave up but declares he does not know the thieves.

To E. M. Cole Esq. C. L. Stretch. J.P.
31st October 1838.

Hendrik van Nieuwkerk.
Reports that on the evening of the 30th three horses were grazing behind the house at Brackfontein - they were stolen about 7 o'clock and we followed the spoor with the assistance of two policemen from Beaufort to the vicinity of the Tyumie Vale. The horses were worth 600 Ryds. The herd was not with them he came to the house for a short time and when he returned to fetch the horses they were gone.

H. V. Niekerk.

---

(1) Devenish, Mr. G; a George Devenish was brother-in-law to Stretch.

November 5th 1838

3 cows and 3 calves value 125 ryds have been given in charge to the Caffre Maquala as Compensation for 3 head of Cattle defficient 12 stolen from Hermanus van Rooyen, report dated 30th Sept. They were not guarded when taken from the fields by one of Umhala's followers whom Tyali levied with 9 head of the said cattle.

C. L. S.

10th.

Two native policemen arrived here yesterday with 3 horses which had been stolen from Mr van Rooyen at Hermanus Kraal who reported his loss at Botha's Post. Baesack and Dyelwa were therefore sent on the track and followed into the Kraal of Chona and Mabiliwa near the Deba, who belong to Veli,[1] they are notorious thieves and have often been fined.

2 young heifers, 1 old cow and a bull calf were sent by their chief which I disposed of as follows:

| | |
|---|---|
| Baesack and Dyelwa | 2 heifers |
| Nagogo | 1 old cow |
| Voko | 1 bull calf |

C. L. Stretch.

The horses were recovered and returned to Botha's Post.

14th.

Field Cornet Camphor with his son in law Scheppers and Philip Buis brought 1 cow and heifer and one young ox in lieu of those taken from Botman's People for Buis three head of Cattle which were clandestinely obtained by Heinrad Sittes (?).

15th.

Witbooy was sent into Kaffraria by Mr Human regarding a mare he said had been taken from him, and received from the Caffres 3 young oxen.

Tyali sent 2 of Mr John Pringle's horses they were discovered to be in possession of a Tambookie[2] residing in the Amatola the third will also be forthcoming which is in Pato[3] country and was taken from the Caffre who stole them or sold to some of Pato's followers.

---

(1) Veli: petty Gaika chief.

(2) Pato: The Congo Chief.

(3) Tambookie: or Tembu, tribal group to North of Amatolas. See Map.

The thief who had them from Glen Thorn resided some ti-e in the Kat River and is known by the name of Class.

16th November.

7 head of cattle are hereby forwarded to the special justice at Beaufort for Mr Fynn[1] Resident Agent among the Tambookies who will hand them over to Mr Atany (Sent by Bottle(?)).

C. L. Stretch. J.P.

21st November 1838.

Tantala and Enawe returned last night with Mr Isack Nell's two horses which had been stole by a thief of Seyolo's[2] tribe. 5 head of cattle were also brought by the police and divided as follows:

1 cow Enawe
1 " Tantala
1 " Mr Nell's servant
1 " Tyali's messenger (a bull)
1 " remained as police account.

C. L. Stretch.

Three head of cattle delivered by Matise Enno were sent to Mr Nell in lieu of three Botman owes him.

22nd November.

A cow was sent here by Piet Gamphor on account of Enno which was handed over to XoXo in lieu of one taken from him at Echut's Post.

27th.

Three horses sent by MaQomo's Pekatie which he took from the thieves that were escaping from the Colony with them, given in charge to Nagogo for the Special Justice at Beaufort.

---

(1) Fynn, Henry F., Tambookie Agent (at Shiloh), 29 Dec., 1836 - ca. 1845.

(2) Seyolo - TSlambie Chief.

29th Nov.

2 cows with 2 calves returned by van Rooyen as they "are only worth 30 ryds, while he claims 90 for those he lost, but the cattle which the caffer stole not being guarded at the time the Government is not responsible for the loss. He must therefore apply to Umhala with whom the thief resides for further redress and the cows will be detained here in the mean time.

C. Lennox Stretch.

December 1838.

Field Cornet Gamphor delivered one cow at the Residency which had been levied from Tyalie's caffres for tresspassing on the Mankazana.

13th December.

Salwana sent 1 horse and two mares to the Resideny which he Captured from the thieves forwarded to Beaufort on the 17th Dec.

14th.

Delivered to Tyali 2 cows as compensation for an ox he lost in the Colony - 1 from Gampher's and 1 from Seyolo's men.

Boyalo and Tanda arrived here from Sutu's country with 2 head of cattle which had been levied from a thief who stole a kaross from Mr Sheffield and who sent these men to get Cattle from the theif although he recovered his kaross - the cattle were therefore divided between the two men who had been employed in following the thief and recovering the fine.

26th.

Three oxen were delivered at the Residency last night by which had been stolen from Fort Beaufort and followed to his kraal where they left the spoor.

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Mr Nieuwkerk's horses were brought in this day with 5 head of cattle. The horses were found in possession of Botma's people by Bokalo to whose kraal they had taken the spoor.

November.

Return of Horses, Cattle, Sheep, Goats and Other Property robbed from the Colony, taken across the frontier, and Reclaimable according to the Treaties Existing between Her Majesty and the Caffre Tambookie and Fingo Tribes.

| Date of Robbery | Name of Owner | Property Lost | | | | | Where Robbed |
|---|---|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats | other | |
| August | Jan de Lange | 3 | | | | | Fish River |
| 29 Oct | Hendrik van Nieuwkerk | 3 | | | | | Kluklu |
| 25 Nov | Jeremias Nel | | 6 | | | | Conap |
| Not Reclaimable | | | | | | | |
| | Samuel Robinson | 4 | | | | | (Spoor not (brought to (boundary |
| November | Barend Botha | | 2 | | | | (but two of (Robinson's (horses (returned. |
| December 1838 | | | | | | | |
| 13th | William Sheffield | | | | | 1 blanket | Kat River |

| When Pursued | Where traced across the frontier | By whom | To whom reported | When Reported |
|---|---|---|---|---|
| Vide monthly report for September and my letter to His.Hon. the Lt.Gov. | | | | |
| 30th Oct. | Near Beaufort | Caffer Police | Mr Cole | 31st Oct. |
| 26th | Near Beaufort | Owners servants | Mr Stretch | 27 Nov. |
| | | | | |
| Same day | Kat River | Police | Mr Stretch | 13th Dec. |

| Property Recovered | From whom | Sworn Value Recovered | Name of Officer before whom affidavit was taken |
|---|---|---|---|
| Not | Not | Not | Mr Cole |
| Not | Not | 600 ryds | " |
| Not | Not | | Mr Stretch |
| Not Reclaimable | | | |
| December | | | |
| Blanket Recovered | A caffer of Sutu's | recovered | Mr Stretch. |

| Responsible Chief | Remarks |
|---|---|
| Tyali<br>Maqomo<br>do | The Circumstances Reported to Maqomo - recovered 24th Dec.<br>traced to Solwana's kraal and reported to his chief. |
| | |
| | Thief fined and 2 head of Cattle given to the Police. |



| Date | Name of Owner | Property Lost | | | |
|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats |
| | | | | | |



JANUARY 13

1839

January 13 1839

January

18th 5 horses Sent to the Residency by Tyali who Reported they were stole from the treck Boeren.

19th Police from Mankazana traced 4 oxen which had been taken from Gonape to the kraals of Tyalie's followers where they found the horns of two which had been slaughtered.

The Agent sent the Police to Tyali with the horns.

29th January.

Four mares answering to the following description have been awarded to Mr du Pre's for part compensation of the eleven he lost and traced towards Caffraria (by Tyali). They were levied from some Tambookies and are supposed to belong to the trek Boers therefore if the lawful owners should claim them Mr du Pres hereby promises to deliver them up if they are in his possession but should the Caffres steal them he will not be Considered responsible for them.

Lewis du Pres.
his X mark.

Witness.
Barend Erasmus
His X Mark.

1 Brown "Cole Bless" ...(?) 4 white feet
1 rode bruin
2 Chestnut one club footed and one "Stille fore foot".
—
4

2 horses 1 mare placed in Mr Meis Nell's possession until his own are found.

10th January.

Baesack and Umlara arrived at the Residency on the 7th with four horses that had been stolen from the Inn at the Conappe the property of Mr Knowles; the spoor crossed the boundary near Botha's Post and was followed by the above Policemen to the kraal of Matye a Caffer of Susa's, one of the thieves escaped but the other delinquent who accompanied him acknowledged the theft and gave the horses up with 3 cows and three calves.

1 cow and calf to Baesack
1 " and 1 do to Umlara.

Jan 17th Not Reclaimable.

| | | | | |
|---|---|---|---|---|
| | 4 oxen | reported by | Mr MacCabe | |
| 4th | 1 horse | " | Wm Wynne | |
| | 3 " | " | G.van de Nest | 31 Dec 1838. |
| | 3 " | " | " | 31 Dec 1838. |
| 2 Jan | 1 " | " | H. Windhall | |
| | 1 " | " | " | |
| 14 Jan | One horse | " | Major Hall[1] | No proof the Caffres took them. |
| | 2 " | " | William Andrews. | |

Mr Human(?) received 7 head of cattle for a mare he lost some time since.

28th Jan

11 head of cattle 21 horse sent to the Residency by Tyali as Compensation by Tyalie for de Lange but as they were very inferior they were returned the same day.

Also 3 for Piet Camphor under similar circumstances.

4th February

15 were sent of a similar description and returned.

C. L. Stretch. 5th Feb. 1839.

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(1) Hall, Major Samuel Madden F., 75th Regt.

Return for January 1839

| Date of Robbery | Name of Owner | Property Lost: Horses | Cattle | Sheep | Goats | Other Property | Where Robbed |
|---|---|---|---|---|---|---|---|
| August 1838 | Jan de Lange | 3 | | | | | Vide Report for Kat River |
| Nov 25 | Jeremius Nel | | 6 | | | | |
| Jan 29 | Jan Ackerman | | 4 | | | | Mankazana |
| " | Peit Gampher | | 3 | | | | |
| | | Not Reclaimable | | | | | |
| January 4 | William Wynne | 1 | | | | | Beaufort |
| | Goam der Nest | 3 | | | | | Gonappe |
| 16 Dec | Hendrik Windell | 1 | | | | | Beaufort |
| " | | 1 | | | | | Beaufort |
| 12 Jan | Charles Wellington | 1 | | | | | Beaufort |
| 14 | William Andrews | 2 | | | | | Kromme |
| 19 Jan | Comd.Groepe[1] | | 4 | | | | Kat River |
| Dec 16 | Goam Nest | 3 | | | | | Gonappe |

(1) Commandant Groepe, Kat R. Settlement.

| When Pursued | Where traced across the frontier | By whom | To whom Reported | Where Reported |
|---|---|---|---|---|
| December 1838 | | | | |
| Same day | at P.Nell's place | Dirk Odendaal | Mr Stretch | Tyumie vale |
| Same day | Gaga Neck | P.Campher | " | " |
| Same day | No proof | | Mr Cole | Beaufort |
| Next day | No proof | | " | " |
| Not pursued | " | | " | " |
| " | " | | | |
| | " | | " | " |
| Same day | No proof | | " | " |
| Next day | Gaga Neck | Police | Mr Stretch | Tyumie vale |
| " | spoor lost | | | |

C. L. Stretch.
5 Feb 1839.

| Property Recovered | From whom | Sworn Value not Recovered | Name of Officer before whom affidavit was made. |
|---|---|---|---|
| Not | | 240 Ryds | Mr Stretch |
| 3 good cows | delinquents | " | " |
| Not | " | | |
| Not | not | " | Mr Stretch |

| Responsible Chief | Remarks |
|---|---|
| Maqomo | Case reported to Maqomo on the 1st February |
| Tyali | Case reported and the thieves discovered and punished by Tyali |
| Unknown | |
| Tyali | The Chief has punished one of the thieves, and the other has been killed in the Mankazana while robbing some Fingo Gardens. |

C. L. Stretch.

8th February, 1839.

February 4th

Mr Okkert Nell reported on Monday the 28th instance the Caffers took the only 3 horses in Mr Nell's possession and instead of the Police from Hermanus Kraal which came to the farm the same day, affording them assistance, they stole his sheep and slaughtered one near the kraal. There were Seven Hotentot Soldiers but no Officer was with them.

The above irregularity was reported to Mr Cox of the 75th Regt. who wrote down the particulars.

Office of the Agent
with the tribe of Gaika Tyumie 5th February 1839.

Before Chales Lennox Stretch Esquire, Justice of the Peace and Agent with the family of Gaika
Appeared Jaqha a Policeman residing at Botha's Post who deposes as follows:

About ten days since I received from Ensign Thom the spoor of four horses which had been stolen from the Colony and Carried across the boundary near Ackerman's farm - I followed the spoor accompanied with the Policemen Baba, Enawa and Canana.

One crossing the Deba Flats we were informed the horses and 4 thieves had been seized by the Gaikas and taken to Sutu kraal, the Delinquents were sent to their Chief Umfumdise, Dushani's[1] son of the Slambie tribe - when I arrived at Sutu's he desired me to take the horses and go with three of the people to Umfundise and demand the punishment of the thieves and on our arrival the Chief levied 13 head of cattle from them but informed us that Bowker desired whenever the people under him stole from the Colony, the fine was not to be paid to the people who followed them but to him at Fort Peddie and insisted that we

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(1) Dushani: TSlambie Chief. Head of Imidushani Xosas. Father of Siwani, Seyolof Fundisi.

should go with the cattle and horses to Fort Peddie. Sutu's people refused because the horses had been brought through the Gaika Territory from the Colony, and they should go back the same way they therefore gave us the horses but the fine was detained and we returned homeward.

Jagha his X mark

Glass Love His X mark

C. L. Stretch.

Ackerman's case given to Maqomo's Pakatie to investigate.

6th February.

4 horses brought from Slabbie's country by the Caffre Police from Botha's Post who followed the spoor from the boundary.

1 brown stallion right fore foot white
1 light brown mare
1 chestnut mare
1 light Chestnut horse star on the forehead.

C. L. Stretch.

Return of Horses, Cattle Sheep and Goats and Other Property robbed from the Colony, taken across the Frontier and reclaimable according to the Treaty Existing between Her Majesty and the Caffer Tambookies and Fingo Tribes.

| Date of Robbery | Name of owner | Property Lost | | | | |
|---|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats | Other |
| | Jan de Lange | 3 | | | | } |
| | J.D. Nell | | 6 | | | } |
| | Jan Ackerman | | 4 | | | } |
| | Joachim van Straten | 4 | | | | |
| | Daniel Kruiger | | 1 | | | |

| Where Robbed | When Pursued | Where traced across the frontier | By whom |
|---|---|---|---|
| ( ( ( | Vide Report | for January | |
| Conappe | same day | Near Beaufort | Police |
| do | do | do | Police |

C. L. Stretch.
Diplomatic Agent.

| To whom Reported | When Reported | Property Recovered | From Whom | Sworn Value not Recovered |
|---|---|---|---|---|
| Mr Cole | 4th February | not | | |
| do | do | not | | |

| Name of Officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|
| Mr Cole | Maqomo | Maqomo occupied in investigating the claim |
| do | Unknown | Unknown who the delinquents are |

C. L. Stretch.
Diplomatic Agent.

Return of Depredations for March 1839

| Date of Robbery | Name of Owner | Property Lost: Horses | Cattle | Sheep | Goats | Other | Where robbed |
|---|---|---|---|---|---|---|---|
| Brought forward for February | J. de Lange | 5 | | | | | )Vide Return )for )February )1839. |
| | J. D. Nell | | 6 | | | | |
| | J. de Kennan(?) | | 4 | | | | |
| | Joachim van Straten | 4 | | | | | |
| | David Kruiger | | 1 | | | | |
| Feb 3rd | Hanse Lombard | 3 | | | | | Fish R. |
| Mar 9th | John Duffy | 1 | | | | | Beaufort |
| 3 | Martinus Bekker | | | | | 1 gun | |
| Feb 14 | J.D. Nell | | | | | 1 gun | |
| | **Not reclaimable** | | | | | | |
| March 8 | Edward Niland | | 1 | | | | |
| Feb 13 | Wallace Hewitson | 1 | | | | | |
| March 14 | James Brown | | 3 | | | | )Spoor not )traced to |
| | John Staples | | | 4 | | | )boundary |

| When pursued | Where traced across the frontier | By whom | To whom reported |
|---|---|---|---|
| within 24 hours | Botha's Post | Owner | )Mr Cole<br>) |
| | Beaufort | Owner | ) |
| Same day | Near Beaufort | Owner | Mr Stretch & Cole |
| " | " | Owner | do do |

March 1838

| When reported | Property recovered | From whom |
|---|---|---|
| within prescribed time) | not | not |
| " " ) | 10 cows | Botma |
| | 7 cows | Botma |

March 1839

| Sworn value not recovered | Name of Officer before whom affidavit was made | Responsible chief | Remarks |
|---|---|---|---|
| | | unknown | |
| not | Mr Cole | Botma | |
| value recovered | Mr Cole | Botma | |
| Recovered | " | Botma | The kraal persisted in denying the theft but paid the value of the gun. The thieves wonded the herd Jan and took his gun, who as soon as he recovered appeared at Botman's kraal and identified the murderer "The Chief" observed that he did not think the person accused would have done such an act but as he was acquainted with Jan he must believe his statement. |
| | C. L. Stretch. D.A. | | |

2 horses returned to Mr Bennett by Tyali.
1 prisoner and a horse by Botma.

1st April

Mr Nel reported on 29th March 3 horses were stolen from his farm, and the Chief Jonas informed me they had found the spoor.

4th. Botma sent 2 cows 1 yearling and a calf for the assault committed on Mr Nel's servant Jan and also a gun in lieu of the one taken from him. The Chief desired that Tala should be requested to state what had become of the spoor of the horses alluded to above which had Entered his Country according to the report of his son Jonas

Mr Cox Commanding at Both'a Post states in his letter of the 3rd inst. that "no such report of horses" alluded to in Mr Cole's list "was made to him" - letter sent to Mr Cole to have the mistake rectified.

22nd April.

Mr Nel reported that he had recovered the horses which were stolen from him on the 29th March in Umhala's country at the kraal of Dekane a (?) of Umfundise. as well as 7 head of cattle 5 of his own and 2 belonging to his Brother Okert Nel which had been stolen from his place last May, with 11 others that were not in the thieves kraal. Kenee(?) a follower of Umfundise.

15 head of cattle were given as compensation for the horses and (cattle in part)
8 for the horses
15 for the cattle

J. D. Nel.

21 & 22 April 1839.

8 horses brought by Tyali which he took from Anta[1] followers who stole them from the Colony via the Tambookie country where Ninga was shot and also Keela.

These horses were sent to Mr Fynn by two Tambookie messengers.

C. L. Stretch.

23rd April

Melie a Gonah Hottentot residing in David Jantze's division of Kat River states that 25 head of Cattle were stole from him by Maqomo's followers and traced to Kela kraal a Pekatie, from whom he washe was referred to Umhala but without success - stolen from the fields while herded.

Pelt Solomon two horses stolen from Beaufort and traced to Salwana's kraal - who informed me the day after he was not satisfied and after the owners had left the country demanded that they should Retrace the spoor back to Beaufort - the Police were sent to Salwana's kraal and satisfied themselves that the traces shown to them were those of the stolen horses. This is the 4th case of theft brought to this kraal and which remained unsettled.

Bottle returned this afternoon with horses that were in charge of Du Pre and Nel supposed to belong to Seiler or Botha.

April 24th 1839

Statement of George Devenish and John Bennett agriculturists residing on the Mankazana deposed on Oath. That on Monday Morning between 2 and 3 o'clock seven horseshad been turned out of the kraal into the fields and about 7 O'clock in the morning these horses were required when Mr J. Bennett sent a Mantatee to bring the horses and as he remained away some time Mr Bennett went himself and about a mile from the kraal observed the spot where the Caffres had Caught them altho' the spoor of people with large feet was discovered within 500 yds of Mr Bennett's residence.

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(1) Anta, Son of Gaika

We then followed the horses over the highest ridge of the Winterberg being the direction of the Tarka and Continued our search until we arrived at the Kye. Knowing this was the Tambookie boundary we proceeded to Mr Fynn's who gave us a policeman who accompanied us to the sources of the White Kye - where we took his horse from him as he was so stupid and gave the animal to a Kat River Hottento Slinger who knew the country and with his assistance we followed the spoor to the Oude Berg where the traced separated but we succeeded in keeping on the spoor of three of our horses until we came to the sources of the Chumie River.

Geo. Devenish.

Sworn before me this day
the 24th April 1839.

J. Bennett

Return of Depredation for April 1839.

| Date of Robbery | Owners | Property Lost | | | | | Where Robbed |
|---|---|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats | Other property | |
| | J. de Lange | 5 | | | | | |
| | J. D. Nel | | 6 | | | | |
| | J. Ackerman | | 4 | | | | |
| | Joachim van Straten | 4 | | | | | |
| | David Kruiger | | 1 | | | | |
| Feb | Hanse Lombard | 3 | | | | | |
| March | John Duffy | 1 | | | | | |
| | April | | | | | | |
| 16 April | Guyra alias Moses a Fingo | | 4 | | | | Fort Beaufort |
| 29th Mar. | J. D. Nel | 3 | | | | | Gonappe |
| 23rd | Melio | | 25 | | | | Kat River |
| 23 | Peit Solomon | 2 | | | | | Fort Beaufort |
| 24th | John Bennett | 7 | | | | | Mankazana |
| 25th | John Ackerman | 2 | | | | | Kat River |

| When Pursued | When taken across the boundary | by whom | To whom reported |
|---|---|---|---|
| | Brought forward from Report for March. | | |
| 17th April | Near Beaufort | Police | Mr Cole |
| 2nd " | " | Police | Mr Stretch |
| Same day | Blinkwater | Owner | Mr Cole |
| Same day | These horses had been grazing in Caffraria | | )Not Reclaimable |
| " | Not herded according to Treaty | | )by Treaty |
| " | Recovered | | ) |

9 horses delivered by Tyali the property of Mr Seiler and head of Cattle as Compensation.
5 horses as compensation the property of Mr Botha
30 head of cattle to Okert Nel as Compensation for 18 stolen in April 1838
3 horses to Mr J. D. Nel
6 head of cattle and 1 Gun for the assault on Mr Nel's herd.
Lombard's report of 3 horses lost and given over to the Police at Botha's Post is not correct.
9 oxen Police.

C. L. Stretch.
Diplomatic Agent.

April 1839

| When Reported | Property Recovered | From whom | Sworn value not Recovered |
|---|---|---|---|
| 16 April | Not recovered | not | not |
| 29th | Identical property recovered from Umhala's Caffers | | |
| | not | not | not |
| Same day | Identical horses | Fitis(?) Botma's | recovered |

| Name of Officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|
| Mr Cole | Botma | |
| Mr Stretch | Umhala | |
| Mr Cole | Maqomo | |
| Capt Gold | Botma | Ackerman's |

For Bennett and Solomon's loss vide journal.

C. L. Stretch
D. Agent.

4th May 1839.

May 4th

J. D. Nel reported the loss of 6 horses. Spoor given over to Police at Fort Beaufort and traced to the Tyumie River.

Barend Erasmus stated the mare delivered at this Residency on Saturday the 4th is the property of Dirk Odendaal and was stolen from him on the 3rd with another mare a Chestnut with a star on the forehead. Boyala knows where the thief resides.

B. Erasmus.

Felie Danta and Maguana are in possession of 7 head of Cattle the property of Jan Ackerman and B. Erasmus and were seen in the kraals by the Caffer Soka.

10th May.

Seven horses delivered by Tyali for Mr John Bennett and 3 head of cattle for the Police. Saisant and Class were the men employed on this occasion, who received 2 head of Cattle and the bull which is ....(?) sold on op of Govt.

Vide Journal.

Vandala, Jonas and Flata delivered 8 oxen which had been traced to Felie's kraals.

13th.

Cala and Commonie brought the other mare which B. Erasmus states had been stole from D. Odendaal which they traced to Eno's followers. Sloi who paid 2 cows 1 calf and two yearling. Coola received the cow and calf, Commonie a Cow and the 2 yearlings to be sold. Feli arrived with 2 cows belonging to Jan Ackerman and 1 calf as Compensation for the theft.

14th.

The police who followed spoor alluded to by Mr Mildenhall at Beaufort have recovered the property 8 oxen marked CG. Owner unknown and the spoor does not appear to have been followed by the owner - Felie responsible Chief!

3 cows and 3 young heifers given by Botma as compensation, and a calf.

| | |
|---|---|
| Funna Corporal | 1 cow and calf |
| Baba | 1 cow |
| Buku | 1 young heifer |
| Gant | 1 bull and 1 bull calf. |

C.L.S.

15th May.

Tyali brought the 3 horses the Murderers of Lucas Smith rode the day they killed him and also his gun. The Murderers are Conyata's Sons who is now a follower of Sutu and the Chief Tyali says they have fled and left the father aline. Juanwa(?) is the name of the River on which Conyata lives.

2 horses of Mr Seilers
3 which they found in the fields making in all eight.

Two of the three taken from Conyata are claimed by some Gona Caffers who have been referred to Mr Cole in order that they may confront the person from whom the murderers stole them.

C. L. Stretch.

16th.

Two of the above horses sent in charge of Class to Fort Beaufort the property of Mr Seiler. Tarka.

22nd May.

Three horses supposed to be the property of Mr Wm.Pringle and said to be "found in the fields" by Tyali's followers were this day delivered to Mr Cole by Class and Coola.

Mr Pedaler came into Gafferland to look for a horse that George Devenish had seen in possession of Voko which had been stolen from his sister.

Monday 27th.

26 head of cattle sent in Charge of Bosman to Fort Beaufort for the owners of 25 head of cattle traced into Tola's country by the Native police from Botha's Post.

| | | | | | |
|---|---|---|---|---|---|
| Bosman received a young ox worth | | | | £1 | 4 |
| Madunia | " | " | " | £1 | 4 |
| Peit | " | " | " | £1 | 4 |

2 cows and 2 yearlings are hereby sent in charge of the Policeman William as Compensation for Duffy's horse value £7 10.

2 yearlings for Dirk Odendaal for the loss of his 2 horses that were recovered but the Agent has reason to believe they were not guarded.

31st May 1839.

Two horses recovered from Tyali's followers which had been stolen from the Mankazana and traced to Tyumie by the Native Police from the Goonaps Post. The thieves paid 1 cow and calf which Bosman received, and 4 yearlings to the people who accompanied him, one mare was also given up to the Police Marked St. on the neck and flank.

The policeman from this post complain they have been frequently threatened by the farmers who on one occasion fired at them while they were in the discharge of their duty.

C. Lennox Stretch
J.P.

May 31st 1839.

| | |
|---|---|
| Botman | 1 cow and calf |
| William | Yearling |
| 3 other policemen | |
| Men | 1 yearling each. |
| 1 mare to the Govt.Service. | |

May 1839.

| Date of Robbery | Name of Owner | Property Lost | | | | | Where Robbed |
|---|---|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats | Other property | |
| | J. de Lange | 5 | | | | | |
| | J. D. Nel | | 6 | | | | |
| | Joachim van Straten | 4 | | | | | |
| | David Kruiger | | 1 | | | | |
| April | Guyra | | 4 | | | | Beaufort |
| | Mello | | 25 | | | | Kat River |
| | | 9 | 36 | | | | |
| May | Not Reclaimable | | | | | | |
| April 27th | Harry v.de Venter | | 13 | | | | Kat River |
| May 13th | Franse van Ardt | | | | | 1 gun | Ceded Territory |
| 16 | Gert Anson | | 5 | | | | Kat River |
| 21 | William Nel | | 18 | | | | Goonap |

May 1839

| When Pursued | Where traced across the boundary | By whom | To whom Reported | When Reported |
|---|---|---|---|---|
| Vide report for April 1839. These cases have been repeatedly reported to Maqomo and the other Chiefs Concerned without success or any disposition on their side to Compensate the parties. | | | | |
| following day | above Beaufort | Police | Mr Cole | 13th May |
| " | | | " | " |
| " | near Maqomo's | Owner | " | |
| " | " | " | " | 22 |

Recovered

6 horses recovered from the thieves belonging to Mr Else
2 " Barend Erasmus
7 John Beunell
3) owners unknown
3)
2 Mr Seiler
23 horses

2 Makazana Police recovered
2 Peit Solomon Bosman
2 Felie Odendale
29 horses

2 Mr James J. Duffy

8 oxen
26
7 vide memorandum for April 1839
2
4

May 1839

| Property Recovered | From whom | Sworn Value not Recovered | Name of Officer before whom affidavit was taken | Responsible Chief |
|---|---|---|---|---|
| | | | | |

17 from the thieves before they crossed the boundary and 1 was killed.



REMARKS

June 1839

Saturday 1st — 2nd. Jonas reported that spoor's of Cattle and horses passed through his father's Country and had Entered Tola's, he also requested to hear the news which he was informed regarding Maqomo and expressed himself very gratified with the result of my visit to Beaufort.

3rd — Commana Reported that on his way home with a wagon of Mr Burn's 3 thieves passed him with horses and having described the Spot to Class the Police were placed on

6th — the Spoor and recovered 4 horses which were delivered to Mr Cole on

1 cow and a young heifer paid for Kreigers ox.

Mr Ackerman received his Cattle with the Exception of one Cow worth 80 ryds for which he received four caffer cows and a calf and two to be divded between him and Barend Erasmus.

The two policemen employed, Tack and Boyola, received each a yourg ox 18 month old.

10th — 4 head of cattle sent to Beaufort which had been followed by Maqomo's people and the Police to the thiefs kraal on the Keiskamma.

8 head of cattle were taken from the thieves and divided

3 to Maqomo's men
5 to police

20th

In charge of Matama and Selemina

26 head of cattle Mr Hasie
12 seized from thieves
17 " " Pekatie
1 mare

7 to Policemen

C.L.S.

Tyumie 24th June 1839.

Twenty head of Cattle were sent from Caffraria on the 3rd Jan 1838 as Compensation for 4 horses of Lewis du Pre's valued at
1 450 ryds and when the subject was mentioned to Maqomo in May 1838 before His Excellency the Governor and Lt.Governor Stockenstroom it was declared by the Chief that "the horses had been paid for".

The 2 horses of Isaack Nel and Klias are to be accounted for by the Slambie tribe and not the Gaikas.

2 Vide my letter of the 16th and 22nd December 1838 with Copies of letters to Mr Bowker on the subject.

3 The case of the 6 head of Cattle will be adjusted without further delay at least Maqomo's is employed in Collecting the Cattle.

C. L. Stretch.

16 head of Cattle brought out of Umhala's Country by Native Police and sent to Botha's Post from whence the spoor was traced in Caffraria. No report received by Resident Agent.

28th June

Field Cornet Camphor Reports that on Saturday 22nd June 1839 he went to Beaufort and while he was transacting his business at the office his horses 2 were taken from the ground between the Fort and the Blind River. They were driven along the River and across again into the Colony where the spoor was lost.

1 brown horse 8 years, old has a mark of an old sore under the seat and a sore at the point of the main.

2 A young brown stallion star on the forehead and on the right side 2 loose pieces of skin the remains of an old wolf bite.

C. L. S.

June 1839

| Date of Robbery | Name of Owner | Property Lost Horses | Cattle | Sheep | &c. | Other Property | Where Robbed | When pursued |
|---|---|---|---|---|---|---|---|---|
| | Brought forward | 9 | 36 | Brought forward for May 1839 | | | | |
| | | 7 | 30 | Paid to the undermentioned claimants. | | | | |
| | | — | — | The horses are to be | | | | |
| | | 2 | 6 | compensated by Tyali for de Lange; for which he Tyali had paid £8 and Salwana has paid 9 head of cattle for Mr Nel's 6 head of cattle. | | | | |
| | | | | | | C. L. Stretch. | | |
| 1 | Andrew Hasie | | 36 | | | | Goonap | Same day |
| | Barend Bester | 2 | | | | | " | not stated |

June 1839

| Where traced across the frontier | By whom | To whom reported | When reported |
|---|---|---|---|
| | | N.B. Mr van Straten compensated by Maqomo with cattle through the Justice of Peace at Beaufort - for 4 horses. David Kruiger paid 1 cow and heifer for his ox Guyra compensated by Botma with cattle for the four stolen from him. Melie a caffer residing in Kat River without permission his case therefore has been referred to Maqomo and Botma to adjust. | |
| At Beaufort | Native police | Mr Cole | 22nd June |
| Blinkwater | " | Mr Cole | 12 June |

| Property Recovered | From whom | Sworn value not recovered | Name of Officer before whom affidavit was taken | Responsible Chief |
|---|---|---|---|---|
| 2⁰ identical | Sutu | recovered | Mr Cole | Sutu |
| not | unknown | " | Mr Cole | Unknown |

Remarks June 1839

1. The property recovered and sent to Beaufort before Mr Hasie made his report.

2. reported to Maqomo at whose line of Boundary the theft was traced to

Property Recovered.

4 horses owners unkown and No Report.
7 head of Cattle to John Ackerman.
Compensation for 2 cows.
4 head cattle Recovered by Maqomo. Owners unknown.
55 head of Cattle in Andrew Hasie's Case
18 " from Umhala Country. Owners unknown and No Report.

87 head of cattle.

C. L. Stretch.

July 1839

Memorandum

8th Two colonial oxen were found in the Tyumie and brought to the Residency on the 6th inst which have this day been given in charge to the Native Police.

A horse was sent here by Tyali belonging to the 13 stolen from Mr Seiler by Anta's followers.

10th Lewis du Pre recovered 6 horses from the same Caffres who stole Mr Nels and 16 head of Cattle were given by the thieves as Compensation.

Commanna who accompanied them as Interpreter got 1 Young Cow and a Cow and Calf for taking them to the Gonappe.

Maqomo sent 10 head of cattle to compensate Mr Nel for 6 he lost and owing to the absence of the Police 4 of them either got out of the kraal and ran away or were stolen.

18th The Policeman Boshman return this afternoon and informed me he had recovered 9 cows and 1 ox from the thieves who stole 3 oxen from Mr Sheffield. This person however reported there were 10 taken which his own herd and the Police who were employed affirm is not the case.

22nd Mr Akcerman reports that on the 20th 6 cows were stolen from his flocks while they were grazing and attended by an armed herd, the following day he brought the spoor to the Boundary and gave the spoor over to the Police at Howses Post and they followed it through the Kat River about a mile and ½ from his house.

Office of the Diplomatic Agent Tyumie 31st July 1839.

Before Charles Lennox Stretch Esquire, Justice of the Peace.

Appeared the native Policeman Kekesana residing at Howses Post who being duly sworn deposeth as follows:

About sunset on 29th July I was called by the Police Corporal Boyala to go on the spoor, and I went with Barend Erasmus and another Farmer to a drift on the Kat River where we saw the spoors of several horses and the Boers pointed out the spoor of a small hoof apparently a foal amongst them and which they said was the spoor of one (of) their horses. It crossed through to the river to the ground where Mr Hobson's horses are in the habit of grazing daily. I was surprised at this and so was Boyala for we knew the horses the Boers said had been stolen to be large horses, for one had been stolen from the Caffre Magaze out of Caffraria and Dirk Odendal bought it from the thief, and the other had been stolen by the Caffres from Erasmus, and recovered by the Agent. It was by this time dark and the Boers went home and so did we.

The following morning we returned to the spoor and after attempting to separate the spoor alluded to from those of Hobson's horses until midday we gave up the search as a shower of rain obliterated the spoor and we returned home. As we were going to the river in the morning Boyala said "The Boers have not done right, they should have taken us back on the spoor. and not take us into the river to show us the spoor".

Charles Brownlee[1] Interpreter.

Kekesana His X mark.

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(1) Brownlee, Charles: Gaika Commissioner Oct.1850. Author of "Reminiscences of Kafir Life and History", Lovedale 1896.

Statement of the Policeman Chebo in the case of
who states he lost 14 oxen.

Captain MacClean[1] sent a soldier to call me and when I got to his house a Hottentot Corporal Interpreted - I was ordered on the spoor of cattle traces with a farmer who I met at the Captains. I asked him where he lived when a young officer who was present asked "Why do you ask where he lives what is that to you?" I informed him he must be still and leave me alone - I asked the Boer how many cattle he had lost he said 14 but one had been slaughtered at the Conappe. I asked him where he left the spoor and he answered at the Lieuwfontein. We then went along the waggon road leading to Ackerman's farm by command of the Captain to examine the drifts. I told the Boer we ought to go first to Lieuwfontein but he said the officer desired we should go along the river and examine the drifts as far as Ackerman's and if we did not find the traces then we should proceed to Lieuwfontein.

As we approached the River the Boer said here is my cattle spoor but I told him that was the spoor of Ackerman's cattle, which had been grazing there and we continued towards Ackerman's house, but not far off he again observed as we got to the drift "here is the spoor". We followed the traces which he said were those of his oxen into the river and which became obliterated by rain on the opposite bank. I however was anxious to proceed onward in order if I could again see the traces but the farmer called me back and we recrossed the river.

The farmer then said I should go among the Caffers and look for his cattle. I told him the reason why I could not do so, and we returned home. On our arrival the Captain asked if we were going back to the spoor. I informed the

---



Captain the spoor which the farmer had picked up on the river was obliterated by the rain and it was useless besides I was not satisfied that the Boer did not return to Lieuwfontein and being on the spoor regularly and not look for it along the river.

Chebo his X mark

Charles Brownlee
Interpreter.

The bearer Hilner(?) has been directed to deliver to the Resident Justice at Fort Beaufort ten Head of Cattle and a Gun for the Parents of Lucas Smith who was killed by the sons of Conyata between Shiloh and Kat River.

8 head of cattle will be added to the above number on their arrival here.

C. Lennox Stretch.

Tyumie July 1839

---

(1) of a Capt. J. McClean in 27th Regt. at this time.

| Date of Robbery | Name of Owner | Property Lost Horses | Cattle | Sheep | Goats | Where robbed |
|---|---|---|---|---|---|---|
| June 2 | Barend Bester | 2 | | | | |
| July 26 | | | | | | |
| July 20 | Jan Ackerman | | 6 | | | Kat River |
| 19 | Mr Maquhard | 3 | | | | Double Drift |
| | **Not Reclaimable** | | | | | |
| | J. Manly | 1 | | | | Not herded |
| | Gedeion van der Nest | | 18 | | | Not traced |
| | Petrus Joko Foree | 6 | | | | Not herded |
| | Johannes Sturman | 1 gun with horn and bullet pouch<br>1 woollen blanket<br>2 sheep skins<br>1 small hatchet<br>1 tinder box and steel<br>1 bridle<br>1 brown stallion with mark on each side from saddle. Wold bite behind left shoulder<br>1 callos and reim | | | | |
| 27th | Stoffle v.d. Westhuizen | | 14 | | | |
| | Erasmus & Odendale | 2 | | | | |
| 19th | Widow van der Burgh | | | | | |
| | Mr Duval | 4 | | | | Not traced |

July 1839

| When Pursued | Where traced across the frontier | By whom | To whom Reported | When Reported |
|---|---|---|---|---|
| | Brought forward from June Report | | | |
| | | | Mr Cole | |
| | and Fish River | Patrole & Police | Mr Stretch | |
| Same day | near Bothas | Police & owner | Mr Stretch | 22nd July |
| same day | Fish River | Police | Comd Officer of Double Drift | 10th July |
| | | | Mr Stretch. | |

Not traced to the frontier

Not traced across the frontier according to Treaty

C. L. Stretch.

July 1839

| Property Recovered | From whom | Sworn value not recovered | Name of Officer before whom affidavit was taken |
|---|---|---|---|
| not | not | no | |
| recovered | " | | |
| " | | no | |
| not | not | no | Officer Double Drift. |

N.B. Mr Renier C. Else has reported the loss of 16 head of cattle to the Officer at Botha's Post but on examining the drifts through which its reported they cross the Boundary the Spoor of 2 cows and 1 horse could only be discovered.

C. L. S.

July 1839

| Responsible Chief | Remarks for the Information of Government |
|---|---|
| Unknown | The Police have not returned |
| Sutu | Reported to Sutu by the Police on the 5th August |
| Sutu | " " |

Recovered :

2 Black oxen found in Caffraria and sent to the Agent by Tyali
1 horse for Mr Zeiler
6 horses Recovered by L. du Pre which had been stolen in 1837 - he also received from the Chief 16 head of cattle as compensation and payment for 1 horse.
Wm Sheffield reported the Caffers had stolen 10 oxen but when the Case was Investigated it appeared only 3 were Stolen, which were paid for by the thieves. Case given over to the Resident Agent at Fort Beaufort.
£16 paid by Tyali for De Lange 2 horses.
16 head Cattle by Maqomo for Nels 6 cattle.

C. L. Stretch.

August 2, 1839.

A mare, 8 years old some color and a Bay (?) horses 2 years old which are supposed were stolen from the Colony and sent from Howses Post by the Officer in Command have been this morning given in charge for Bottle for the Resident Magistrate at Beaufort.

Tyumie Aug 2, 1839. C. L. Stretch.

7th.

Mr Nel states that his claim against the Caffres is as follows:

| | | | |
|---|---|---|---|
| 3 sheep | 24 ryds | | |
| 1 gun | 35 | | |
| 3 cows | 85 | ) | stolen by Selwana. |
| 2 | 50 | ) | |
| 1 from a Caffer | 25 | ) | |
| ryds | 220 | | |

6 head of cattle sent by policeman to be returned

(Settled by cattle received from Mafu this day. C.L.S. 10th Sept 1839).

August 10th 1839.

Slinger Wingvogle recognised a chestnut horse with a Star on the forehead among the horses in Company with Dodo Eno's son. The name of the horse is alert. He was stole from Frans du Pree who resides in Oliphant's Hoek about the New Year.

Mr van der Westhuizen reported the loss of his oxen here this day and among the 13 which crossed the boundary were 2 red oxen with white heads.

1 black ox with a mark on the hindquarter
black Skilldee ox close
1 blood red the right ear cut off and 1 with the Graaf Reinet Pound mark

C. L. S.

August 13.

Gert Mynhardt and Mr Else called this regarding 3 horses and 16 head of Cattle which had been previously reported to the Officer commanding at Botha's Post.

Mr Austin reports that on the Mankazana he had off saddled when the following articles were stole from him and he suspected the Police at the Mankazana were concerned.

Elands Post August 8th 1839.

Sir,

I have the honour to state for your information that the Hottentot named Peit Buuntjies who followed the spoor of Mr Reed's cattle that were stolen by the Caffers out of his kraal on the 14th instant traced the Spoor of the 3 head into the Chief Tyali's country, the two cows, and 1 bull, the number lost by Mr Read were found slaughtered in a Caffer's kraal of the name Umfoka one of Tyali's Captains.

On discovering this Tyali immediately gave Peit Buuntjies 7 head of cattle in lieu of those stolen which the Hottentot returned with and delivered them to Mr Read, three of which were handed over to the Police for their Exertions on this occasion. Mr Read's son called at the Post this morning and stated the compensation was Equivalent to the loss and he was perfectly satified, this business was settled on the spot unknown at the time to the Resd. Agent through the ignorance of the Hottentot who arranged matters with the Chief Tyali. I gave Mr Read's son to understand that if objections were made to his keeping the Cattle he was to give them up on the shortest notice. In Conclusion I beg to state that Mr Stretch has received Intimation of this depredation.

I have the honour to be

Sir,
Your obed.Servant

H. E. Gold Capt 75 Regt.
Commander Eland Post.

Lt Colonel Grieve[1]
Command Sub-District
Ft Beaufort

(Note by J. Hare - "refer to Agent and call his attention to Art of Treaty which demands punishment to be inflicted)

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(1) Grieve, Lieut.-Col. Patrick, 75th Regt.

18th

A horse stolen from Mr Hobson and traced towards the Tyumie not ascertained from whom it must be paid.

4 head of Cattle discovered in Umhala's country by the Policeman Kitiu who gave information to the Owner Mr Bovey from whom they were stolen by his herd who was a caffre, they were recovered and 4 cows and 2 calves given as compensation which this day were placed in charge of his Servant Casper.

4 calves paid by the Caffers who stopped the Police with 9 Caffer horses that were found trespassing in the Colony. 3 given to the Police and 1 slaughtered for the Police.

Saturday Aug 24th.

Mr Hendrik van der Nest reported the loss of 19 oxen and 1 fat Slaughtered Cow. Spoor lost in the Koonmen range. He also informed the Agent that two of the 4 horses reported by Joachim van Straaten had returned.

16 oxen reported by Captain Maclean commander at Howses Post which were stolen by Caffers were found by the owner Bezuidenhout in the "Kenoor's rand"(?).

27th August Tuesday.

6 cows and 3 young heifers delivered by Tyali for Mr Ackerman the spoor was traced into Tyali's Country and lost there of 6 cows.

4 head of cattle delivered by Botma for 2 sheep stolen from David Hobson, and Distributed as follows:

| | |
|---|---|
| Mr Hobson | 1 cow |
| 2 Policemen | 2 yearlings |
| 1 yearling placed to account of Govt. | |

— 4

C. L. Stretch.

2 horses delivered by Dodo for F. Du Pree. The Chief states they were brought into Caffraria by a Gonah Hottentot named Kewit -

AUG 1839.

| Date of Robbery | Name of Owner | Property Lost: Horses | Cattle | Sheep | Goats | Other Property | Where Robbed |
|---|---|---|---|---|---|---|---|
| | B. Bester | 2 | | | | | Brought forward from the July return |
| | J. Ackerman | | 6 | | | | |
| | J. Maynhard | 3 | | | | | |
| | | 5 | 6 | | | | |
| August | | | | | | | |
| 4th | Rev. J. Read[1] | | 3 | | | | Philipsson |
| 9th | Mr Bovey | 1 | | | | | Ft.Beaufort |
| 13th | Hottentot Location | | 3 | | | | Fish River |
| 17th | David Hobson | 1 | | | | | Kat River |
| 20th | " | | | 2 | | | " |
| 19 | P. Vivier | 4 | | | | | Hermanus Kraal |
| Not Reclaimable | | | | | | | |
| | Van de Vyfer | | 18 | | | | Not traced |
| | Bezuidenhoud | | 16 | | | | Found in the Colony |
| | Stanton and Simpson | | 4 | | | | " |

(1) Rev. J. Read: London Missionary Society Representative at Philipson (Kat R.Settlement), at this time. Both Rev. J. Read (Snr) and his son (also Rev. J. Read) were stationed at Philipson.

| When Pursued | Where traced across the frontier | By whom | To whom Reported |
|---|---|---|---|
| | 9 head of cattle paid on account of Mr Ackerman's loss of cows | | |
| same day | Gaga | Police | Capt Gold |
| " | Kat River | " | Mr Cole |
| " | Double Drift | " | Office at Botha's Post |
| " | Kat River | " | Mr Stretch |
| " | " | " | Mr Stretch |
| " | Double Drift | " | Mr West |

NB. 9 horses the Caffers found trespassing and returned to their owners by Capt Maclean 27th Regt.Commander at Howses Post.

75 head of cattle of David Hobson's trespassing in Cafferland and returned to the owners by Swartboy.

4 head of Cattle belonging to Mr Bovey discovered by a Policeman in Umhala's Country and recovered from the thieves.

2 horses found by Eno supposed to have been stolen from the Colony by Kewit who is in the Prison of Grahamstown and sold to the Caffer from whom Eno took them.

C. L. Stretch.

| When Reported | Property Recovered | From whom | Sworn Value not recovered | Name of Officer before whom affidavit Taken |
|---|---|---|---|---|
| following day | 4 cows | Tyali's man | recovered | Capt.Gold |
| " | 1 cow valued £1 | Botma | recovered | Mr Stretch. |
| " | not | not | | Mr Stretch |
| " | not | not | not | Mr Stretch |

| Responsible Chief | Remarks |
|---|---|
| Tyali | 7 head of cattle were recovered<br>4 were given to Mr Read and 3 to the Police |
| Unknown | None |

C. L. Stretch

September 1839

9th Mr Stephanus Du Pre of Oliphant's Hoek states that on the 4th Aug. 1838 six horses were stole from his farm and not long after a Fingo gave information that he had seen six horses in possession of Mr McGeer's servants who were Gonahs residing a short distance from his farm. As soon as Mr Cuyter received this information he wrote to me giving the description of the horses which I recognised to be mine.

Cupido and Jan were soon after apprehended and Sentenced to 4 years imprisonment with 75 lashes. Each they formerly lived with Whiteboy in Timberg and when McGeer got them he became Security for their good Conduct for 18 Months.

C. Lennox Stretch.

2 mares and 1 horse sent to the Residency which the Chief took from the thieves. No report having been received they were sent to Beaufort in charge of Enawa on the 10th it is supposed they belong to Lt.Bekker.

10th.

8 of the identical Cattle which were stolen from Jacob Johannes Bester have been recovered from the thieves by Botman and 1 Cow worth 25 ryds has been added to this Number for the 1 that died.

6 head of cattle and 1 mare were seized from the thieves and disposed of as follows.

| | | |
|---|---|---|
| 3 policemen | 3 head | |
| 1 of Botman's men | 1 head | |
| 1 cow for the one that died | 1 | |
| 1 old cow for Govt. | 1 | |
| 1 " mare Police Service | 1 | |
| | 6 | 1 mare |

10th.

Received from Maqomo's heemraden Mapu 4 head of Cattle of my own which were stolen by the Caffers and 10 as Compensation for those which have not been found.

J. D. Nel.

5 young oxen will also be sent out for Tyger skins that Mr Nel has sold to the caffers.

11th Jonas was informed of V. D. Westhuizens oxen and the message of the Lt.Governor that Botma must pay for them.

12th.

Captain MacLean Reported Mr. Hobson's loss of 3 horses which from Information I have received appear to be a false Report. The police from Beaufort lost the spoor in Caffraria of 2 oxen Stolen from the Colony which were in charge of Adam.

13th.

A policeman from Beaufort arrived here with 3 horses taken from the Colony by Tandash who paid 6 head of Cattle for the theft.

Mr Beck's horse and another taken from the thieves by Nel.

16th.

9 head of Cattle forwarded via Howses Post to the Hottentot Location at Fish River for three which had been stolen by Tola's Caffres and 4 to the Police employed on the occasion.

8 head of cattle forwarded to Beaufort 6 of which number to be given to the police who were insulted by Tola's Caffres and 2 to be placed on account of the Hottentot's loss as reported with 20 ryds or £1 10 which Mr Stretch Engages to pay for 1 young ox red and white and three years old.

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17th Mr Hobson's 3 horses that were reported by Capt.MacClean as stolen by the caffers on the 12th inst were found near his own house the day after supposed to be stolen by some person or persons unknown.

30th 4 head of cattle delivered here for 2 oxen stolen from Beaufort. No report and 4 to the Policemen who followed the spoor.

September 1839

| % Date of Robbery | Names of Owner | Property Lost Horses | Cattle | Sheep | Goats | Other Property | Where Robbed |
|---|---|---|---|---|---|---|---|
| | B. Bester | 2 | | | | | |
| | Maynard | 3 | | | | | |
| August | D. Hobson | 1 | | | | | |
| | | | | | | | |
| Not | Reclaimable | | | | | | |
| | | | | | | | |
| 3 Sept | Temple Nourse Esq | 6 | | | | | |

1839

| When Pursued | Where traced across the frontier | By whom | To whom Reported | When Reported |
|---|---|---|---|---|

Brought forward from August. 8 remaining due.

4 to the Police who found the 2 oxen
6-5 of them in Green's(?) case.
4 for two oxen stolen from Beaufort.

The Revd Mr Read received 4 head of cattle from Capt Gold in lieu of 3 stolen by a follower of Tyali.

3 horses received by the Police at Tyumie vale the property of H. Bekker. No report.

3 horses supposed to be the property of the Revd Mr Green. No report.

9 head of cattle belonging to Mr Bester Sent to the Residency by Botma that were found in his country.

3 horses reported to have been stolen by D. Hobson found on his farm on the 17th. Howses Post.

9 head of Cattle to located Hottentots at Fish River the compensation for 3 stolen by Tola's caffers.

6 head of cattle to the Beaufort Police as a fine levied by Tola from the Caffres who insulted them while in discharge of their duty.

7 horses recovered by Tunis Botha from the followers of Tyali who purchased them from the Gona's - Vantchana Vena Jantze and at Blinkwater.

C. L. Stretch.

September 1839

| Property Recovered | From Whom | Sworn Value not recovered | Name of Officer before whom affidavit was made. |
|---|---|---|---|
| Recovered in Sept. | | 38 c. 16.4 - | |

Sept 1839

| Responsible Chief | Remarks |
|---|---|

During the period the police and other inhabitants of the Residency were confined with measles. Salwana sent 10 head of Cattle to Compensate Mr Nel for 6 that had been stolen and traced to his Country the same day, four were taken out of the kraal and Mr Nel refused to receive the remaining 6. It was however subsequently ascertained Salwana was not the thief. As Mr Nel's identical cattle were found in another direction and Consequently he claimed from the Agent 7 cows which had been stolen from the Residency and the case remained unsettled until later some of Tyali's followers brought into his Country 3 Colonial horses that were followed by the Police from Beaufort and Howses Post as stolen from some person or persons unknown as no report had been transmitted to this Residency. The thieves were fined by the Chiefs and as by the Treaty this cattle could not be claimed by the Govt. or the owners of the horses the Chief directed that Salwana should be remunerated out of this fine which was disposed as follows:

| | |
|---|---|
| Salwana | 4 head |
| Policemen | 1 - |
| daughtered for the Chief who assembled on duty at this Residency | 1 |
| | 6 |

C. L. Stretch.

October 1839

2nd. A young heifer stolen from Mr Berry 75th Regt. traced across the boundary to a caffer's kraal belonging to Botma's Tribe who was fined 4 head of cattle and 1 horse.

9th 2 oxen retaken from the thieves by Maqomo's people - owners unknown and no report.

1 Brown Mare restored to David Fortune from whom it was stole in August.

1 horse sent to Beaufort for Mr Beck )
Class 1 " " " Bovey)
Love " Berry)

11th Oct. Received from T. Philipps esq a dun horse marked St that had been sent to the Pound by Capt. Maclean.

16 27 head of Cattle recovered from two individuals who had been residing in Blinkwater and delivered by Maqomo to the Resident Justice at Beaufort. The names of the delinquents are Lacan and Alluwe but the latter Could not be found.

Wednesday 16 3 horses stolen from Temple Nourse Esq., were this day restored to the Police by the thief who belongs to Maqomo's tribe.

24 1 horse for the one that was lost.
1 dun horse (?) as above on the 11th returned to Beaufort.
2 oxen found and returned to owner.

| Date of Robbery | Name of Owner | Property Lost: Cattle | Horses | Sheep | Goats | Other Prop. | Where Robbed |
|---|---|---|---|---|---|---|---|
| | B. Bester | | 2 | | | | |
| | J. Maynaardt | | 3 | | | | |
| October | | | | | | | |
| 3 Oct | Mr Berry | 1 | | | | | Beaufort |
| 23rd Oct | Not Reclaimable | | | | | | |
| | D. Hobson | | | 1 | | | Howses Post |
| 21st | James Attwell | 2 | | | | | Conappe |
| | Mr Trollip | 1 | | | | | Fort Beaufort |
| | Willis | 2 | | | | | Cowie |

October 1939

| When Pursued | Where traced across the frontier | By whom |
|---|---|---|
| Brought forward from the Sept Report and due to the Colony. | | |
| Same day | Near Beaufort | Owner's Servant |
| ) Not traced<br>)<br>)<br>) | | |

October 1839

| To whom Reported | When Reported | Property Recovered | From whom |
|---|---|---|---|
| Tala however states he has been deprived of three horses by the Government which he hopes may be restored before compensation is demanded in this case. | | | |
| Mr Stretch | following day | compensated | Vele's |

| Sworn value not recovered | Name of officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|---|
| not stated | Mr Stretch | Botma | none |
| | 2 Umkai's[1] caffers<br>9 horses recovered that had been taken from the Colony at different times<br>4 oxen " | " | Tyali |
| | 16 goats " | " | Tyali |
| | 10 head cattle from Alume(?) | | |
| | | C. L. Stretch | |
| | 6 Mr Nourse<br>2 farmer name unknown<br>1 Beck<br>1 Bovey<br>1 David Fortune<br>4 oxen owner unknown<br>10 cattle " "<br>16 goats. | | |
| 11 horses 4 oxen 10 cows 16 goats. | | | |
| | | C. L. Stretch | |

(1) Umkai: TSlambie Chief, located in Ceded Territory.

November.

Sir, I beg to inform you that 2 Policemen from your fort arrived here this morning with some Cattle 17 that Umhala has for also Vivier's two horses that were stabbed near Botha's Post by the thieves, they belong to the TSlambie tribes but as the Police brought the Cattle here instead of Proceeding to Fort Peddie I have desired them to return to their station with the cattle in order that the Owner of the horses may be compensated.

I have the honour to be
Your obedient servant
C. Lennox Stretch.
Diplomatic Agent.

To Commanding
Officer.
Double Drift.

On the cover was stated 14 head of cattle for 2 horses stabbed near Double Drift as these were given to the Police.

C. L. S.

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November.

No report of Depredations has been received this month and the two cases noted in last month's return have been urged on the Chief's attention for Settlement.

C. L. Stretch J.P.
Diplomatic Agent.

I have applied to Tola for Compensation of Mr Mynhardts 3 horses which he refused on the ground that 3 horses were forcibly detained by the officer at Botha's Post and sent to Grahamstown belonging to Tola.

C. L. Stretch J.P.
Diplomatic Agent.

Tyumie 3 Dec 1839.

Copy. Justice of the Peace Office
Fort Beaufort Nov 23 1839.

Received from Mr McDonald of Grahamstown through the hands of Mr Humphrey's of this place the sum of Eight pounds Eleven Shillings on account of Cattle sold in Grahamstown.

E. M. Cole J.P.

His Honor the Lieut.Governor informed the Chiefs that the sum of £7 10 or 100 ryds should also be returned to him for a horse that had been detained by Mr Austin of Beaufort making together £16 1 which is the sum the Police placed at Mr Langes disposal with 16 head of cattle for Mr Jan de Lange.

C. L. Stretch. J.P.

26th Mr Borcherd's[1] reported 6 head of cattle stolen from Mr Roux 2 of the identical cows returned and the case referred to Botman for adjustment.

4 head of cattle returned to Mr Berry for a cow that had been Slaughtered by Botman's people.

2 calves to the Police who traced the spoor

—

6

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(1) Borcherds, M. J. H., Res. J.P. at Fort Beaufort; March 1848 - appointed Civil Commissioner for Fort Beaufort and Stockenstrom.

The undermentioned Cattle have been given in charge to Willem as compensation for Roux cattle but the Agent has been informed that 2 of the identical cows did not cross the Boundary but returned home.

| | | | |
|---|---|---|---|
| 1 | black bull | 20 | |
| 1 | black & white cow | 25 | |
| 3 | red cows | 75 | |
| 1 | red calf | 10 | |
| 1 | old cow | 15 | - 145 |
| 1 | yellow heifer | 18 | |
| 1 | black " | 35 | |
| 1 | red & white cow | 25 | |
| 1 | young ox | 15 | |
| 2 | yearling | 12 | |
| | Ryds | 255. | |

C. L. Stretch J.P.

31st December 1839

To M. Borcherds.

December 1839

| Date of Robbery | Name of Owner | Property Lost | | | | | Where Robbed |
|---|---|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats | Other Property | |
| 12th | David Rensberge | 3 | | | | | Elands River |
| 21st | Jan Gedion | | 4 | | | | Kluklu |
| 22nd | Stoffel Ruyters | | 2 | | | | Mankazana |
| | a Firgoe | | | | 1 | | |
| | Not Reclaimable | | | | | | |
| 17th | Richard Berry | | 1 | | | | |

| When Pursued | Where traced across the frontier | By whom | To whom reported |
|---|---|---|---|
| same day | Wingvogleberg | Native Police | Mr Stretch |
| foll day | near Beaufort | Police | Mr Stretch |
| foll day | GagaRidge | owner & fingoes | Mr Stretch |
| same day | near Goucia | Police | Mr Stretch |

grazing in Caffreland but compensated for the loss with 4 head of Cattle by order of Botman.

| When Reported | Property recovered | From whom | Sworn value not received |
|---|---|---|---|
| 14th Dec | not recovered | not | not |
| 27th | compensated | Caffers | Recovered |
| 27th | not | not | not |

| Name of Officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|
| Mapassa | Mapassa[1] | thieves reported by Capt. Jardine[2] to belong to Tyali's tribes |
| Mr Stretch | Botma | |
| Mr Stretch | Maqomo | case reported to the Chief |

The Field Cornet Camphor reports that the witness in Massnalls(?) case will not attend and Tyali refuses to give Compensation until they do.

C. L. Stretch Diplomatic Agent.

Tyumie 31 Dec 1839.

2 head of cattle delivered to Mr Marks for an ox he states the caffers stole

Memo. The theft of Rensebergs three horses having been reported to the Chief Tyali he requests me to state that the Bonti buck flats and winyoglebergen is the hunting ground of officers, colonists, caffers and Tambookies and he cannot be held responsible for the traces of horses that are lost there.

C. Lennox Stretch
Diplomatic Agent

Tyumie 6th January 1840

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(1) Mapassa: Head of Tambookies at this time.

(2) Jardine, Capt. Alexander, 75th Regt.

January 1840

| Date of Robbery | Name of Owner | Property Lost: Horses | Cattle | Sheep | Goats | Other Property | Where Robbed |
|---|---|---|---|---|---|---|---|
| 12th | Jeremias Nel | 3 | | | | | Conappe |
| Not | Reclaimable | | | | | | |
| 13th | Stephanus de Lange | | 6 | | | | |

| When Pursued | Where traced across the frontier | By whom |
|---|---|---|
| 13 January | Near Howsea Post | Police and Owners |

"Not traced across the boundary".

| To whom Reported | When Reported | Property Recovered | From whom |
|---|---|---|---|
| Mr Stretch | 14th January | Identical horses | Botman's caffers |

January 1840

| Sworn value not recovered | Name of Officer before whom affidavit taken | Responsible Chief | Remarks |
|---|---|---|---|
| yes | Mr Borcherds | Botman | thieves punished according to Caffre law. |

Relating to the case reported last month of Stoffle Ruyters the statement made to the Justice of the Peace at Beaufort is incorrect as two head of Cattle were not Stolen from him.

C. L. Stretch J.P.

February 1340

| Date of Robbery | Name of Owner | Property lost horses | cattle | sheep | goats | other property | Where Robbed |
|---|---|---|---|---|---|---|---|
| 19th | David Rensberge | 2 | | | | | Elands R. |
| | Peit Free | 2 | | | | | " |
| Not Reclaimable | | | 10 | | | | |

February 1840

| When Pursued | Where traced across the frontier | By whom | To whom reported |
|---|---|---|---|
| 20th Feb | above the Elands River | Police | Capt.Jardine |
| not traced | | | |

Feb 1840

| When reported | Property Recovered | From whom | Sworn value not recovered |
|---|---|---|---|
| 19th Feb | not recovered | | |

| Name of Officer before whom affidavit taken | Responsible Chief | Remarks |
|---|---|---|
| Capt Jardine | Unknown | on the 24th March Mr Rensberg called and informed me the spoor of his horses with those of Peit Free were traced to within 1000 yds of Tyalis kraal - he is therefore responsible for them.<br><br>Peit Free made also the same statement and that his horses were sorth 160 ryds. |

C. L. Stretch J.P.
Diplomatic Agent.

21st March.

21 March

22 horses and 99 head of Cattle sent to Beaufort by Thala who lost two of the cows on the road which he will have to pay for.

C. L. S.

Monday Morning March 1840 -

Makala a follower of Adam who resides near Beaufort states

that had Mr Borcherds oxen in Charge, and on or about a Boy was in Charge or herding them when 3 were taken away by some person or persons unknown. We did not find the spoor at first but having searched two days for it in vain we at length heard from a fingoe that the oxen were at the Tyumie. The cattle are sometimes guarded by myself but on the day of the theft I remained at home.

Makala his X mark

Hendrik Nouka) witnesses
Class Love )

Memorandum

Tyumie 27th March. The Policeman Kitiu has in charge for Mr Borcherds Esq. as compensation for an ox that was Stole from him by a Tambookie residing on the Debe Flats.

| | |
|---|---|
| 2 cows | 40 ryds |
| 3 calves | 24 |

C. L. Stretch J.P.

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29th March

5 horses recovered from the thieves by Tyali's Pokatie sent to Beaufort by Chona.

31st

Chalana brought two oxen and 2 cows here stating on searching for a Stray Cow last night he found these oxen on the ground of Maqomo's people, Salwana - and which Chona took to Beaufort.

March

| Date of Robbery | Name of owner | horses | Property Lost cattle | sheep | goats | other property | Where robbed |
|---|---|---|---|---|---|---|---|
| | David Rensbergen | 3 | | | | | |
| | | 2) | Brought forward from last month's report | | | | |
| | Peit Free | 2) | | | | | |
| 4th | Andres Bekker | | 9 | | | | |
| <u>Not Reclaimable</u> | | | | | | | |
| P. van der Merve | | | 52 | | | | |
| M. Borcherds | | | 3 | | | | |
| P. Erasmus | | 2 | | | | | |
| " | | | 4 | | | | |
| James Mundell | | 4 | | | | | |

| When Pursued | Where traced across the frontier | By whom |
|---|---|---|
| | traced to Hintza's country | |
| foll.day | Near Howses Post | Owner |
| | traced to the wagon drift leading to Beaufort (?)<br>Kat River<br>2 identical oxen returned and Compensation for the third retaken from the thieves one of whom as shot in | |
| | Identical cattle recovered.<br>There was not herd with them and they were not traced to the Boundary. | |
| | 5 horses retaken from thieves<br>2 " "<br>7 head Cattle " | by Tyali's pekatie<br>Botma) for Mr Bekker.<br>" ) |

March

| To whom Reported | When Reported | Property Recovered | From whom |
|---|---|---|---|
| Capt.Byrne[1] | 4th March | Identical recovered | Umhala Caffers |

(1) Byrne, Capt. A, 27th Regt.

March

| Sworn value not recovered | Name of Officer before whom affidavit taken | Responsible Chief | Remarks |
|---|---|---|---|
| | Capt. Byrne | Umhala | |

Memorandum for April 1840

Report

The same as last month no additional depredations except Mr two horses not reclaimable.

Mr Potgieter arrived in Caffraria to Search for 7 head of Cattle which had been Stolen from him at his farm on the Great Fish River. He has been successful by the aid he received from Botman and recovered the identical cattle. Except 2 oxen which have been settled for and the thieves punished.

Memorandum

1 caffer shot at the farm of Mr Erasmus Winterberg and another wounded. They were in the act of breaking open the kraal.

2 caffres shot and 1 wounded in the act of Escaping with stolen horses from the farm of F. Denaint. This report was transmitted to the Agent Lieut-Col Grieve.

1 Fingoe who had been quarrelling with a Doctor of his own nation was killed - the delinquent has been punished by Sutu.

C. L. Stretch J.P.

Tyumie 4th May 1840

May 1840

Monday 18th,

7 head of cattle stolen from Kat River and traced to the Amatola. Identical Cattle recovered and in the absence of the required Report Police sent home.

C. L. S.

Kazai and Dokalo will return to Beaufort with 6 head of cattle as compensation for a horses stolen from Johannes Classens and traced into Tyali's country.

| | | |
|---|---|---|
| 2 cows | 60 | |
| 1 young bull | 25 | 115 ryds |
| 3 yearling | 30 | |

C. L. Stretch

29 May 1840

Sir,

In reply to your letter relating to Mr Fauries loss I have the honour to state that from the report Mr Cole transmitted it is Evident the caffers are the delinquents but it does not appear the spoor was brought to the Boundary "owing to the Police having received the spoor a short distance from Kat River where it was lost" if however it should appear to you this circumstance originated owing to negligence then I should presume Mr Faurie's claim on Govt.will be discharged from the proceeds of Cattle sold at Beaufort and which have been sent from Caffraria.

I have the honor to be
Sir,
Your ob.servant.

C. L. Stretch. J.P.

G. Borcherds Esq,
Resident Justice of Peace.

20th May

Sir,

In reference to your letter of the 29th inst. alluding to Mr Fourie's loss of 6 horses I beg to submit the following transcript from the original Deposition dated 29th July 1839. On Sunday Evening I succeeded in bringing it, (the spoor), to within a short distance of the Kat River above Fort Beaufort where I left it with the Kafir police.

The police state the spoor did not cross, but the traces pointed out were lost at the spot alluded to by Mr Fourie.

C. L. Stretch.

M. Borcherds Esq.

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June 5th

Received from Mr Stretch 2 mares of the following description in lieu of a mare and foal, which had been delivered to Chas. Brownlee by the Captain of certain caffres _____(?) who had stole her. She was worth 70 ryds and I received these mares as full compensation.

Brown mare with a "Bless" 5 years) old
" " a star 8 )

Jan Hendrik Johannes (?)

2 mares with 1 foal reported by Stephanus Naude are herewith returned. They were brought here by the Chief Matwa who stated he levied them from the thieves who were passing the Gaga. The police have arrived but they have not been successful in recovering the fourth for which Tyali is responsible.

C. L. Stretch J.P.

Tyumie 4 June 1840

May 1840

| Date of Robbery | Names | Property Lost horses | cattle | sheep | goats | Where Robbed |
|---|---|---|---|---|---|---|
| May 6 | Hanse Tromp | | 7 | | | Kat River |
| 6 | C. Groepe | | 3 | | | Kat River |
| 30th | Stephanus Naude | 4 | | | | Fish River |
| Not Reclaimable | | | | | | |
| | Gert Nel | 2 | | | | |
| | James Stuart | | 6 | | | |
| | | C. L. Stretch | | | | |

2nd June 1840

May 1840

| When Pursued | Where traced across the Boundary | By whom | To whom reported |
|---|---|---|---|
| Next day | New Post | Police | Mr Stretch |
| next day | New Post | Police | Mr Stretch |
| next day | near Beaufort | Police | Mr Stretch |

Reported to Capt.Yarborough but not traced beyond Gonappe
Traced into the ground of the Caffers occupying Blinkwater.

(1) Yarborough, Capt. C. C., 91st Regt.

| When Reported | Property Recovered | From whom | Sworn value not recovered |
|---|---|---|---|
| 6 May)<br>)<br>"<br>)<br>)<br>30 May) | Identical property recovered 3 | Taken by the Pekatie of Tyali | Yes |

May 1840

| Name of the Officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|
| Mr Stretch<br>Mr Stretch<br>Mr Stretch | Sutu | None |
| | 6 head of cattle paid by Maqomo for a horse of William Classens.<br>32 head of cattle found near Beaufort the property of Mr van der Merve returned to the owner. | |

C. L. Stretch

June 1840

| Date of Robbery | Names | Property Lost horses | cattle | sheep | goats | other Property | Where Robbed |
|---|---|---|---|---|---|---|---|
| | D. Rensberge | 2 | | | | | )Brought forward )from former )reports. ) |
| | Feit Free | 2 | | | | | |
| 8th in. | Tinie Lombard | | 27 | | | | Fish R. |
| 5 | Joseph Mildenhall | | 3 | | | | Kluklu |
| 18 June | Edward Niland | | | | | | |
| 26 | John Vaughan | 1 | | | | | Fort Beaufort |
| 26 | Hogben & Gilbert | | 7 | | | | Klu klu |
| | **Not Reclaimable** | | | | | | |
| 24 May | Joseph MacCabe | | 4 | | | | not traced |
| 10 May | Joseph Mildenhall | | 3 | | | | " |
| 23 | Joseph Mildenhall | | 3 | | | | " |
| 28 | " | | 3 | | | | " |
| 10 June | David Hobson | 2 | | | | | " |
| 5 June | Stephon Trollip | | 1 | | | | To be paid for by Bushman |
| 18 June | | | | | | | |

| When Pursued | Where traced across the boundary | By whom | To whom Reported | When Reported |
|---|---|---|---|---|
| responsible | Chief Tyali in whose country | | the spoor was obliterated. | |
| not stated | Klu klu | Caffer police | Capt. Yarborough | 13 June |
| same day | " | owner & servants | M. Borcherds | 13 |
| | old school | Police | " | 19 |
| same day | Beaufort | Police | M. Borcherds | 26 |
| next day | old school | Police | " | " |

Reported by M. Borcherds vide Govt.Gazette 2 July

reported by M. Borcherds vide Govt.Gazette 2 July) No proof that caffers stole them.

reported by M. Borcherds vide Govt.Gazette 2 July)

" " "

5 horses of Delports recovered by Tyali

stolen with 3 horses of Brown's, by Colonists.

June 1840

| Property Recovered | From Whom | Sworn Value not recovered | Name of Officer before whom affidavit was taken |
|---|---|---|---|
| not | not | not | Mr Borchords |
| not | not | not | " |
| not | not | not | " |
| not | not | not | " |
| not | not | not | " |

| Responsible Chief | | | Remarks |
|---|---|---|---|
| Botman | | | The herd was murdered and was unarmed at the time<br>Spoor was lost at Block Drift where it was obliterated by the (?) sheep.<br>Mr Hogben and Gilbert state the Spoor of their cattle joined those of Edward Wilands. |
| " Macono Tyali | | | |
| | | 5 | horses levied by Tyali Pekatie Sekelie that were stole from Delport by the followers of Lucas in Blinkwater. |
| | | 3 | horses ditto the property of Mr. Brown. |
| | | 2 | horses recovered by Tyali for the Fingo Witthooy. |
| | | 2 | " " Jan Hendrik Lawischagnie |
| | | 1 | " Jan Fourie |
| | | 1 | mare recovered from Botman's people sent to M. Shepstone |
| | | 3 | horses recovered. Owners unknown from Umhala |
| | 17 | 17 | horses |
| | | 7 | head of cattle given to Delport for the (?) his horses (?) they were seized from a Gonah by a Tyali. |
| | 4 | 4 | ditto sent with the mare to Mr Shepstone. |
| | | 12 | |
| horses | 21 | 23 | cattle |

Dods Pringle.

June 1840

5 horses restored to William P. Delport.
7 head of cattle
3 " from Fort Peddie
1 " Botman 9 head cattle
3 Mr Brown
3 Field Cornet Stoffel Trompeter

2 caffers without a pass were allowed to remain on the Past at Committys Post who informed the police they were friends of David (one was his brother-in-law) and were going to Glala place. they did go and informed the caffres they were going to Committy's again but they did not return.

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17th July

3 head of cattle returned by Koyzai for 1 ox stolen from Beaufort - value 100 ryds.

2 cows value 80 ryds
1 young ox 30
1 yearling to Policeman.

5 horses sent to Borcherds no report owner unknown.

Report.

Tola states the value of his three horses to be 600 ryds and he is willing that Mr Els should receive this sum for the 3 horse and five head of cattle that were traced to his boundary and the spoor lost - the horses of the chief were valuable and appeared as if kept in the stable which induced the officer at double drift to suppose they had been stole although he had been informed to the contrary by the Agent Stretch.

The case of Venter has no reference to the Geika tribe, the seven horses recovered were fourd with Umhala's people.

4 young foals to be paid for by Tyali into whose country they were traced by Rensberg. The Chief sent to the Residency last week 6 head of cattle as compensation which I returned as not sufficient.

Botman refuses to compensate Mr van der Westhuizen alleging that the spoor had not been brought near his country. No 8 and 9 in the last published report are one and the same case.

2 mares and 2 foals were reported stolen but only 2 mares and 1 foal was traced to Caffreland and the Identical property restored.

(Renier Else Stephanus Naude 16 head of cattle)
(Johannes Martinus Willem Else and Gert .... (?))

I therefore presume on reference to Mr Borcherds records it will be found that Potgieter Naude and Else will mean one man the owner of the above property.

Tyumie 27th July 1840 C. L. Stretch. J.P.

5 horses recovered by Abraham Botha and others.
3 hd. cattle for Jan Holliday and his fingo.

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- 158 -

Memo for Lieut.Campbell[1] 91st Regt.

The cattle you reported on the 20th instant as having been stolen from Mr Sheffield was stolen from by Tola's followers but the police state only 3 head of cattle actually crossed the border. They also report that the red cow and the dun ox were in similarity effected with many of Mr Sheffield's cattle and were too sick to drive. Under these circumstances until I hear further from you I have sent two of the identical heifers and 2 head of cattle for the ox which had been slaughtered by the thieves.

C. L. Stretch.

Tyumie 5th August.

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(1) Campbell, Lieut.Cl., 91st Regt.

July 1840

| Date of Robbery | Name | Property Lost horses | cattle | sheep | goats | other property | Where Robbed |
|---|---|---|---|---|---|---|---|
| | D. Rensberge | | | | | | |
| | Peit Free | 4 | | | | | |
| | Tinie Lombard | | 27 | | | | |
| | Joseph Mildenhall | | 3 | | | | |
| | Ed.Niland | | 43 including those of No. 7. | | | | |
| | J.Vaughan | 1 | | | | | |
| | Hogben & Gilbert | | | | | | |
| 22nd | J. D. Nel | | 9 | | | | Gonappe |
| 30 | Wm Sheffield | | 3 | | | | Kat River |
| 22 June | R. Pears | 3 | | | | | Glas Kop |

| When Pursued | Where traced across the frontier | By whom |
|---|---|---|
| | Brought forward from last account | |
| following day | near Howses Post | Police and owner |
| " | Botha's Post | Police |
| " | Fort Willshire | Police |

| To whom Reported | When Reported | Property Recovered | From whom |
|---|---|---|---|
| Mr Borcherds | 29th July | not | not |
| Mr Stretch | 20 " | yes | Tola |
| " | 3 | no | no |

| Sworn value not recovered | Name of Officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|---|
| not | not | Botman | |
| yes | Mr Stretch | " | |
| no | Mr Stretch | " & Eno | |
| | | | 5 horses ) recovered and sent to the Residency<br>3 hd.cattle) by Tyali's followers |

Tyumie Residency
7th August 1840

Corporal Swartboy of the Mankazana Police reports that Gola's Gonahs gave over the spoor of cattle that had been stolen from the Colony to his police, that having followed the traces for some time they came up with the cattle on the Border of Cafferland. The spoor three men following the cattle but they did not see the delinquents and as it is hitherto not known to whom the cattle belong the Agent therefore has desired the corporal to deliver them to the Justice of Peace at Beaufort.

C. L. Stretch. J.P.

Tyumie 7th August.

Answer of Botman's sons in Nel's case,
"het is maclyk om den Caffers te laat betaal voor den ding terwyle de dief niet gezein of gekend is Maar de Goewerneur moet ons tyd geven want wy werk noch met dezen affairen".

Malie Messenger.

Tyali zegt Hy weet de Menschen welke onder hem staat en hy weet dat Pekana is onder de Medankies, maar als Botman segt dat Pekana onder Tyali staat dan zal hy hem straffen en Wy moet Een Bode Na Botman Senden.

"Verder segt hy dat hy heeft een man na Eno's veldt gezonden voor de Paarde aan Dod's Pringle. Maar hy is teruggekomen zonder de Paarde want het was geleend aan een Englischman na Grahamstad te ryden en so lang als hy vertoofd, was de Paarde gestolen.

Wy maak werk omtrent de 4 Paarden van Rensenberg.

Chavanse
Messengers

Report on the accompanying Memorandum received from his Honor the Lieutenant Governor at Beaufort on Monday the 3 August 1840.

No. 1. Vide Report dated 27th July 1840
" "
2.

3. The Chief Tyali informed me yesterday the 6th August that this case has been unavoidably delayed in consequence of the party not having returned, who are searching for the 4 young horses.

5. Vide report 27th July and on the 6 inst Tola was informed that His Honor would pay for the horses lost at Grahamstown and therefore the property of Mr Els must be restored (Messenger has not returned).

6. Wm.Class a horse stolen from Fort Beaufort. This case has been settle it was not reclaimable but the Chief paid the value of it. 6 head of cattle. Vide the Return for May 1840.

7. Not reclaimable owner referred to the Chief.

8. R. Bovey residing at Fort Beaufort, No report made to this office.

9. T. Baillie residing at Beaufort, false report.

10. B. Rorke residing at Beaufort not reported to the Agent.

12. Forie and Witbooy. During the war they lost their horses and some time back they strayed from the caffers to their former owners. They were followed and taken during the night from Elands River. The next day Forie and Witbooy reported they were stolen. The value I have been informed has been paid by the Commissariat at Beaufort.

The inhabitants and travellers who occasionally visit Fort Beaufort are exceedingly careless in herding their property and when horses and Cattle have strayed which is very often the case, the assistance of Government

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is demanded whether they were herded or not and in many instances the most marked indifference is evinced towards a reasonable security of their property from the circumstances of expecting the Authority's Civil and Military "have a right to assist them in their Search".

In the event of an unforeseen circumstance the quantity of Cattle amounting to some hundreds which are kraaled in the precincts of the station and are kept for Private Use would not only be found very inconvenient by the Military but they would greatly facilitate the object of the assailants in destroying the place.

/I .....

I would therefore beg to recommend for the consideration of His Honor the Lieut.Governor the propriety of prohibiting more than 10 oxen and 4 cows to be kept by the respective proprietors of Erven: this number is allowed in villages more remote from the frontier where the extent of Commonage is much greater, and as ground is selling at an unprecedentedly high price on the border: the plea of insecurity cannot be the motive form exposing the Government to difficulties which are likely to occur from this Circumstance, independent of the Confusion and danger which a sudden attack on the post would create.

C. L. Stretch.

Tyumie 7 August 1840.

Since writing the above Tola came himself and requested I would send the following message which he begs may be taken into Consideration by His Honor the Lieutenant Governor.

His Honor will find on investigating the report that Mr Burton claimed one of the 3 horses that were lost in Grahamstown, that the horse this Gentleman found had no reference whatever to Tola's people and begs to refer His Honor to the Officer who commanded at Double Drift



when the horses were detained for the description his three horses which had been reared in Caffreland.

2 mares and 1 horse were stolen by his people from Mr Els together with 5 head of cattle and in order to bring this Case to a Conclusion, the Chief is anxious that the seven which had been given for his three horses should be transferred to the Boer altho' the value of them will by far exceed that of the farmers property.

C. L. S.

Tyumie 10th August 1840.

/S. van der ...

| | | | |
|---|---|---|---|
| S. van der Westhuizen | 14 hd. C | Botman | July 1839 |
| C. Naude | 5 | Tola | " |
| D. Rensberg | | | |
| F. Free | 4 horses 2 recovered due 2 Hd. | Tyali | Feb 1840 |
| Els | 3 | Tola | July 1839 |
| W. Klaas | 1 | (?) | April 1840 |
| John Prince | 6 hd cattle | " | " |
| R. Bovey | 8 ", 6 recovered | " | |
| J. Baillie | 2 horses | Botman | |
| B. Norke | 6 hd.cattle, 4 recovered | Maqomo | |
| D. Bremmer | 1 horse | | March 40 |
| Forie & Witbooy | 2 horses | Tyali | May 1840 |

| | H | C |
|---|---|---|
| Botma | 2 | 14 |
| Maqomo | 2 | 10 |
| Tyali | 4 | |
| Tola | 3 | 5 |
| | 11 | 29 |

| | | | |
|---|---|---|---|
| D. Rensberg | 3 | | |
| A. Weimer | 4 | | |
| | | Tyali | Dec 1839 |
| | | | March 1840 |

Gaikas are responsible according to Treaty Agent says they were traced into Creli's(1) Country.

A true copy C. L. S.

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(1) Creli, or Kreli, or Kreili. Head of the Gcalekas. Vide Thesis P.

Tyumie 13 Aug 1840

Memorandum relative to the Report of Mr Borcherds dated 11 August 1840. The identical cattle of Mr John Blackeway returned including Mr Bovey's 10 head.

The names of the delinquents who stole Mr Nels Sheep cannot be found (as he writes the caffre name), two policemen have been accordingly sent to ascertain from the herd who they are.

Lombards case not settled.

C. Lennox Stretch.

N.B. The Fingo herd of Mr Vane's was carrying a calf home behind the Cattle when the robbery was Committed. He was not armed nor was he ill-treated by the robbers as reported by Mr Borcherds.

C. Lennox Stretch.

20th

17 head of cattle sent in charge of Bottle for four young foals which were traced into Tyali's country belonging to P. Free and D. Rensenberg.

22nd

4 oxen delivered by Maqomo taken from the thieves.

August 1840

| Date of Robbery | Name of Owner | Property Lost: horses | cattle | sheep | goats | other Property | Where Robbed |
|---|---|---|---|---|---|---|---|
| | D. Rensenberg | 4 | | | | | |
| | P. Free | | | | | | |
| | Tinie Lombard | | 27 | | | | |
| | Joseph Mildenhall | | 3 | | | | Brought forward |
| | Edward Niland | | | | | | |
| | including Gilbert | | 43 | | | | |
| | J.Vaughan | 1 | | | | | |
| | J. D. Nel | | 9 | | | | |
| | R. Pears | 3 | | | | | |
| August | Wm Sheffield | | 2 | | | | Botha's Post |
| | Hanse Arends | 4 | | | | | Elands R. |
| | John Blakeway | | 9 | | | | Near Beaufort |
| | Christian van Ardt | | 25 | | | | Beaufort |
| | Wm Vane | | 27 | | | | Mankazana |

| When Pursued | Where traced across the frontier | By whom | To whom Reported |
|---|---|---|---|
| 17 head of Cattle have been paid by Tyali which the owners state is not sufficient. Referred to the decision of His Hon. the Lieut. Gov. In Lombard's case 16 head of cattle have been sent to the Residency as part payment. | | | |
| Next day | Kat River | Police | Lieut Neynoe[1] |
| " | " | " | Capt.Sutton[2] |
| " | " | " | Mr Stretch |
| " | " | Owner & Plaatje | " |
| " | " | Police | Mr Borcherds |

(1) Lieut. R. S. C. Neynoe, 27th Regt.

(2) Capt.Sutton: Capt.William, 75th Regt.

| When Reported | Property Recovered | From whom | Sworn value not recovered |
|---|---|---|---|
| following day | not recovered | Botman's followers | yes |
| 9 | yes | | yes |
| 17 | not | | |
| 10th | yes | Tyali | yes |

| Name of officer before whom affidavit taken | Responsible chief | remarks |
|---|---|---|
| | Tola<br>Gazella<br>Maqomo<br>Tyali | |
| | C. Lennox Stretch | |

4th Sept. Vandala delivered 17 head of cattle on account of Tinie Lombard.

25 4 horses stolen on 16th August from Mr Delport and the Spoor was traced to the Kat River between the Boundary and Klu Klu towards Pecanna's kraal.

1 Black Stallion - two white feet and white face.
1 Chestnut Stallion small white stripe on forehead.
1 light chestnut mare large white mark 4 white legs left ear cut
1 black brown mare, white hind leg.

Reported 18 August 1840 valued at 900 ryds.

M. Lombard black mare to enquire about the same from the Caffre. Name Nou. She takes milk out of your hand.

26 Sept. Booy Snell received 7 head of cattle which had been left here by Tola for him.

Maqomo occupied in Council - investigating the robbery of Nilands cattle and the murder of the Herd.

Received from Tyali 8 head of cattle for 5 oxen stolen from me on the 9th May 1840 and one of the Identical oxen from Mr Haull trader at Block Drift, I have also received every assistance from the Agent.

3 Oct 1840.

September 1840

| Date of Robbery | Name of Owner | Property Lost: horses | cattle | sheep | goats | other Property | Where robbed |
|---|---|---|---|---|---|---|---|
| | Tinie Lombard | | 27 | | | | |
| | Joseph Mildenhall | | 3 | | | | |
| | Edward Niland including Gilberts | | 43 | | | | |
| | J. Vaughan | 1 | | | | | |
| | J. D. Nel | | 9 | | | | |
| | R. Pears | 3 | | | | | |
| | Christian van Ardt | | 25 | | | | |
| | William Sheffield | | 2 | | | | |
| | | 4 | 109 | | | | |

September 1840

No report of depredations received during this month.

| When Pursued | Where traced across the boundary | by whom | To whom reported |
|---|---|---|---|
| Brought forward from August. | | | |
| Copy of (?) receipt for 9 head of cattle | | | |
| | 5 Booy Snell for loss of Horse not reclaimable by treaty. | | |
| | | C. Lennox Stretch. Diplomatic Agent. | |

175-176

Blank.

Caffraria 5th October 1840

Sir,

As I have been informed that an attempt has been made to injure me in the estimation of His Honor respecting my conduct to farmers whenever they come into the Country to Search for their lost property, I have the honor to inform you for the Lieutenant Gov's information, that (?) receipts to the Enclosure can be produced for the last two years of Every Individual who has been Employed Searching for their property in Caffraria, whenever they may be required.

I have the honor to be
Sir
Your ob.Servant

C. Lennox Stretch.

H. Hudson Esq[1],
Agent General
Grahamstown.

Caffraria 3rd October 1840

Sir,

In obedience to the directions of His Honor the Lieut. Governor, I have informed the Gaika chiefs that all arrears of Cattle or horses due to the Colony, must be forthwith settled. I have also attended to the trial of some of the people Concerned in Niland's robbery and waited last week two days at Maqomo's Kraal in hopes that it would be settled, but the trial is still going on.

I have the honor to be
Sir
Your obedient Servant.

C. Lennox Stretch.

H. Hudson Esq.,
Agent General
Grahamstown.

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(1) Hudson, Hougham. 1835 - Commissioner of Relief after 6th Kafir War;1836 Chief Magistrate, Grahamstown; ca 1837, appointed Agent-General, Grahamstown; ca Oct 1840, Acting Sec. to Govt. (during Napier's stay on frontier).

Caffraria 3 Oct 1840

Sir,

In reply to your communication of the 30th instance respecting the delay which occurred in valuing Mr Vawe s cattle I have the honor to inform you the person who was requested to proceed to Fort Beaufort was unwell but that the cattle have been valued and the result I beg to submit for the approbation of His Honor the Lieut.Governor.

I have the honor to be, Sir,
Your ob.Servant,
C. Lennox Stretch.
Diplomatic Agent.

H. Hudson Esq.
Agent General
Grahamstown.

| | | | |
|---|---|---|---|
| 2 cows | 50 ryds | ) | |
| 3 young bulls | 75 | ) | 255 |
| 11 calves | 110 | ) | |
| 1 young ox | 25 | | |
| 7 cows | 195 | | 220 ryds |

H. Bean.

25 head are herewith forwarded for Mr Jannie Lombard by the Chiefs Tola and Botman and they wish to know how many more is demanded for the loss sustained by Mr Lombard.

Tyumie 9th October.

Report on Agent General's
letter dated 7 October 1840 -

No 98
Residency

No. 1. 16 head of cattle stolen from C. Naude July 1839.

In February last in answer to a Report on M.Borcherds letter dated Beaufort 24th January 1840 I stated

The Sergt. of the patrol who was employed in following the spoor of this cattle reported "he could only see the spoor of 5 head of cattle". The Govt.Interpreter was accordingly sent to ascertain the fact, but the farmers would not accompany him owing to the persuasion of the Commissariat (?) at Bothe's Post.

Naude & Else -

I have however continued to demand from Tola a settlement of this case which I reported on the 7th August to Govt. and transmitted the Chief's answer. Since that period I have often reminded him of the danger he was exposed to by delaying to do so.

3.

D. Rensberg and Fourie 4 horses stolen and traced into Tyali's country.

17 head of Cattle have been paid by Tyali and valued at 112 ryds but as the horses are Considered to be worth 320 ryds I have applied for the Blance of 208 ryds to the Chief who says The Hottentots to whom the horses belonged told him they were 3 foals and 1 young horse. He will however do as the Governor desires and Endeavour to pay the Blance, but wishes to have the Cattle brought back. This I have however refused as it would Cause a further delay.

---



No. 4.

Adam Weimer 4 horses traced to Crolie's country and the Police afraid to follow the spoor.

/ 5 .....

5.

Forie and Whittebooy 2 horses stolen in May 1840. During the last War they lost these horses and some time back they Strayed from the caffers who had taken them to their former owners. The caffers followed the spoor to Elands River where the Hottentots reside and got possession of the horses. The spoor however could not be traced and I have been informed that this loss has been noticed by the Board of Claims.

No. 6.

H. Potgieter and R. Else 4 horses.

3 were returned to the Colony under the following Circumstances. The Chief Matwa[1] brought them to the Residency stating he had seized them from the thieves in the Gaza. Soon after I was informed by the Justice of the Peace at Fort Beaufort that a young horse valued at 150 ryds had been stolen at the same time and I applied to Tyali for Compensation but he stated "the spoor had not been brought into Caffraria and the 3 horses his Brother found had been restored".

7.

J. Jacobs. Blanket, Bridle, Halter and (?). Maqomo states this horse had run away from the owners, but the things were not Stolen by Caffers.

8 & 9.

Mildenhall 3 oxen.

Lombard 27 head of cattle to be paid for by Botman and Tola. 25 head have been given as part compensation and I have almost daily demanded the remainder from the responsible party.

10 & 11.

The cattle have been found in Tyali country and the Chief is collecting it - this information was given to Maqomo during the investigation which

---

(1) Matwa, an inferior son of Gaika.

I alluded to in my letter to Government date 24 August, and it appears further the murderer is also known. His name is Matoti a notorious character who received 300 lashes from Tyali some time back for theft.

12 & 13.

I have repeatedly demanded these horses from Sonto and Botman.

14

No report of this depredation has been made here and I would thank the Agent General for the particulars.

15

I have called on Botman repeatedly for the Settlement of this claim and on Friday last he had collected 5 head of cattle.

No. 16.

Mr Wm F. Vawe 27 head of cattle.

Tyali stated the cattle which were found in possession of the Chief have been given up with the Exception of 1 cow and a calf which will be sent here today. The spoor of Mr Vawe's cattle was lost in the Mankazana but owing to the Chief's exertion the thief was pursued before the cattle were removed in law.

17.

C. van Ardt 25 head of cattle traced to a drift on the Kat River leading to the kraal occupied by Pecanna who was removed by Tyali last August. I have demanded the cattle repeatedly from the responsible Chief Tyali as also the horses from Botman belonging to Delport.

Van der Bank & Botman.

Explanation transmitted to Government dated 5th February 1840 in answer to Mr Fynn's letter dated Temboo Residency.

Jan 20 1840.

No.

Wm Sheffields two cows were stolen and traced to Tola Country. The Police say "they got no Spoor". I have however informed Tola he must Compensate the owner as Mr Sheffields Servant had also delivered over the spoor.

No. 21.

The Agent requests instructions how he must proceed regarding this case.

C. L. Stretch.

Tyumie 19 October 1840

Caffraria 19 October 1840

Sir,

I have the honor herewith to return the list of owners of Cattle and horses due by the Gaika Chiefs to the Colony with a report on each case for the Information of His Honor the Lieut. Governor and although I have incessantly urged an adjustment, the (?) owing to the (?) has not been paid. I shall meet the Chiefs again on Wednesday for the purpose of demanding Compensation for the thefts Enumerated in the list and urging an immediate Settlement.

I have the honour to be
Sir,
Your ob. servant

C. L. Stretch.

H. Hudson esq.,
Act.Secretary to Govt.
Grahamstown.

P.S. Caffraria continues tranquil.

22. Capt. (?) informed me Sampsons four cows had been returned.
4 cows stolen from Elands River.

C. L. Stretch.

Caffraria 30th Oct 1840.

Sir,

Two horses have been found in the fields by Maqomo's son. It appears the thieves had returned from the Colony and having Saddled off Xaba came unexpectedly upon them while he was Searching for a cow that had strayed. The thieves ran into the Bush and Escaped.

I have accidently heard that horses have been lately stolen from Fort Brown the property of the Commanding Officer and that a Military party have been sent on the spoor.

I have the honor to be
Sir,
Your ob. servant

C. L. Stretch.

M. Borcherds Esq.,
Resident Justice of the Peace.

Sirs,

I have the honor herewith to send 8 head of cattle which have been valued (?) Mr Nel by Henry Brown - and to inform you that Chief Botman states that it was reported to him that only 6 head of Cattle were reported to him, and he refuses to pay for nine - therefore it will be necessary for Mr Naude to appear here as soon as possible if the Chief's statement is not Correct.

Your ob. servant

C. L. Stretch.

M. Borcherds Esq.,
Resident Justice of the Peace
Beaufort.

| | | | |
|---|---|---|---|
| 2 cows | 36 | each | 72 |
| 1 ox | 30 | | 30 |
| 2 calves | 10 | | 20 |
| 3 oxen | 24 | | 72 |
| | | | 194 |

Tyumie 3 November 1840

The Chief Botman states that Mr Nels son in law reported that 6 head of cattle had been stolen and not 9.

C. L. Stretch.

October 1840

| Date of Robbery | Names | Property Lost Horses | cattle | sheep | goats | Where Robbed |
|---|---|---|---|---|---|---|
| Brought forward from the Report for September. | | | | | | |
| | Tinie Lombard | | 27 | | | |
| | Joseph Mildenhall | | 3 | | | |
| | Edward Niland incl. of Gilberts | 7 | 43 | | | |
| | J.Vaughan | 1 | | | | |
| | J. D. Nel | | 9 | | | x |
| | R. Pears | 3 | | | | |
| | Christian van Ardt | | 25 | | | |
| | Wm. Sheffield | | 2 | | | x |
| | | 4 | 109 | | | |
| Oct 24 | Capt.Poole | 2 | | | | recovered by Maqomo's son and placed in charge of Major Burney[1] C.M.R. |

(1) Burney, Major W. K. H., Cape Mounted Rifles.

| When Pursued | where traced across the frontier | By whom | To whom Reported |
|---|---|---|---|

25 head of cattle value 350 ryds paid by Botman and Tola.

15 of the identical Cattle paid and 20 caffer cattle placed in charge of Mr Borcherds until the rest are paid.

C. L. Stretch.

Blank



| Name of Officer before whom affidavit was taken | Responsible chief | Remarks |
|---|---|---|

N.B.

Mr Delport's horses omitted in the report which had been traced into Botman's country near Pecana's kraal on the 17 Aug 1840.

November 1840

| Date of Robbery | Names | Horses | Property Lost cattle | sheep | goats | Where Robbed |
|---|---|---|---|---|---|---|
| | Tinie Lombard | | 27 | | | |
| | Joseph Mildenhall | | 3 | | | Brought forward from Oct. 1840 |
| | Edward Niland including 7 of Gilbert's | | 40 | | | |
| | J.Vaughan | 1 | | | | |
| | J. D. Nel | | 9 | | | |
| | R. Pears | 3 | | | | |
| | Christian van Ardt | | 23 | | | |
| | Wm. Sheffield | | 2 | | | |
| | | 4 | 109 | | | |

C. Lennox Stretch.

190 - 192

Blank

December 1840

| Date of Robbery | Names | Property Lost Horses | Cattle | Sheep | Goats | Where Robbed |
|---|---|---|---|---|---|---|
| Brought | forward | | | | | |
| | Tinie Lombard | | 27 | | | Compensated |
| | Joseph Mildenhall | | 3 | | | |
| | Edward Niland including 7 of Gilberts | | 43 | | | 15 of the identical |
| | J. Vaughan | 1 | | | | |
| | J. D. Nel | | 9 | | | Botman declared only 6 hd. of cattle came into his Country |
| | R. Pears | 3 | | | | |
| | Christian van Ardt | | 25 | | | |
| | Wm.Sheffield | | 2 | | | |

Mr Stretch refused to receive as inadequate.

Tyumie Vale
26th April 1841

C. L. Stretch
Diplomatic Agent.

| When Pursued | Where taken across the frontier | By whom | To whom Reported |
|---|---|---|---|

by 42 head of caffer cattle.

cattle returned and 25 caffer cattle the Chief Tyali States that as only 20 head of cattle were taken away from Niland including Gilberts, Sufficient Compensation has been given.

The Chief Tyali refuses to entertain van Ardt's claim as reclaimable by Treaty but desires he may come into Caffreland and s earch for his property if he thinks the cattle were brought across the Border of which no sufficient proof has been given.

Sheffield claim of two Cows disallowed.

C. Lennox Stretch.



Blank

December 1840

| Name of Officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|
| | | 14 head of cattle sent to Peffer for Rensenbergs 4 young colts by Tyali |
| | | 7th January 1841 |

Sir,

In obedience to the Commands to His Excellency the Govnr. Contained in your letter of 8th December I have the satisfaction to report that Mr H. Bekker came into Caffreland to search for his horses on 25th December and with the assistance of the Policemen who accompanied him he has been successful in recovering all that were stolen besides 13 head of cattle which the Chief Tola fined the thieves to indemnify the farmer for his trouble and the injury his horses sustained.

I have the honor to be Sir
Your ob. servant,

C. Lennox Stretch.

To H. Hudson esq.,
Agent General
Grahamstown

January 1841

Mr Bekker reported he had found one of six horses that was stolen in December. This horse with another had strayed out of Caffreland by Mildenhall's farm and returned to his owner with a Caffre horse which was recognised by Class the Policeman and others as belonging to a Caffer of Tola's, Chuvonsu and Class went with Bekker to Botman.

Venter and a farmer whose name is unknown came into Cafferland via Beaufort to search for 30 oxen and 5 horses - left for Fort Peddie on the 7th.

Mr Bekker reported he had found all his horses in Tola's country and the Chief had satisfied his demand for the loss of time, and injury they had sustained.

Nel and Du Preez called to hire Servants.

Tyumie 1 February 1841

No reports of depredations have been made at this office during the month of January, 1841.

C. L. Stretch.

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Sir,

With reference to your letter of the 3rd inst. on the subject of 25 head of cattle of Mr van Ardt I have the honor to inform you that at the time I received communication Mr van Ardt had already removed out of the district to Somerset I however immediately by letter forwarded the contents to him and to which I have not yet received any reply.

In order to put you in possession of the information upon which I reported this case as reclaimable, I beg herewith to enclose copies of three affidavits taken before me on the subject and to state the Ilatje the Gonah mentioned in the affidavit of De Klerk was on the morning of the 17th August 1840 in my presence deputed by Mr Stretch to examine the spoor and he having afterwards reported to us that the spoor crossed the boundary we both considered the case as clearly reclaimable by Treaty.

I have etc.

G. Borcherds J.P.

J. Hudson esq.,
Acting Sec. to Govt.

/D. .....

D. Christian van Ardt of Brakfontein Koonap.
Sworn, deposes

On the 14th inst 25 head of cattle were stolen from my place whilst grazing under charge of Philandu a herdsman who was armed with a double-barrelled gun - they were traced in the direction of Caffreland, and on the height opposite Fort Beaufort one heifer the property of Joseph was found stabbed the skin and head being carried away. From that spot Joseph De Klerk, Philandu, Katwe and the caffer police from Fort Beaufort brought the spoor to the boundary on the Kat River near Pecans Kraal. 19 of the Cattle are my property, 3 black cows - one marked with a slit and half-moon on the left ear worth ryds 100 a Bastard fatherland deponents property, one marked on the left ear angular cut behind right ear, swallow tail, half moon behind, value ryds 44 deponents property.

One left ear angular cut before - right ear stump the property of Katoi value ryds 40 - 1 Blue and white cow in good condition with one horn pointed low, my property ryds 40 - 1 red cow with white face my property valued ryds 40, 1 red heifer white belly my property valued ryds 26 - 5 - 2.

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3 cows the property of deponent - one red one red and white and 1 black value each ryds 30 - 5 young black oxen my property - £3 each. 5. The property of Joseph 4 cows 1 young ox - 1 yellow cow 2 ears stump value ryd 40 - 1 red cow white flank ryds 40 - one red cow right ear slit - left ear angular cut behind, half moon before value ryds 40 - 1 black cow found stabbed ryds 40 - 1 young black ox with white head ryds 25 - and three more the property of Deponent, which he cannot describe but misses them from his herd in number and the value of which he cannot state.

Sworn this 17 day of August 1840 before me.
Sd. M. Borcherds J.P.

Cattle
25

Value of 3 head sworn to day the 28 Nov 1840 making the whole ... (?) to be ryds 1034-24 vide Post.
Sd. M. Borcherds J.P.

2. Joseph de Klerk a free person of colour in the presence of C. van Ardt sworn deposes -

I went on the spoor of 25 head of cattle stolen from Mr van Ardts farm on the 14th inst together with van Ardt, Philandu, Katve, we brought the spoor as far as a ridge opposite Fort Beaufort where

/one .....

one of my cows was stabbed and skinned on the 15th inst. Mr van Ardt left us on the 16th with 2 caffer policemen from Fort Beaufort, we brought the spoor to the Kat River from Pecans kraal and this day with the assistance of Platje a Gonah living in Botman's country, we brought the spoor across the river and reported it to Mr Stretch - sworn this day 17th day of Aug. 1840.

Joseph, John de Klerk his X mark before me.

Sd. M. Borcherds J.P.

3. Christian van Ardt of Koonap sworn deposed - when I reported the description and value of my cattle stolen on 14th Aug last there were three head missing in number, the description and value which I could not state, but I have since found out that one of them is a black cow with a grey head of the value of ryds 30 - and as I cannot give a description of the two others - I consider it fair to state them at the medium value of all my cattle, namely two pounds sterling and making the whole of my loss on that occasion one hundred and thirty four rix dollars, two shillings and four stivers.

Sd C. van Ardt.

Sworn this day 2nd Nov 1840

Before me

Sd. M. Borcherds.

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Caffraria
1st March 1841.

Sir,

I beg to acknowledge your Honor's communication relative to Maqomo's cattle of the 25th inst, of which the Chief has been informed and he requests me to convey to your Honor "his thanks for this decision in his favour as he and his people were Innocent". I have no doubt it will inspire him with confidence to pursue the same straightforward line of conduct in future and although the cattle entered his territory it has been satisfactorily proved the Chief and "Amapakati" traced the thieves through his ground to Tyali's, thereby exonerating his tribe from the guilt and had Mapassa done the same when some of the stolen property was discovered

/it .....

it would not have been necessary to pursue the measures which I am confident were adopted with reluctance by your honor, but Mapassa merely reported the Gaikas were the thieves without making any effort himself and knowing well that without more proof then he afforded to Mr Fynn restitution of the property would never be obtained -

I have always been impressed he was an active Agent at the period so many robbers passed through my country for since he was assured of his responsibility by your Honor's visit, the thieves from the back settlement discontinued their marauding excursions through his territory.

I have etc.

Sd. C. L. Stretch.

To His Honor
Col. Hare C.B. & R.A.
Lieut.Governor.

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Vide Proceeding Page.

Van Ardt's Case

Forwarded to the Diplomatic Agent Mr Stretch for his Reports -

By order 25th February 1841

Sd. H. Hudson.

Report.

This case was submitted for the decision of His Excellency the Governor at the Conference held at Tyumie on the 2nd December 1840 with the Gaika Chiefs who stated on that occasion "that the only proof which existed of the spoor having been traced over the boundary was the word of Piatje, which had never been Credited before by the Colonists, and why should he now be brought forward as a person to be belived, besides the Chiefs were never aware Mr van Ardt's cattle were never herded, vide monthly report for Dec.

Tyumie 1st March 1841.

Sd. C. L. Stretch.

Feb 1841

UNSETTLED CASES

| | | Cattle | Horses | R. Chief |
|---|---|---|---|---|
| July 1st 1839 | 1. C. Naude | 5 | | Tola |
| 1840 June 5th | 2. J. Mildenhall | 3 | | Botman |
| 8th | 3. J. Lombard | 27 | | " |
| 13th | 4.) J. Niland | 21 | | Maqomo & Tyali |
| 23 | 5.) Hogben & Gilbert | 7 | | " |
| 24 | 6. J. Vaughan | | 1 | " |
| July | 7. R. Pears | | 3 | Sonto |
| 5 | 8. Platjes & others | 6 | | Botman |
| 22 | 9. J. D. Nel | 9 | | " |
| Aug 10 | 10. Wm.Sheffield | 2 | | Gaikas |
| 11 | 11. C. van Ardt | 25 | | " |
| | This claim was brought before Col.Hare[1] on the 2nd April, who disallowed it. | | | |
| | | | | C. L. S. |
| | 12. J. Delport | | 4 | " |
| Oct 10 | 13. D. P. de Lange | | 4 | " |
| | | Total 105 | 12 | |

(1) Hare, Col. John, Acting Lieut.-Governor, Eastern Province, 9 Aug. 1838 - Sept. 1839. Lieut-Governor, Sept. 1839 - Sept. 1846.

No Depredations reported during the month of February.

G. L. Stretch.

The chief Sandilla[1] during this month reiterated the subject of my letter to Govt. dated 31st August 1840.

Copy C.L.S. Remarks

No. 1 G. Naude refused to receive 5 head of cattle from Tola as he states 16 head were stolen. This deposition was however proved to be false by the testimony of Sergt.Pienaar, C.M. Rifles and others who followed the spoor -

2 Mr Stanton did not appear to prove his claim at Fort Peddie according to appointment as Botman disputes the debt stating the spoor was not brought over the border -

3 Settled

4) Claim unsettled Tyali refuses to deliver more than 25 head of
) cattle for the reason stated in my letter to this Excellency
5) dated 29 January.

6 Unsettled reported so to Government in the monthly return for December.

7 3 horses partly compensated waiting the value of the horses from the Agent General.

8 Not traced -

9 Botman has compensated for 6 which is the number traced into Cafferland and not 9 as stated.

10 - not traced.

11 The Chiefs informed his Excellency the cattle were not traced into Cafferland "Platje was a person whose statements had never been received before in the Colony, and why should it on this occasion".

12 Botman and Tola are collecting cattle to compensate the owner for the horses.

13 Traced by the Police and Pokatie to Gazellas kraals who is responsible and not the Gaika Chiefs.

C. Lennox Stretch
Diplomatic Agent.

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(1) Sandilla, or Sandile: Son and heir of Gaika. Born c.1821. Died 1877(?).

March 1841

2 head of cattle sent in charge of Gawza to Maqomo in lieu of two which had been lost at Beaufort of the number given in the case of Niland. 1 horse was also missing but which the Agent has not the means of compensating.

1 bull for Lombard
9 Spades and 1 axe stole from Gonappo belonging to the Engineer Department recovered by means of the Police from Howses Post and the thieves severely fined.

2 young cattle to Howses Post Police
2 " Tyumie
2 1 cow and yearling Maqomo.

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Caffraria At Tyumie Vale on the 8th day of March 1841 -
Before Charles Lennox Stretch esquire
appeared Gobee a Policeman who stated as follows, -

We were ordered by Capt England[1] from Elands River Post to accompany a Hottentot on the spoor of 2 horses he said had been stole by the Caffres - we went with him - He took us along the wagon road from the Post to within a short distance of Kala's the Fokatie who lives near the spot, where the Hottentot pointed to a spoor and said "This is my spoor". We looked at it - it was an old spoor and we could only follow it a short distance from the point where he pointed it out to us - The Fokatie was present and requested the Hottentot to go back a short distance as far as "Fortunes" and bring on the spoor from that to the boundary - he would then receive it, but he would not receive a spoor which he had left at the "Krantz" (Fort Armstrong). We then came on to this place.

Gobee his X mark

II C. L. Stretch
Dip. Agent.

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(1) England, Capt. James H., 75th Regt. Not to be confused with Lt.-Col. England.

Tyumie

6 April 1841

The following cattle were delivered at this Residency by the Native Magistrate of the Tyumie district, "Chala", who states "That about the dawn of day this morning the bellowing of cattle were heard in the thorns near this place and on sending to see what it was, the Messenger returned with the cattle herewith described.

Restored on 16 April to Gideon Botha who received 26 head cattle from Mr Stretch 1 calf deficient valued at 17 ryds vide Borcherds letter dated 19 April 1841.

C. L. S.

1 brown cow white belly
1 black cow two white places on the udders, and a calf
1 red cow and calf with white feet
1 black Schelder cow
1 black cow white head and belly
2 black and white heifers
1 red cow white belly and white muzzle
1 red spotted cow
1 black and white yearling
1 red cow white belly
1 red bull
1 brown cow white belly
1 Vaal heifer
1 black and white bull
1 red bull
1 young heifer white tail
1 red cow
1 red cow white belly
1 black cow stump horned
1 red bull, white belly
1 black calf
1 red cow and calf

Total

13 cows
5 heifers
4 bulls
4 calves

26 head

C. L. Stretch
Diplomatic Agent.

Tyumie 12 April 1841

Sir,

The Chief Tola having delivered the cattle enumerated in this letter for Mr Delport I have desired the bearers to deliver them to your charge as also a chestnut mare which had been stolen at the same time when the horses he has received were taken from the Colony, and for the injury they sustained the cattle is now sent - The fourth horse is dead and the Chief wishes to know the value in order that the amount of compensation may be paid.

I have the honor to be
Sir,
C. L. Stretch.

Cattle forwarded for Mr. Delport as Compensation for the injury his horses sustained in consequence of the Caffres stealing them from the Colony.

| | | | |
|---|---|---|---|
| 2 cows and 2 calves | | 80 ryds | |
| 1 | " | 10 | |
| 2 | Bulls | 25 | 140 ryds |

Tyumie 12 April 1841

24 April 1841

Memorandum.

1 large brown horse black main and tail (?) back
1 small chestnut mare were found in the possession of Hintzas caffers who had returned from the Colony they were sent to this Residency by the Chief Tyali.

C. L. Stretch.

To M. Borcherds Esq.,
Resident Justice of the Peace
Fort Beaufort.

Cattle and Horses claimed by the Colonial Government, at the quarterly meeting at Fort Beaufort from the Gaika Chiefs.

2nd April 1841

| | | | Horses | Cows | |
|---|---|---|---|---|---|
| | Tyali | £83 | or | 33 | good cows |
| 1 | " | 17 | or | 6 | " |
| 2 | Botman | | | 4 | " |
| 3 | " | | 1 | 0 | |
| 4 | Else | | 1 | 0 | |
| 5 | Pears | | 3 | 0 | Settled 1st July |
| 6 | Delport | | 2 | 0 | " 8 May |
| | | | 7 | 43 | |

C. L. Stretch

Diplomatic Agent

This memorandum was copied from Col.Hare's Minute of the Meeting.

Caffraria 26 April 1841

Sir,

In reply to your letter of the 20 inst I beg to inform you I have not received any cattle or horses in settlement of the arrear claims up to the 2 December 1840 and I have the honor to submit a statement of the claims of the Colonial Government on the Gaika chiefs to that person amounting to 32 head of cattle and 7 horses with their reply to a demand I made last week for a final settlement.

I have the honor to be
Sir
Your ob.servant

C. L. Stretch.

J. Hudson esq.,
Agent General
Grahamstown.

April 1841

Return of horses and cattle robbed from the Colony and taken across the Frontier, reclaimable according to the Treaties -

| Date | Owner | Head of cattle | horses | Sworn value & Remarks |
|---|---|---|---|---|
| 1841 | Jurie Lombard | 4 | | Claimed by Colonial Government or the value of ryds 130 deficient of the compensation given to the case of Lombard. |
| | Edward Niland including 7 of Gilbert's | 43 | | £100 claimed as compensation for 28 head of cattle reported to have been stolen from the Colony - the property of Niland & Gilbert - |
| | John Vaughan | | 1 | Disputed between Tyali and Botman and neither will pay - |
| | Regnier Else | | 1 | Claimed by the Colonial Government being one of four which Else states came into Caffreland - |
| | R. Pears | | 3 | Traced to the Drift at Fort Wileshire |
| Settled | | | | |
| | Delport | | 2 | Since the conference at Beaufort ryds 140 in cattle has been paid for the injury 2 horses sustained before they were restored to Delport - He claimed ryds 250 but it was shown at the conference that so much damage had not been done his horses - Total amount of property claimed by the Colonial Government from the Gaika chiefs to the 2 December 1840 - 32 head of cattle and 7 horses - |

This Return transmitted to Government on the 26 April 1841

Answers of the Responsible Chiefs

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Forty two head of cattle have been delivered for Lombard - I cannot get any more from my people.

Tyali's answer

Fifteen of the identical cattle returned and 25 head of cattle were delivered to the Agent as compensation for the theft - I will give 8 more but I will not pay Niland for what he never lost.

Threeewere returned to the Colony under the following circumstances. The Chief Matwa brought 3 horses to this Residency stating he had seized them from the thieves in the Gaga soon after the Chief was informed by the Justice of the Peace at Fort Beaufort that a young horse value ryds 150 had been stolen at the same time - This compensation was accordingly demanded and the Chief Tyali stated - "the spoor had not been brought into Caffraria which is corroborated by the Police and 3 horses his brother brought have been restored -

Eni states - "The wagon road from Double Drift to Willshire forms the boundary line betwixt his country and Botmans - the spoor entered the Keiskama at Willshire on the wagonroad. It was not brought out on the other side - The case stands therefore equally between Botman and myself. In compliance with the word of Govt however - I told Sonto to pay a fine of 10 head of cattle. The cattle were therefore sent by Sonto and were returned with the message from the Agent that 20 in all was the fine. I therefore told Sonto to let the matter rest where it was, as I think I have done enough to redeem my promise to the govt. in an affair in which I am not responsible -

Chief's answers

Ten head of cattle sent by Tola as compensation for the 2 horses but which Mr. Stretch refused to receive as inadequate.

April 1841

| Date of Robbery 1841 | Names | horses | Property Lost cattle | sheep | goats | Where Robbed |
|---|---|---|---|---|---|---|
| April 9 | Lewis Nel | | 7 | | | Water Kloof |
| | Gideon Botha | | 25 | | | Not reported Gonappe |

Tyumie vale

3 May 1841

| When Pursued | Where traced across the Frontier | By whom | To whom reported |
|---|---|---|---|
| following day | Near Beaufort | Caffre Police and Maqomo's Amapakati who found the cattle among their chiefs followers under Xeta. | |
| Found by Chala Native Magistrate near his location in the Tyumie District<br><br>C. L. Stretch | Not traced | Reported by the Agent to Government and subsequently the cattle have been claimed by Mr Botha | C. L. Stretch<br>Diplomatic Agent |
| | | 2 horses have been found in the possession of Hintza's caffres by the Chief Tyali who had been in the Colony. The horses were seized and sent to this Residency. | C. L. Stretch |

May 1841

10th Sent a chestnut stallion belonging to Mr Delport to Beaufort in charge of the Policeman Bottle.

11th The undermentioned cattle were sent to Mr Borchords to be distributed as follows:

4 cows and one calf value ryds 150 for Mr Delport as compensation for the period his chestnut stallion and mare has been in Caffraria.

1 young bull to Mr Nel for the time his cattle were in Caffreland.

1 young calf for Gedeion Botha, the Heifer reported lost or strayed cannot be compensated from the Caffer cattle.

1 cow to be given to the Trader for the food, tobacco and presents which the Chiefs have received during the month of April

1 calf value at 9 ryds divided among the caffres employed in taking care of stolen cattle and horses.

C. L. Stretch.

May 11th 1841.

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Caffraria At Tyumie Vale on the 12th May 1841.

Before Charles Lennox Stretch esquire J.P.

Appeared

George Webster, Farmer in the District of Tarka and stated as follows -

On Tuesday 14 May, 17 head of cattle and 7 horses were taken from my fields - They were not guarded day nor night - My brother went as usual to look at the cattle, and after 4 hours returned and stated that 17 head of cattle and 7 horses were missing - On Wednesday we found the spoor about an hour before sunset and on Thursday 6 May at day dawn accompanied by William Wilson and 3 farm servants we followed the spoor to opposite Mr Fynn's where I got a patrol and 2 policemen. We then crossed the boundary into Tambookie land. The patrol returned and I continued the pursuit with Mr Wilson and the native police. Immediately on crossing the

/boundary ..

boundary in Tambookie country we found the remains of a yearling which the thieves had slaughtered. I know it was my calf I could swear to it - from that spot we proceeded for two days on the spoor - we crossed the "Ridges Vlakte" and round the Bontebock Vlakte to within 1500 yds of Cympi's kraal - We went to the kraal and the police spoke to 4 caffres who were sitting there - This party stated that the cattle belonging to Cympi had been driven two days before in the same direction as the cattel we were in search of. On account of rain which fell on Monday we could not avoid observing the spoor the whole way. Cympi was not at home. I came to Cympi's on Sunday night and I reported it to Capt.England who returned with me to the spoor on Monday morning - We went back upon the spoor from the spot where I had left it on Sunday evening accompanied by the caffers and patrol about 3 miles over the mountainall present were satisfied that it was a continuation of the spoor brought to the vicinity of Cymbi's kraal -

Sd. R. C. Webster.

Witness
Alex Campbell Edgar.

Before me

Sd. C. Lennox Stretch J.P.

Description of Mr Websters Horses

| | | | | |
|---|---|---|---|---|
| Returned | 2 red Schimmel marked thus 8 on the thigh | ryds 200 each | | 400 |
| Returned | 1 black stallion 2 white feet no other p̄ rticular mark 200 | | | 200 |
| Returned | 1 bay mare marked 8 on the thigh wolf bite on the shoulder not quite cured 100 | | | 100 |
| Dead | 1 bay mare star forehead 2 white hind feet | 100 | | 100 |
| | 2 horses belonging to William Wilson one a grey bit on the neck by another horse (not cured) one a bay horse star on forehead and white mark on his nose 200 each | | | 400 |
| | 7 horses - total amount of horses - ryds | | | 1200 |

Description of Cattle

| | | | |
|---|---|---|---|
| Returned | 1 large black ox brand on the thigh scarcely discernible ryds 100 | | 100 |
| Returned | 1 red ox G.W. marked on the high 50 | | 50 |
| " | 1 black ox left ear swallow tail stump and slit on right ear - 50 | | 50 |
| " | 1 little red ox stump and slit right ear left ear cut in front | | 50 |
| One retnd. | 2 red oxen white heads stump and slit on right ear and s quare cut in the left 50 each | | 100 |
| One retnd. | 2 black oxen one with star on forehead right ear of both stumped and slit. 1 jet black with swallow tail and half moon behind left ear. The other marks of the first mentioned not exactly known so each | | 100 |
| 8 oxen described - value of oxen described - ryds | | | 450 |
| 5 oxen 50 ryds ea.250 and 1 cow 40 2 heifers 30 ea. - 60 and one yearling slaughtered 15 - not described | | | 365 |
| | | | 815 |
| Total value of property lost ryds | | | 1200<br>815 |
| | | | 2015 |

/13 oxen .....

13 oxen
1 cow returned
2 heifers - returned
1 yearling

17 head of cattle

C. L. Stretch
Dip. Agent.

N.B. Mr Webster does not at the moment recollect any more of the marks of the cattle than those he has mentioned.

6 oxen
1 cow
2 heifers

19 Returned

Tyumie Vale

12 May 1841

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Returned by Sandile

| | | |
|---|---|---|
| 1 | dun Bull | ryds 20 |
| 1 | white schimmel | 20 |
| 1 | black | 30 |
| 1 | red ox | 50 |
| 1 | cow | 20 |
| 1 | " | 25 |
| 1 | " | 25 |
| 1 | " | 30 |
| 1 | " | 25 |
| 1 | " | 25 |
| 10 | | Ryds 270 |

List of cattle and horses returned by Sandile to Mr Webster

6 identical horses
1 mare, dead, to be compensated
7

6 identical oxen
7 deficient
13

C. L. Stretch
Dip.Agent

1 identical cow
2 " heifers
1 yearling deficient
17 reported to the Resident Agent by Mr Webster as stolen from the Tarka. N.B. For the 7 oxen deficient and one yearling 10 cattle have been delivered as compensation and valued at Ryds 365.

Tyumie Cale. 27th May 1841. Mr Webber valued the 6 horses now returned at ryds 1300.

Sd. C. L. Stretch.

1841
May 29 Memorandum of cattle and horses delivered in the case of Mr Delport versus Antony Goola.

1 horse and 3 mares, identical property delivered to Mr. W. Erasmus and Delport at Antony Goola's kraal.

1 June 1 horse value £20 delivered to Mr Borchards by Class Love

2 June Memo of cattle forwarded to Fort Beaufort in charge of Lockart for compensation in the case of Mr Delport's versus Antony Goola.

| | | | |
|---|---|---|---|
| 3 cows at ryds | 20 each - | | 60 |
| 3 " | | 25 | 75 |
| 2 calves | | 12 | 24 |
| 2 | | 10 | 20 |
| 1 bull | | 24 | 24 |
| 1 calf | | 15 | |
| | | Ryds | 203 |

Given to Mr Murray for forage and provisions to Messrs Erasmus and Delport while at Tyumie.

C. L. Stretch.
Dip. Agent.

29 May Memo. A red Schimmel horse, s hod, delivered at Fort Beaufort, owner unknown. The mare which was delivered by Sandile with this horse broke away from the riem on the night of the 26th and was spoored into the Kat River.

2 head of cattle or £3 their valuation by the Trader placed at the Agents disposal as compensation for the owner.

C. L. Stretch.
Dip. Agent.

Return of Horses Cattle Sheep Goats or other property robbed from the Colony taken across the Frontier and according to the Treaty etc.

May 1841

| Date | Name of Owner | Property Lost | | | | |
|---|---|---|---|---|---|---|
| | | Horses | Cattle | Sheep | Goats | Other Property |
| May 4th | George Webster | 7 | 17 | | | |
| May 7 | Petrus van Veuren | | | | | |
| 27 | Conrade Bezuidenhout | 5 | | | | |
| 20 | John Ackerman | | | 4 | | |

Tymie Vale 7 June 1841

| Where robbed | When Pursued | Where traced across the frontier By whom |
|---|---|---|
| Tarka | | Following day by Mr Webster who reported to the officer commanding at Elands R.Post the spoor had come down to Elands R. but on investigation Sandile found that the report was not correct as the cattle had not descended from the mountains "but came through the Bontebock flats" and the cattle were discovered by Sandile north of Beaufort.<br>7 horses and 10 of the identical cattle recovered and 7 Head compensated by Sandile. |
| Mancazana Post | | This man reported that on the 6 inst he fell in with 3 caffers driving 14 head of cattle owners unknown. One of the caffers fired at him which he returned and shot one of them and recovered the cattle and subsequently claimed by Simon Radliff. |
| | | Not traced across the Boundary. |
| Kat River | | Traced into Tola's country the following day. |

C. L. Stretch
Diplomatic Agent.

May 1841

No. 1.

Memo. One chestnut stallion the property of Mr Delport and one mare with cattle as compensation. Valued at ryds 150 for the time those horses have been out of the owners possession.

No. 2.

a young bull to Mr Nel as compensation for the time his cattle were in Caffreland.

No. 3.

A calf to Gideon Botha in lieu of one deficient of the number reported in the return for April.

No. 4.

Two horses and two mares restored to Messrs. Delport and Erasmus with cattle to the amount of £15 as compensation for one horse that had died - case reported to the Resident Justice of Peace at Port Beaufort on the 28 April 1841.

C. L. Stretch
Diplomatic Agent.

June List of cattle sent to Mr Ackerman on the 23rd June 1841 to be kept in his possession until his case is settled by Mr Stretch with their valuation.

| | | |
|---|---|---|
| 1 white cow | ryds | 30 |
| 1 red " | | 25 |
| 1 black " | | 25 |
| 1 brown | | 20 |
| 1 bull | | 15 |
| 1 calf | | 10 |
| 6 Head | ryds | 125 |

A. C. Edgar
in ab. of the
Dip.Agent.

Witness
Class Love.

When these cattle arrive at the place Mr Ackerman will be pleased to send a receipt acknowledging their safe deliverance into his possession.

---



July
1841 The horses reported stolen from Mr Vaughan of Beaufort for which he received a check on the Bank of £20 from His Honor on the 2nd April 1841 was subsequently found in the possession of an Englishman in Grahamstown and valued at £3 sterling.

The cattle for which Hegben and Gilbert were repaid £17 on the same occasion were also found in the Colony. These cattle were charged against the Chief Tyali who always asserted was an unjust claim.

Return of Horses, Cattle, Sheep and goats or other property, robbed from the Colony, traced across the frontier and according to the Treaty etc.

June 1841

| Date of Robbery | Owner | Property Lost Horses | Cattle | Sheet | Goats | Other | Where Robbed |
|---|---|---|---|---|---|---|---|
| June | Daniel Risiberg | | 5 | | | | |
| | David Hobson | | 2 | | | | Leeufontein traced over the boundary at a foot drift about a mile below Howses Post on the 3rd June. |

| When Pursued | Where traced across the frontier | By whom | Responsible Chief |
|---|---|---|---|
| The following day | Traced to Botha's Post by the Owner and the Police afterwards followed the spoor into Tola's country. Tola's people seized the cattle but the thieves fled. 5 head of the identical cattle brought in by Tola himself and sent to the magistrate at Beaufort the same night 5th inst - | | |
| | The cows reported to be stolen on the night of the 1st June but the Police did not go on the spoor until the morning of the 3rd. | | |

Caffraria 5 June 1841

Sir,

I have the honor to forward by the Policeman Manana 5 head of cattle brought in here today by Tola belonging to the Colony but as Mr Stretch is absent on particular duty I do not know for whom they are intended.

2 cows
2 Oxen
1 Bull

5 Head

I have the honor to be
Sir,
Your most ob. servant,

Alex Campbell Edgar
in abs. of Dip.Agent.

M. Borcherds Esq.
Resident Justice of Peace
Fort Beaufort.

On: Websters Case

Sir,

I have the honor to acknowledge receipt of your communication of the 5th inst relative to the cattle which the Chief Sandile had returned belonging to Mr Webster of the Tarka district and which he had discovered had been taken to the country in the vicinity of the Buffalo River. Mr Webster in his deposition stated to me on the 4 May "They were not guarded day nor night" - The case is therefore not reclaimable according to the Treaties - the cattle were not even Traced to the Boundary but the Chief Sandile having ascertained that stolen property had been brought into his country with the greatest promptitude recovered the whole of it. The Property was not identified by Mr Webster or any of his relatives but if it had not been for the exertions of the Chief it would probably have not been discovered at all - under all these circumstances I consider the compensation Mr Webster has received quite sufficient and I therefore cannot recommend to His Honor that a further demand should be made on the Chief in this case.

Mr Webster did not proceed on the search himself nor had he ascertained that his property had been taken across the Boundary as prescribed by the 3rd Paragraph of the 26th Article of the Amended Treaties and consequently he cannot urge his compliance with the section of the Treaty as authorising me to apply to the Chief for compensation beyond what he has received -

The Schimmel horse you allude to in your letter was delivered to Mr Interpreter by Sandile with



a mare which broke away from her riem the same night, and altho'

/every .....

every exertion was used to discover the direction she had taken the Policeman could only follow the traces tothe Chumie mountian.

Two head of cattle were also sent by the Chief as Compensation but as one of them was particularly wild I had them valued by the Trader and sold for £3 which sum will be paid to your order whenever the owner appears.

I have the honor to be
Sir,
Your most ob.servant.

C. L. Stretch.

M. Borcherds Esq.
Res.Justice of Peace
Fort Beaufort.

Memo.

3 August 1841

3 cows) Compensation for David Hobson's two cows stolen by
1 bull) caffers and traced over the Boundary at Howses Post
1 calf)

10 oxen Received by Mr Shepstone at Fort Peddie from the Chief Gazella supposed to belong to Mr Bradfield of Kat River

2 cows) compensation given by Gazella for the 10 oxen above
1 ox ) described
1 heifer)

C. L. Stretch.

| Date of Robbery | Name of Owner | Property Lost Horses | Cattle | Sheep | Goats |
|---|---|---|---|---|---|
| 6 July | David Hobson | | | 3 | |
| | August 1841 | | | | |
| | | Not reclaimable. | | | |
| Jly 9 | Andries Nel | | 9 | | |
| Aug 28 | M. Lowan | | 10 | | |

July 1841

| Where robbed | When Pursued | Where traced across the frontier | By whom | |
|---|---|---|---|---|
| Kat River | same day | Howses Post | Police | |

August 1841

stolen from the fields whilst grazing under charge of two armed herds. Spoor lost in consequence of heavy rain. 8 head recovered from the Caffers at Howses Post.

C. L. Stretch.

With regard to the spoor given over to the Police by Sgt. Droog I have just examined Jantze and Goutje and they say that when they found the 8 cows they searched for spoor all round them but did not find any spoor more than those of these 8 cows.

Remark of M. Borcherds
J.P. dated 3 Sept.

| To whom Reported | When reported | Property Recovered | From whom | |
|---|---|---|---|---|
| Mr Stretch | same day | no | | |

August 1841

July 10 Andres Nel

It has been reported that the spoor of three oxen were brought to the boundary by a military party in charge of Sergt. Droog but from Mr Borchards statement together with the declaration of the Chief it does not appear from the information I have obtained that the spoor was given over to the Police.

C. L. Stretch.

| Sworn value not recovd. | Name of Officer before whom affid. | Responsible Chief | Remarks |
|---|---|---|---|
| | | Botman | Compensation £3. 0. 4. Sheep valued at 9 shillings each and £1. 13. for compensation. |

Several reports of depredations have been reported this month committed by caffers but upon investigation it did not appear the complaints were just.

C. L. S.

August 1841

Two horses delivered by Mr Shepstone supposed to belong to the Revd. Mr Thompson, have been forwarded to Beaufort.

C. L. S.

September 1841

| Date of Robbery | Name of owner | Property Lost: Horses | Cattle | Sheep | G. | Other Property | Where robbed | When Pursued |
|---|---|---|---|---|---|---|---|---|
| 27 Sept | Mr Mildenhall | | 6 | | | | Klu<br>Klu | same day |
| | Not Reclaimable | | | | | | | |
| | S.Molan | | 8 | | | | | |
| | H.Odendaal | | 12 | | | | | |
| | Ruiter | | | | | | | |
| | Platjies | 3 | | | | | | |

Recovered in Caffraria

| Where traced across the frontier | By whom | To whom Reported | Remarks |
|---|---|---|---|
| Near Mowsos Post | Police | Field Cornet Beaufort | Recovered |

The horses delivered at the Residency by Jonas Botman's son.

C. L. Stretch.

1 horse a mare 1 yellow foal to be delivered to Mr Borcherds esq. by the Policeman Gothe.

They were brought here last night by the Chief Jonas who states "they were taken from the thieves by some of his Caffres who were hunting in the Umxelo. Owner unknown and no report.

Tyumie 2 Sept 1841. C. L. Stretch.

27 Oct.

1 brown stallion
1 chestnut gelding
1 " mare and foal.

C. L. S.

October

| Date of Robbery | Name of Owner | horses | Property Lost cattle | sheep | goats | oth. | Where Robbed |
|---|---|---|---|---|---|---|---|
| 1 | George Gilbert | | 5 calves | | | | Klu Klu |
| 12 | A. G. Bain | | 7 calves | | | | Dawe Noogte |
| | D. Odendaal | | | | 2 | | Kat River |
| | " | | | | 5 | | Kat River |
| 17 | J. Mildenhall | 1 | | | | | Klu Klu |
| 20 | D. Odendaal | | | | 31 | | On the boundary |
| 18 | Class Zeland | | 2 | | | | " |
| 24 | M. Simpson | | 26 | | | | Fish River |
| | Not Reclaimable | | | | | | |
| | M. Delport | | 9 | | not traced and not herded when stolen. | | |

| When Pursued | Where traced across the frontier | By whom | To whom reported |
|---|---|---|---|
| same day | near Howses Post | owner and Police | Justice of the Peace |
| " | " | " | " |
| " | Warden's farm | Police | " |
| " | Warden's farm | " | Mr Stretch |
| " | Near Howses Post | " | Justice of Peace |
| " | Warden's farm | " | |
| " | Fort Beaufort | Owner & Police | |
| not stated | near Botha's Post | A military party brought the spoor to the Boundary where it was given over to the Police who followed the spoor to Tola country where they left it. | |

The cattle taken from the fingoes in the Mankazana has been seized in part/ case under investigation.

6 hd. of cattle reported in the September return the property of Mildenhall have been recovered and restored to him.

Tyumie 4th November 1841

C. L. Stretch.

| When Reported | Property Recovered | From whom |
|---|---|---|
| 4 Oct | recovered | I put the two Police stationed at Mildenhall's on the spoor on Saturday morning and on Saturday night they brought the calves back to my place and reported to me that they had recovered them not far from the river. That they Fired at the thief but missed him.<br><br>G. Gilbert |
| 15th | recovered | Caffer Police of Mildenhall's place put on the spoor but the calves having returned it was not necessary for them to resume the Pursuit the following day.<br><br>A. G. Bain<br><br>Traced to Tola country and demanded compensation.<br><br>Compensated 7th November.<br><br>Zealand's and Simpsons cases are under investigation. |

The Agent has not been informed under what circumstances the cattle were taken from the Fish River.

5 Oct. 1 horse restored by Maqomo found in Caffraria.

2 " Sandile
1 mare and foal Sandile
3 oxen "

C. L. Stretch.

16 November

Kona delivered 17 head of cattle belonging to the fingoes and 13 as compensation for the same number taken by Xeta.

1 to Manana
1 calf to a Messenger to Fort Peddie
8 Kona[1] retained for himself. Tyali must give Maqomo five in lieu of 5 he levied from the thief.

C. L. Stretch.

18 Nov. The following day Tyali sent 2 cows and a calf stating he only received 2 cows and 2 calves but as the one calf was deficient he sent 7/6 for it. The money was returned and the 2 cows and one calf handed over to Mr Borcherds for a Mr Taylor whose two oxen had been stolen by Xeta while grazing on Maqomo's lands in Caffraria.

Maqomo reported this morning that Xato had attacked his cattle Kraal. That one of his men through the thigh wounded a woman and seized the cattle that remained after having settled the Claim of the fingoes.

---



2 December

1 mare brown with a white place the main
1 gelding with a horl foot

Sent by Botman who took them from the theives, at the Cheeheko River a small stream falling into the Kat River below Ackerman -

Gaushe, about midday we were called to go on the spoor of a horse, lost at the junction of Goucia and Kat River - it was not guarded.

---

(1) Kona: Maqomo's Son.

November 1341

| Date of Robbery | Name of Owner | Property Lost: Horses | Cattle | Sheep | Goats | Other | Where Robbed |
|---|---|---|---|---|---|---|---|
| | J. Mildenhall<br>Wm. Simpson<br>Class Zeland | 1 | )<br>30)<br>2) | Brought forward from the Return of Depredations for October. | | | |
| 7th | Duval | | 3 | | | | Recovered by Cyimpi the Pokatie of Elands River Post. |
| Reported Lost | | | | | | | |
| 12th | van der Nest | 8 | | | | | 13 inst at Bavian's river |

| When Pursued | Where traced across the frontier | By whom |
|---|---|---|
| Mr Simpson's loss was stated in the first instance 26 head of cattle and subsequently 30 which number has been demanded from the responsible chief. | | |

Reported to the officers commanding at Mankazana

90 head of cattle seized from the fingoes at the Mankazana and Kat River have been returned to their owners by Maqomo and Tyali who punished the delinquents.

Tyumie Dec 6 1841 C. L. Stretch.

Blank



November 1841

| Sworn value not recovered | Name of Officer before whom affidavit was taken | Responsible Chief and remarks |
|---|---|---|
| | | |

Report for December same as for Nov.

No depredations except 5 horses reported by Nel which I recovered and they have been returned.

C. L. Stretch.

Blank



January 1842

| Date | Name of owner | Property Lost Horses | Cattle | Sheep | Goats | Other prop. | Where robbed |
|---|---|---|---|---|---|---|---|
| 16 Jan | Jan Ackerman | | | | 14 | | On the border |
| 13 Jan | Isaac Nel | | 8 | | | | Gonappe |
| 28 | William du Plooy | | 24 | | | | Gonappe |

| Where Pursued | Where traced across the boundary | By whom | To whom Reported |
|---|---|---|---|
| Same day | at complainants residence | native police | Mr Stretch |
| same day | near Howses Post | native police | Mr Stretch |
| same day | Fort Beaufort | Owner | Mr Stretch |

| When reported | Property Recovered | From whom | sworn value |
|---|---|---|---|
| 13 Jan | compensated at the rate of 6d a head for the goats | | £4 4 0 |
| | trouble and loss of time | | 1 13 0 |
| | | | 5 17 0 |
| 13th | Yes. Identical cattle recovered | Tola's | caffers and compensated for trouble and loss of time £3 0 0 |
| 30th | Identical cattle recovered with the exception of 1 cow and 2 calves for which the owner was compensated including loss of time and trouble | | £20 0 0 |

C. Lennox Stretch.

Received from Mr Stretch 33 year old calves which were recovered from the thieves who stole them from me on the evening of the 28 June with the following cattle as compensation.

| | | |
|---|---|---|
| 2 oxen | 70 | ryds |
| 3 cows | 75 | |
| 2 calves | 30 | |
| | 175 | in lieu of 1 cow and 2 cows deficient of the number stolen. |

W. Du Plooy

1 black cow
1 red calf given to the Police by Mr Du Plooy

4th Feb. 1842.

The above was the only case reported during February 1842

March 1842

| Date | Names of Owners | Property Lost: horses | cattle | sheep | goats | other | Where robbed |
|---|---|---|---|---|---|---|---|
| 1st March | D.Odendaal | | 4 | | | | Warden's Farm |
| | S.Allison | | 4 | | | | Botha's Post |
| 11th | Jan Ackerman | | | 17 | | | Kat River |
| 4th | Capt Knollys[1] | 2 | | | | | Fort Beaufort |
| 14th | Botha Roux | 2 | | | | | Komdau |
| 16th | Joseph Mildenhall | 5 | | | | | Klu Klu |

(1) Knollys, Capt.Edward, 75th Regt.

| When Pursued | Where traced across the border | By whom | To whom reported |
|---|---|---|---|
| same day | Klu Klu Kat River | Police | Mr Stretch |
| same day | Kat River | Police & Tola | Mr Stretch |
| same day | Kat River | Police | Mr Stretch |
| Stated to | have been grazing in | Caffraria when stolen | |
| next day | Kat River | Owners armed (?) | Mr Borcherds |
| next day | Kat River | Native Police | Mr Stretch |

Horses and cattle recovered by the Pekatie.

4. owners unknown
1. Mr O'Connor) 90 ryds compensation in these two cases.
21. head cattle)

March 1842

| When Reported | Property Recovered | From whom | Sworn value not recovered |
|---|---|---|---|
| 2 March | Yes identical | Tola's caffres | Recovered |
| " | " | " | Recovered |
| 12th | No | " | " |

but the thief has been punished and 5 head of cattle to be paid as compensation for the injury done to the horses

| | | | |
|---|---|---|---|
| 14th | Yes | Tola's caffres | Yes |

these horses were recovered by Mato Bela[1].

* These horses have been taken in the direction of the Kei River and the case reported to Mr Fynn.

(1) cf. Matomela, a Fingo Chief.

March 1842

| Officer before whom affidavit was taken | Responsible chief | Remarks |
|---|---|---|
| Mr Borcherds | Botma | Compensation £3 0 0 in both cases |
| Mr Stretch | " | |

Three horses are returned by the Policeman Chebe to Mr Hobson which have been stolen from Howses Farm by a Tambookie they were taken from him by Botman's caffers and he escaped.

C. L. Stretch

31 March 1842

7 head of cattle given as compensation for Capt.Knoylls horses.
5 horses returned the property of Mildenhall.

April 7th 1842.

The three horses stolen from W. Andrews and reported on the 4th April to the J.P. at Fort Beaufort were followed by the Police to the Keiskama where they received them from Sandilla's caffers who took them from the thieves.

C. L. Stretch

To search for -

| | | |
|---|---|---|
| Powel Botha | 6 | horses |
| Mona Botha | 6 | " |
| Christoffle Botha | 6 | horses |
| Jan Verceiul | 12 | " |
| Jacobus Potgieter | 6 | " |
| Jan Erasmus | 4 | " |

The above individuals arrived at the Residency Saturday 9 April 1842 to search for the horses noted opposite their names.

Sd. Jacobus Potgieter

---



16 April 1842

Two horses sent into the Residency which were taken from the thieves by Tyali's caffers and are herewith forwarded to Fort Beaufort.

G. L. S.

20th April 1842

6 horses the property of Verceiuel of Winterberg were discovered with Tyali's caffers and restored - to the owner with further 3 hd. cattle as Compensation.

20th 6 hd. cattle by Tola - owner unknown.

10 hd. cattle and 3 horses taken from (?) and the Cowie restored by Kona.

9 head of cattle recovered by Sandilla Pekatie Slato - and returned to owner - the spoor was lost near Matomela kraal and the property taken from the thieves at Mankazana.

23rd April 1842.

Sir,

I have the honor to inform you the Policeman Gwana and (?)

/having ...

having perceived the spoor of cattle on the banks of the Kat River early yesterday morning "they state they followed it and found 6 head of cattle among Tola's caffers which had been stole from the Colony and which are herewith returned. I do not know to whom they belong as no report of the loss has been made here.

I have the honor to be
Sir
Your ob.servant

C. L. Stretch.

M. Borchords esq.

---



3 cows 3 calves/ compensation for 17 sheep stolen from Mr Ackerman and valued at 102 ryds.

The Policeman Daniel brought by consent of Mr Ackerman

| | | | |
|---|---|---|---|
| 1 cow & calf | £2 | 5 | 0 |
| cow and calf to a caffer | £1 | 18 | 0 |
| cows and calf remaining | 3 | | |
| | £ 7 | 3 | 0 |

3 cows and a calf compensation for some crowbars stolen from the Queen's Road £6 15 0
one cow ran away to be paid for by the herd 1 10 0

Swartboy and Vungu a cow each for their trouble

April 30

2 cows and calves for stolen horses which the owners recovered

Mijn Heer

ik meede u mijn heer met dese dat 6 Beest fun Commandant Groepe is fermest geraak an Vrijdag Groepe sijn menschen heef de spoor ofer de berg gebrocht so heef ik de Soone afgenamen in gefolgen tot aan de limeit de spoore gun ofer de limeit maar het is maar twee spore de ik an de limeit gebrocht heef: het is an Wat ik ken mijt maaken Sij moet De Beeste ferdeele heef achter de Berg - ik heef de spoore af gegafen an de pakatie naamenlik gobi.

23 May 1842

A. Schipping.

Reported to Agent General 11 May

Figland (?) 2 oxen
Hanse Rensburg 3 oxen
Jan Menie 2 oxen

Sd. C. Groete
Commandant.

Report 24 May 1842

The cattle alluded to in Commandant' Groepe's letter have been traced to Sandilla's country who is responsible by Treaty to restore them, or compensate the owners, but from the report of the Police and Field Cornet who assisted in tracing the robbers the spoor of two head of cattle and not seven could only be distinguished Crossing the Boundary.

The spoor of the horses having passed out of the Gaika country I have reported the robbery to Sandilla in order to his Communicating with Mapassa who is the responsible Chief.

G. L. Stretch.
Diplomatic Agent.

Return for May 1842

| Date of Robbery | Names of Owner | Property Lost: horses | cattle | sheep | goats | other | Where robbed |
|---|---|---|---|---|---|---|---|
| 2 May | Jan Meonie )<br>)<br>Rensengerb )<br>)<br>..... (?) ) | | 7 | | | | Elands River |
| | P. Norton | | 3 | | | | Kroomen |
| 16 May | Ola de Klerk | 3 | 3 | | | | Eland's River |
| 28th | Barend Erasmus )<br>) | | 7 | | | ) | |
| | Barend Erasmus ) | | | 2 | | ) | Kat River |

| When Pursued | Where traced across the frontier | By whom |
|---|---|---|
| same day | Bontibuck flat | Native Police |
| same day | Klu Klu | owner and Police |
| same day | Kat Berg | Native Police |
| same day | Warden's Farm | Police |

7 horses and 17 head of cattle received by the Chief's and sent into the Colony during this month.

May 1842

| To whom reported | When reported | Property Recovered | From whom |
|---|---|---|---|
| Capt. Knollys | 17 May | Yes | Sandilla's followers |
| Mr Stretch | 17 May | Yes | " |
| Capt. Knollys | 17 May | Yes | Botman |
| M. Borchords | 28 " | No | Tola |
| " | " | " | " |

| Value Recovered | Name of Officer before whom affidavit was taken | Responsible Chief | Remarks |
|---|---|---|---|
| | | | |

Botman responsible for two sheep.

C. L. Stretch.

Which is all that is due to the Colony this month.

7th June 1842.

4 oxen forwarded to Beaufort taken on the Benti Buck flats by Sandilla's people.

Commandant Groete's explanation respecting an erroneous report forwarded direct to Govt. regarding the loss of 8 head of cattle.

Kat River 6 June 1842.

Sir,

I have the honor to acknowledge your letter of the 2nd inst. respecting the difference in the report made by Field Cornet Schoppers through Mr Stretch and that by me on the 30 ultimo of the loss sustained by my cattle herd. In explanation I beg to observe that the number of cattle missing was supposed to be seven afterwards it was found to be eight of these five were found within the Colonial boundary.

The spoor of the remaining three was found on the mount in between Old Kat River Wardens Post and Mankazana Post. It was traced through the forest there. But in the middle of the forst as I now understand the spoor was lost and that of the other two only was clearly carried to the Cafferland boundary - of this distinction I was not sufficiently informed by those who had been on the spoor at the time I made my first report. I leave it to you to determine whether the parties found guilty of the two are not liable to make good the loss of the third which is still missing.

I have the honor to be
Sir
Your ob. servant.

C. Groepe.
Veldt Commandant

H. Hudson esq.

( Transmitted to the R.s.Agent Mr Stretch for his information and
( who will be pleased to return the same.
( By order 8 June 1842. H. Hudson.

Jacob Marthinus Croezer (?) Field Cornet of Koenap that one black ox right ear swallow tail left ear angle and half moon behind: and 1 black ox with white back right ear and right eye blind his property were grazing on the 3 inst. and stolen in the fields under charge of Andries who traced them to the drift by Odendaal's across the Kat River into Cafferland where the spoor was joined by the spoor of other cattle driven by 3 caffers.

Fort Beaufort. 4 inst. 1842.

June

Cattle recovered by owner in the Colony vide Croezers report of 6 June M.B.

Fort Beaufort.
6 June 1842.

Saturday June 10 1842.

The Kaffer Mayaza of X oxo's[1] tribe has delivered two oxen which he states came to his place last night. He heard them bellow and he got up and found them at his kraal - the thieves ran away.

Description
1 large red ox
1 large red ox white belly.

forwarded to Beaufort same day. No report of the loss from the Colony.

C. L. S.

---

(1) X oxo: a son of Gaika.

15 June 1842.

The identical cattle of Sturman Philip are herewith forwarded by Toquene. 10 in number.

C. L. S.

23

2 young oxen sent to Beaufort and taken by Sandilli's people - delivered to the owner.

24

Two cows and two calves are herewith forwarded in charge of Selewina for two sheep slaughtered of Mr Odendaal.

30

1 mare and 1 horse the property of Mr K (?) received by Bosman from a Bushman who resides with the Congo tribe.

1 July

Namba reports that the Hottentots at Slinger's location stole one of his goats.

5

3 oxen stolen from L. du Pree
2 of the identical oxen recovered.
1 ox 2 cows and 2 calves paid for the ox slaughtered by of Tola's tribe - Gola's son -

Jacob alias Kana the Herd of Du Pre.

8 July

11 head of cattle have been delivered to me this day by Botman's son (?) which he states were taken from the thieves who were passing through his Country and the robbers escaped.

C. L. S.

Samuel Nel appeared at the quarterly meeting 23 July 1842.

12 July

6 oxen the property of Samuel Allison sent to the Residency by Tola with 8 head of inferior cattle.
4 as the remaining compensation for Capt. Knollys two horses and 4 for S. Allison. Received 1 cow from the Mankazana Camp as a fine all of which were sent to Beaufort in charge of Knana.

Chebo reported on examining the drift at Mowses Post he found the spoor of cattle crossing into Botman's country - he followed it to Sungwana's place and recovered the identical cattle - 8 hd. together with 3 cows as compensation.

1 cow given to the Caffer for his trouble
2 sent to Beaufort on account of Govt.

19 July.

3 young oxen sent by Botman who took them from the thieves.

21st.

Sandilla brought 10 of Mr Venters oxen and 6 young oxen in lieu of the same number slaughtered. they were delivered to Mr Fynn.

25.

Botman sent two thieves and 6 horses that had stole to the Residency they were committed to the prison at Beaufort.

1 young ox and 1 cow and calf were levied from their kraal and placed in charge of the Agent.

28th.

4 cows and 2 young oxen levied by Xoxo from the thieves they were taken passing into Caffreland from Blinkwater kloof.

1 cow and calf paid as compensation.

22 head of colonial cattle and 5 horses delivered by Xoxo which he found among his followers.

28th July

1 cow and calf to Manana) for their exertions on Public Duty.
1 cow to Xalala )

Cattle delivered by Maqomo was distributed as follows:

By M. Borcherds to J. Scheppers

4 oxen in lieu of 4 stolen from him
3 " and 1 cow to Hanse Mageman in lieu of a horse stolen from him
3 oxen to Damon September in lieu of 40 goats stolen from him
Cupido Kayzer 1 young ox.
2 oxen Capt. Sutton for a superior rifle value £6.

Selewina 6 oxen and 1 cow for cattle levied by Maqomo.

Total 19 oxen and 2 cows.

---



August 2nd

16 horses sent to Fort Beaufort which had been the previous day brought to the Residency by Xoxo and Botman.

1 delivered to T. Ayliff for Mr Howses.
1 lost at the Residency
6 horses seized with the thieves by Botman 25 July.

6th 12 delivered by Xoxo and sent to Beaufort.
7 2 " Tola and Botman one of these taken by Mr Ferara for Espag.

39 Total

17th 38 delivered by Sandilla, Botman and Tola
4 to be sent by Botman that were not present when he left his kraal
4 delivered to Mr Borcherds by Maqomo.
85 total number of horses delivered to the Agent.

| | | |
|---|---|---|
| Xoxo | 21 head of cattle colonial) | |
| | 21 ) | |
| Tola | 20 head ) | forwarded to Beaufort. |
| Maqomo | 21 ) | |
| | 83 ) | |

Sept 22. Dan and Hanse Snedler left the Residency with 28 head of the original Cattle stolen from Sand Flat leaving 10 head to be paid by Xoxo.

Cornelius van der Merve and G. Bester left with 15 head of cattle stolen by the thief Hanana. 14 remain to be settled by a Tambookie residing in Mr Fynns jurisdiction and 1 ox by Xoxo.

26 Xoxo delivered 2 cows in addition to the above number for Mr Snedler and 4 for Mr Van der Merve which were sent to Maqomo by Sonto on the 29th Sept.

| | | |
|---|---|---|
| 14 Oct | 5 cows ) | Sent to Grahamstown for Mr Snedler |
| | 2 oxen ) | or Buchner |
| | 1 bull 10 hd. ) | |
| | 1 heifer ) | |
| | 1 young black ox) | 1 old cow remained behind |

Police Gaush and Matama reported the loss of 3 oxen from the Colony.

---



24th October

Bosman reported he followed the spoor of 4 horses and 4 head of cattle to Tola's country to E Monga Kraal, a Pokatie of the Medankie he stated the chief was poor and he paid the 4 head cattle for him.

Case reported to Sandilla - by Manana and Bosman.

29th October

Hanse Mageman received his horse which was stolen about a year since and found in possession of the Chief Maqomo man.

3 head of cattle was paid as a fine which Hanse Mageman refuses and they have therefore been delivered to the chief.

C. L. Stretch.

5 hd. of cattle was returned by Hanse Mageman which he received as compensation from Colonel Hare.

4 horses recovered by Bosman in Tola's country from the Pokatie who paid 3 head of cattle and 1 for the Police - owner of the horses unknown - and no report.

/November .....

November 11th

Field Cornet Scheppers reports he lost two oxen which had got mixed with caffer cattle that had been purposely driven into the Colony and it appears the owner stole the 2 oxen. Case reported to Xoxo and the thieves punished and five head of cattle given as compensation.

1 young bull
1 " ox
1 cow and 2 calves

Kleintje reports a Fingoes heifer was stole in Mankazana for which he was compensated 3 hd. of cattle. Caffer law and on their way to Tyumie Maqomo's man seized one of them. Case referred to Maqomo.

C. L. S.

---



8th November

Commandant Groepe reports that 3 head of cattle were stolen from him and the spoor followed to the head of the kloof near the pond - 1 yellow cow slaughtered but the spoor was obliterated near the boundary.

14th November

Mr John Ayliff states that when he was at the Residency he recovered a horse that had been stolen from Howses farm among some horses the Chief delivered on the 2nd August and subsequently 2 more at Beaufort which had been taken at the same time.

2 more and a foal making in all 6.

In Feby. 2 horses (?) stole from (?) with one that was delivered up by the chiefs in August and he now wishes to obtain information about them.
Mr Greathead's horse was a chestnut with a white face.

25th November

Scheppers lost an ox on the 15th and compensated by the thieves in Gaga. Ryds 40.

2 cows
2 calves
1 young ox and a calf.

1st December 1842

Mango delivered two mares which Tola has sent to the Residency stating they were taken from the thieves at the Lower Tyumie who stole them from the Colony.

12th December.

Xoxo sends 5 cows as compensation for 1 cow stolen from the farm of Commandant Groepe and traced into his country - he states 3 were stolen but the spoor was lost he must be satisfied with these 5 for all he lost.

17th December.

1 Vaderland cow stolen from Peit Campher compensated with 3 hd. cattle Ryds 50.
2 heifers David Dirk compensated by 4 hd. cattle.
The above cattle was traced to Igogucowie and the spoor obliterated by (?) cattle who paid for the spoor - (a native school).

24th Dec.

Tola sends three oxen including a bull which his people took from the thieves at Willshire.

2 red
black bull white nose forwarded to
Beaufort by Bosman.

26th Monday.

Tola sends to the Residency 9 cattle taken from the thieves and 3 head as compensation to be delivered to the owner who is unknown.

(?) Bosman.

30th December 1842

Sandilla sends two horses to the Residency which have been stolen by a Fingo who resides at Grahamstown and who has been six years in the Colony - these horses were given to a relation who was returning to Caffreland and on his arrival they were seized by the Chief with 2 head of cattle but he requests the thief in Grahamstown may be punished.

his
Kata
X
mark

17. 7 goats )
1 mare and foal ) Seminary Lovedale
8 sheep )
4 wagon oxen )

Compensated by 20 head of cattle - by Dukubana.

C. L. S.

21st

1 goat stolen from Ackerman by Tunis.

20th Monday

Tola

Sandilla delivers 3 oxen which Cyimpi took from the thieves Bazi a man belonging to Maqomo and when my men arrived at his kraal Maqomo's people had already taken a cow some goats and a spade.

8 head of cattle taken from the thieves on the Mankazana.

11 head of cattle delivered by Sandilla.

---



6th Feb. 1843

1843 Glass Chuvansa reports 10 head of cattle 10 of cattle stolen from Mr Dirk Odendaal which he traced into Tola's country and recovered the identical cattle with 3 calves as compensation.

2 oxen stolen from the same place and traced into Tola's country spoor obliterated by the cattle in Caffreland.

1 bull 1 ox and 1 cow to Beaufort compensation for an ox that died
1 ox colonial property.

20th Feb

2 cows vaderland and a calf sent to Mr Borcherds having been delivered here by Sandilla.

27th March

Mr Free of Kat River reported that he had recovered a mare and foal which had been stole from Hendrik Scheppers it was in possession of

/Sutu .....

Sutu who obtained it from a kraal which she had punished.

4th April

The Fingo Goala returned with 9 head of cattle and 4 for the 1 slaughtered by the thieves of Botman's tribe with which he is perfectly satisfied.

Goale X his mark.

---



10th April

Mr Charles Devenish reports having lost the following horses:

1 chestnut horse star and shod forefeet
1 brown mare white feet and
1 dark brown horse aged
3 others with them - no description
1 brown horse dark, star.

7

taken from Glen Thorn.

19th

3 oxen stolen from Howses Farm and traced to the Keiskama recovered by Natonto and delivered to Mr Princes servant with 1 cow compensation the calf which was also given by Natonto with the cow was knocked up and left on the road - subsequently give to Smith and Stoffle.

22 April

Maqomo delivers as compensation for two mares defficient of the 6 stolen from Mr Botha

1 brown mare seven years old valued Ryds 50

| | | | | |
|---|---|---|---|---|
| 1 | ox Schelner | value | 35 | ryds |
| 1 | black bull | | 20 | |
| 1 | cow and calf | | 40 | |
| 1 | " " | | 35 | |
| 1 | heifer red | | 25 | |
| 20 | goats | | 40 | |
| | | ryds | 245 | |

17 May

Tola delivers 28 head of cattle which were discovered by a man who was searching for goats and he reports it and the thieves were pursued and the cattle taken from two caffres who fled.

The abovementioned cattle were taken from Mr David Roux and 2 head are deficient of the number stolen from his farm for which Tola is responsible.

C. L. Stretch

24th May

Sandilla delivers two horses taken from the thieves in the Amatola. Mr Buskes recovered 2 mares and a horse stolen from him in July 1842 with 2 cows as compensation.

| | | |
|---|---|---|
| Lewis du Pre | | |
| Ganana (?) | 1 cow and calf | ) for their trouble. |
| Satana | 1 calf | ) |

1st June 1843

2 horses delivered by Sandilla and sent to Beaufort by Mana (owners unknown) 12 cows as compensation.

21 June 1843

2 Mares have been delivered by Goebe and Chebo they found the spoor in the Drift and near Howses Post followed the traces to Botman's country at night they left it and returned to the Post and reported what they had done to the Officer. The following morning they were told to go home as the thieves were known and Botman had sent to Tola to whom they belong and thus knowing the mares were delivered at the Post and one (?) sent to Mr Stretch. Umfa son of Chefu is the thief.

30 June 1843

3 oxen and 2 cows

X oxo delivered 5 head of cattle to compensate Jacob a fingo residing in the Kat River who was robbed on the 10th June.
Value 180 ryds. Jule & Umdani.

30 June 1843

Received

The above cattle from Mr Stretch this day. Jacob his X mark

Witness Jamba his X mark

2 cows )
1 ox ) Running in the Govt. kraal.
1 bull )
2 calves )

C. L. Stretch.

Report 1 July 1843

Report fun gestolende vee is fermist uijt De kraal fan Paul Treieson.
2 Kalweers de eigenaar heefde spoore gefolgen tot dezt an de grens in daar fer lies in de klipsteen.
het is Report an mijn dan de eigenaar Bul Treeson an de 5 deser.

u dienaar

H. Scheppers.

4 head cattle to Andres Davids as compensation for four stolen from him in

2 to Fanse Jansen
6( for Pawel Stieson
(
12) as compensation for 5 calves, 1 cow with a calf.

Received the above cattle.

Tyumie 4 July 1843 Paul Stieson

Sonto sent 14 head of Tola's cattle to this Residency the property of Tola's people which I have disposed of as follows:

10 head to Andres Davids and Paul Stieson
1 slaughtered for Sandilla
2 cow and calf Swartboy
1 calf lost
1 bull and 1 cow of Xoxo cattle to Franse Jansen.
1 ox slaughtered.

Gert Nell Jan's son having come into Cafferland to search for stolen property discovered in the kraal of Binsala Cugswa caffer 22 head of cattle which had been stolen from the farm of Gert Nel about 6 weeks since - from the (?) of Gonappe.

Compensation has also been given for the above property as follows:

4 cows
3 heifers
2 young bull calves
1 red heifer
1 calf



6 July

Gert Nell also found by Bogo one of his horses that had been stolen about 19 days since with 2 mares 1 Skimmel and a brown with a colé (?) worth £12 - both in foal.

Elias Nel on searching for his property found 11 head out of 13 stolen. 11 were brought here as compensation for the 2 but as it is the 3 time Mr Nel's cattle have been stolen by the same kraal, 19 have been demanded from Botman and paid.

10th July

Cuwswa paid 4 head of cattle for the engineer's crow bars.

/Gesha .....

Geshe and Philip report that the spoor of Botha's horse was traced to the river Mag (?) inhabited and the spoor given over to Xoxo men Comasa and others -

11th July

5 horses recovered by the Policeman and delivered to Mr Ackerman by direction of Tola who knew the owner.

12 July

Sagatie a prisoner sent here by order of the Lieut.Governor with 37 head of cattle which have been disposed of as follows:

27 to Mr Loydes value £45
6 milk cows to Sagatie and 1 calf
3 to Slinger Boy

We the undersigned inhabitants.

C. L. Stretch.

---



Slinger states 10 head of cattle was paid to a William Ebert by Field cornet Botha's[1] son.

3 head of cattle delivered to Mr Borcherds by Hermans' son, also belonging to Tazalie and only one sent in the number 37 to Tyumie 3 is missing of the number seized by Mr B. to be accounted for when Tazalie was committed to prison.

19th July 1843

Cuwswa paid 4 large cattle 6 calves for the crow bars stolen from M. Baid on the new road.

1 slaughtered for the caffers at the work and the remainder sent to Beaufort with 3 cows and a calf from Xoxo.

C. L. S.

/N.B. .....

---

(1) Botha, Field Cornet A., Kat R. Settlement.

N.B. One of the cows and a calf was after the above memorandum given to Paai to who it belonged, he had placed the cow in the kraal which the Chief Xoxo punished for the robbery of the Fingoes but as it did not appear Paai was in any way connected with the thieves, his property was restored.

Mr Beukes received 2 cows which Sandilla sent in lieu of 2 which had been given to the Police who had formerly accompanied him to Botman, with two that the owner had detained in his custody, under very suspicious circumstances.

31 July

9 head cattle valued at 90 ryds have been given up to the Commandant Groepe as Compensation for 3 oxen stolen by Salwands people from Behrend Vourie and Hendrik Toorn.

| | | | | | | |
|---|---|---|---|---|---|---|
| 2 bulls | £2 | | ) | £6 | 13 | 6 |
| 1 cow | 0 | 15 | ) | 3 | 9 | |
| 3 calves | 1 | 16 | ) | 10 | 2 | 6 |
| 3 " | 1 | 2 | 6) | | | |

25 August. the amount of 3 oxen.

---



21 August

3 oxen compensated which had been stolen from Buxton and 1 ox given for loss of nine.

2 mares delivered by Sandilla owner unknown. Sent to Beaufort by

12 cattle delivered to the Fingoes which had been stolen from Mr Welsh with 7 more which have not been delivered yet.
Case reported to Sandilla.

22nd. 2 mares delivered by Bungaloo having been stolen by Maqomo's people.
Tyanga -

Notts two oxen returned to Sandilla, they were stolen by Kama's people who paid Maqomo's man 8 hd. cattle.

3 oxen stolen from Oerson of Kat River have been compensated by Xoxo.
8 hd. good cattle and 5 calves. 8 goats.

24th August

M. Cunway residing at Committy Drift states he discovered his horse in possession of a caffer belonging to Sandilla which had been stole from him at Grahamstown with a saddle and bridle - value £25 - case reported to Vena and the horses was returned in good condition on the 2nd September.

Hanse v Botman

6 head of cattle delivered to Mr Devenish as compensation for property taken from a wagon value £5 8 0 - five pounds eight.
6 yearlings for a gun disposed of as follows

| | £ | s | d |
|---|---|---|---|
| 1 sold to Tack | 1 | 2 | 6 |
| 1 Stoffle | 1 | 2 | 6 |
| 1 to Klaas | 1 | 2 | 6 |
| 1 slaughtered for Tzatzoe | | | |
| 3 calves sold | 2 | | |

4 head cattle delivered by Philip on a/c of Government.

29 August 1843

Maqomo sent his councillor Bokama with 15 bull calves 4 calves and 1 ox which Botman had delivered as compensation for 4 horses that were traced into his country and supposed to have been riden by Glen's murderers.

The Agent informed Maqomo the cattle would not pay for 1 of the horses but the Governor demanded the murderers and the cattle returned -

Sept.
6th

Mr D. Pringle claims six oxen value 300
11 heifers 330

N.B. The oxen were taken with the horses Bungalo delivered to the Tambookies.
The heifers at the period when the thieves fired at Mr Pringle in May last and one of these heifers was given by Sandilla to Mr Welsh with 11 of his own out of 19 which had recently been stolen - and he now appears to claim the remainder.

Reported Sandilla on the 7th Sept.

Wednesday. Allie Arends claims 3 oxen stolen from him.

7th

Thursday Mr Ackerman reported to the Agent he has been compensated for 3 cows stolen from his farm in June by the Chief Botman.

22

Friday. Field Cornet Foric reports he pursued the thieves who stole the horses Capt. Sutton reported on the 9th as stolen from Mr F. on the 6th.

The identical horses were recovered at the kraal of Daga of the Hlambi tribe with 12 head of cattle.

25

2 young oxen ) compensation for 2 oxen stole from Odendaal at Botha's
2 calves ) Post and sent by Botman.
1 cow )

Botman

| | Horses | Cattle |
|---|---|---|
| S. Nel | | 7 |
| J. Mildenhall | | 7 |
| D. Ruyter | | 4 |
| J. Howse | | 4 |
| J. Carlise | | 6 |
| Borcherds | | 8 |
| L.G. van Rooyen | | 10 |
| S. Allison | | 9 |
| Jay | | 2 |
| Greef | 4 | |
| Mildenhall | | 3 |
| Odendaal | | 3 |
| Gilbert | | 2 |
| P. Norton | | 2 |
| O. Nel | | 12 |
| J. Nel | | 6 |
| | 4 | 118 |
| A. Trichards | | 33 |
| loss | | |
| do | 4 | |
| | | 85 |

Maqomo

Xoxo Xoxo

| | Horses | Cattle |
|---|---|---|
| Mackenzie | 2 paid | |
| B. Rourke | | 16 |
| Meyer | 3 | 18 |
| Horn | | 10 paid |
| | 5 | 55 |

| | Horses | Catt. |
|---|---|---|
| J. Kaus | | 6 |
| 7 by Mr Shepstone at Fort Peddie | | |

30 head cattle paid
17 Nov. 1843
Compensated by Botman 5 hd. cattle

Inhabitants of Kamas Country

| | cattle |
|---|---|
| Hewson | 4 |
| Biddulph | 3 |
| Bosac | 8 |
| | 15 |

Balance of the Quarterly lists of Depredations in the Colony by the followers of the Gaika Chiefs to the 30th September 1843.

| Botman including Tola people | | | | Maqomo | Horses | Cattle |
|---|---|---|---|---|---|---|
| Samuel Nel | Paid | 7 | | Mr McKenzie | 2 | |
| J. Mildenhall | | 7 | | Meyer | 3 | 18 |
| Trichard | | 33 | | A. February | | 11 |
| D. Ruyter | Paid | 4 | | Stoun order | | 10 |
| J. Howse | Paid | 4 | | order Mr. Shepstone | | |
| J. Carlisle | Paid | 6 | | order on Mr Shepstone | | |
| Borcherds | Paid | 4 | | order on Mr Borcherds | | |
| L.G. van Rooyen | " | 10 | | order Mr Borcherds | | |
| S. Allison | " | 9 | | order Mr Borcherds | | |
| Mr Jay | " | 2 | | order Mr Borcherds | | |
| Greef | 4 | 28 hd cattle paid | | 17th Nov. 1843 | | |
| Mildenhall | " | 3 | | | | |
| Odendaal | | 3 | | compensated by Botman 5 head cattle | | |
| Gilbert | | 2 | | order do. 3 hd. | | |
| P. Norton | " | 2 | | order do | | |
| O. Nell | | 12 | | | | |
| J. Nel | " 2 | 6 | | order Mr Borcherds | | |
| Total | Horses | 4 | 114 | | 5 | 39 |
| | | 5 | 39 cattle | | | |
| | | 5 | 12 | | | |
| | | | 6 | | | |
| | | 14 | 171 | | | |

C. Lennox Stretch

| Sandilla | Horses | Cattle | Xoxo | Horses | Cattle |
|---|---|---|---|---|---|
| Taken from Tuza | 5 | 0 | J. Kaus | 6 | |
| Mr Welsh | | 12 | compensated by the above chief and the cattle sent to Groepe | | |
| Sandilla gave the description of the horses and maintained they were sent out in 1842, 19 Oct 1843. | | | | | |
| | 5 | 12 | | 6 | |

C. Lennox Stretch.

1843 Reclaimable by Treaty during the month of October 1843

| Date | Names | Horses | Property Lost cattle | sheep | other property | Where robbed |
|---|---|---|---|---|---|---|
| 24 Dec | Johan Meni | | 2 | | | Kat River |

| When Pursued | Where traced across the boundary | By whom | To whom Reported |
|---|---|---|---|
| same day | Tyumie | Owners | Xoxo who compensated the party with 11 head of cattle and 5 goats. |

October 1843 Not Reclaimable by Treaty

| Oct | Names | Property Lost Horses | cattle | sheep | other property |
|---|---|---|---|---|---|
| 7th | Jan Smouse | | 1 | | Mankazana Tyumie |
| 7th | Franse Jumaga | | 1 | | Mankazana |
| | Cobus Karels | | 2 | | Suskington |
| | Hermanus Wingvogle | | 1 | | Kat River |
| 13th | Jan Ackerman | | | 1 goat | Kat River |
| 17 | Cobus Karles | | 2 | | Kat River |
| Sep 24 | Nicolas Klaas | 2 | | | Buxton[x] |
| 1 lost on 9th | Jacoba Fingo who claimed the cow at Beaufort | | 9 | | |
| | Unknown to Agent as no report was sent when the cattle were discovered | | 3 | | do. compensated by Cyimpie cattle seen in his kraal by a Fingo and reported to Field Cornet Vourie |
| | | NOVEMBER | | | |
| 3 | Isack Prime | 2 | | | for compensating.→ |
| 18 | Glass Witteboy | 4 | | | spoor traced to the place.→ |
| | Isack Tamboer | 1 | | | compensated by Xoxo.→ 7 calves value ryds 65. |
| 28 Nov. | | | | | |

---

compensated by Hoti and Koya rewarded out of the 7 head of cattle as follows:

| | |
|---|---|
| The Fingoes | 1 cow |
| Koya and his son | 1 yearling each |
| Jan surouse(?) | 1 young ox |
| 1 cow and calf to Govt. | |

compensated by Sloto from the cattle seized from the thieves.

Xala - by 8 head of cattle reported by V. C. Peffer

compensated by 12 head of cattle 1 pot 3 goats and 2 rolls beads received from the thieves 2 head of cattle value ryds 60.
18 head levied by Field Cornet Peffer[1] from Chokola - with an armed force on the Caffer border.

* Traced to the vicinity of the School in Mankazana Post and reported by Andries Pretorius, the horses were lost on the 8th Oct.

5 head of cattle.

of Ruyter Spaunier of the Kat River settlement
but should the owners discover where the horse is they have liberty to seize and take possession of his property.

---

(1) Field Cornet Peffer: F.C. at Kat R. Settlement.

Decision of the Quarterly Meeting in October 1843 -

1. To obtain information for M.G.M. (?) relative to the theft of two horses in April 6 1842 - they were restored and stolen again in March 1843 with 2 more. Mr M claims compensation for the former robbery and will send a servant to Mr Stretch to be employed in discovering the kraal of the thieves.

2. Xoxo to pay J. Kaus 6 head of cattle for the robbing of his cattle, but the Government will not interfere with the internal arrangements of the Chiefs as to the recovery of stolen property but demands them from the Chief/ the schools therefore are amenable to pay for spoor traced to where their cattle have obliterated the traces.

3. Fingoes being robbed in the Colony will not receive the assistance of Government in future - His Hon. the Lieut.-Governor does not acknowledge them as British subjects.

The Chief Maqomo to be allowed 3 followers and 2 in addition to trace the spoor of cattle across the border.

Agents to send to the Secretary's office at the end of every month lists of the issue of provisions at their respective residencies and a Chief is only to have rations for himself and 3 followers when on duty.

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- 289 -

12 Oct.

Notice to the Chief Botman.

I am directed by the Lieut.-Governor to claim from you tribe one hundred and fourteen head of cattle traced across the Boundary during the last 4 months into the Country occupied by Tola.

And also the sum of £60 or compensation in cattle for the 4 horses on which the murderers of Glen escaped with through your territory.

C. L. Stretch.
Diplomatic Agent.

The above claims against your Tribe is the full amount due by Treaty and is divided against you -

/Sendi .....

Sendi a Chief of the Imdenki[1] tribe reports that on the night of the 10th my kraal on the Umzelamas broken open by thieves and 16 head of cattle were taken out, we discovered the robbery at daylight and I searched for the spoor and traced it from the kraal with the assistance of Hai Umgamba Seteli into the waggon road leading to Beaufort as far as the Boundary of Goucia and from there down the Goucia through Carpenter's Drift into the Country and from there across the race course and back again opposite to Beaufort and gave it over to 2 Hottentot constables. 1 of Maqomo's men and 2 of mine.

Before me
C. L. Stretch J.P.
12 Oct 1843.

Sendi his X mark

13 Oct.

It has been reported the cattle were traced to the Koonap.

23rd

11 sheep stolen from Messrs Hoall and Devenish value £4 10 compensated by Boesack a party concerned and interpreter at the Trading Station.

---



Nov. 2nd.

Two mares have this day been delivered at the Residency by Sandilla which his people seized from the thieves in passing through Botman's country it is supposed they have been stolen from the (?) River and are therefore returned to the Rgsd.Justice of the Peace at Beaufort for the owner who is unknown.

C. L. Stretch. Diplomatic Agent.

Tyumie 2 Nov. 1843.

Compensation for Mr Welsh:

1 mare young
1 cow 2 heifers 1 young ox 2 yearlings.
value 170 ryds.

/Jan .....

---

(1) Dependent Gaika tribe.

Jan Ackerman 2 oxen 70 ryds
1 mare 50

2 horses Esau Prince - 1 since he received them has been exchanged for three head of cattle.

A large brown mare has this morning been delivered here by Maqomo's Pokatie which he states they found in possession of a Caffer in their country when they were searching for cattle.

Tyumie 4 Nov. 1843. C. L. Stretch.

28 head of cattle delivered this day by Botman for the horses on which the murderers who killed Glenn and valued in presence of H. Odendaal and B. Erasmus at £50.

C. L. Stretch.

17 Nov. 1843.

Given over to Boyala.

| | | | |
|---|---|---|---|
| 2 oxen | 45 | 1 bull | 20 |
| 2 " | 50 | 2 cows | 60 |
| 1 cow | 20 | 3 young oxen | 45 |
| bull | 10 | 1 cow | 30 |
| | | 666 | £50. 0.0. |
| 1 ox | 35 | | |
| 1 cow | 20 | | |
| 1 cow | 40 | | |
| young ox | 20 | | |
| cow & ox | 60 | | |
| 2 young oxen | 30 | | |
| 1 " " | 30 | | |
| 2 " " | 40 | | |
| 2 cows | 60 | | |

20th November

Maqomo sent 5 head of cattle valued £8 and an old gun for Bovey's three vaderland cows which Mr Borcherds has recorded as being worth £20 and under these circumstances the cattle have been returned to the Chief.

16 Dec. 10 head sent.

29th

7 head of cattle and a double-barrelled gun have been delivered at the Residency by the Chief Maqomo for Mr Bovey as compensation for two cows and a calf which were followed by the Chief's people.

C. L. Stretch.

/A .....

A Chestnut horse and a mare with 3 head of cattle have been delivered at this Residency by the Chief Maqomo for Mr McKenzies horses which were traced into the Chief's Country as compensation.

C. L. Stretch.

8 head of cattle delivered by Botman for 2 oxen stolen from Mr Vaughan. as compensation

2nd.

10 head of cattle sent to Wittebey by Xoxo.

16 Dec.

Sonto required to give up Trichard's cattle. The chief desired the Police to come again.

18th

11 head cattle as compensation for P. Norton including the 2 calves which are defficient Botman chief -

26

2 horses and 6 head of cattle for Mr McKenzie 2 horses from Residency.

30 Dec.

53 head cattle 36 x 17 to Mr Joseph's servants.

January 1844.

Sandilla delivered fourteen horses and a foal and six head of cattle which he states he seized from thieves who had been in the Colony. 1 horse had been killed by the wolves and another a chestnut the robber had fled with and is purused by Sandilla's Patrol - The seven head of cattle is for the one horse that is dead and he will deliver the chestnut if his people are successful.

Namba reported that Xaba confessed that as he had been found out with Botha's horse altho' he knew nothing of the mare and foal he would notwithstanding pay for it - and would give another mare and foal in place of one lost.

Jantje who robbed Mr James Hart and Mr Joseph was (?) this day from Botman and also the murderers of Glenn. Sandilla and his amapakati were present and the Chief was recommended again to put some of these notorious characters to Death instead of seizing their cattle. 1 pekatie from Tola and Botman were present and heard what the Agent stated regarding the Imdenka tribe and Country.

6th January. Namba delivered 4 head of cattle for Mr Booth and a mare and foal for Jephta.

Cattle is valued at 60 ryds
mare and foal 60 ryds.

13th

In lieu of the mare claimed from Mr Welsh - Sandilla finds another mare as Compensation, and this has been also owned by A. Botha's son.

Jan 13th 1844 C. L. Stretch.

13th Jan. Commandant Groepe reports "4 horses belonging to Gert Nomberg (?) Adam Letander & Jacob Berymore were stolen from the field. The spoor was followed over the mountain towards Shiloh mission station and lost in the traces of cattle."

29th Jacob Martinus having lost 16 oxen 3 cows and 3 calves which he states were reported by Odendaal who lost 9 calves when his three were taken and he recognises one of Odendaals with the cattle now sent out to pay 12 head due to O. Nel.

31st 12 head of cattle have been given in charge this day to Boyala - for Mr Jay as compensation for a horse killed by the robbers and the injury done to the other two. Value £25.

10 head of cattle have been placed in my charge for Mr D. Pringle as compensation for the spoor which he states were seen on there of the horses which Bungalo recovered have this day been sent to Fort Beaufort.

4 head cattle delivered to Randganger Dengoonder as compensation for 20 goats.

His X mark

| | | | |
|---|---|---|---|
| compensated | Myer | 18 | 3 horses |
| | O. Nel | 12 | 0 |
| | Odendaal | 3 | 0 |
| | Jay | 12 | 1 |
| | Dengoonder | 4 | 0 |
| | Pringle | 10 | 0 |

31 January 1844

Andros Botha claims 3 head of cattle from Willem Bartman from any cattle which may have been placed at the disposal of Govt.

February 6th 1844.

Gangata appears and states that about two Moons since he was called by a Patrol to take up a Spoor which was in his Neighbourhood and on going towards it the Patrol saw some cattle and started after it and left us. Soon after a boy returned and informed us two cows were identified among the cattle the Patrol followed. The Policeman did not come with the boy but gave his mare in charge to him and desired him to bring her the next day to Boy Wingvogles place.

Sergt. Xalwus desired the Policeman to say a Caffer had been shot.

The following day our women went to Boy's place and the policemen asked where is my mare. They informed him the people are waiting till you deliver over the spoor to them, "what have they to do with the spoor for the spoor we followed yesterday was first brought to Hermanus cattle, and we seized his cattle and then we took the spoor to Cheo cattle and finally to the Kat River", he then desired the women to have the mare sent to Blinkwater, and we did so.

Afterwards we heard the Policeman went to Fort Beaufort to report and got 3 men belonging to Maqomo who went with him to the "neck" where he remained and said to the Caffers I will show you from this where the spoor is the men of Maqomo remonstrated but he would not go with them to the spoor but went home.

Gangata his X mark

Before me
C. L. Stretch. J.P.

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7th February 1844

Sandilla. Nana appears and states two days since my cattle went out as usual in the morning to graze from "Gwanu" and about eleven o'clock we heard shots fired on the boundary. I called out to the herds which were in sight and I desired them to bring the cattle near to our kraal where we were sitting and they had scarcely turned the cattle when a Patrol appeared near Sayaties kraal they advanced and seized all the cattle and took them into the Colony.

We then stood up 3 men the Military were 10. 3 drove the cattle as back as they could go - and two remained behind advanced and they fired two shots we then ran away into the Bush and finally returned home.

The Chief Xoxo at that moment with Klaas the Govt. (?) passed our place and we reported the circumstances to Xoxo, he desired me

/to ....

to go with him to Block Drift and having stated this circumstance to the Agent he then ordered me to return home - on my arrival I was informed the cattle had been returned by Koya but 1 cow had been seized and kept at the Tyumie Post, red and white without horns. Her calf was left at the kraal. She was worth two other cows because she was a good milk cow and the soldiers have slaughtered her.

Before me C. L. Stretch, J.P. Nana his X mark

This statement with Xoxo's forwarded to Govt. with a list of cattle seized from the Tyumie Boundary since July 1842 - my report vide.

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The Chief Xoxo with the Govt. interpreter were returning from the boundary where they had beep on duty along the Gwanu Kloof and he met Kesto a caffer of Tyali's tribe who asked why the military were in Cafferland and pointed to some soldiers who had fired on 5 caffers who were running towards where Xoxo was standing and on their arrival they reported what had happened, I then took Nana with me to Block Drift.

Xoxo his X mark

Before me C. L. Stretch, J.P.
Corroborated by Klaas Love.

9th February

Tack. brought the following message from the Chief Maqomo "I sleep no longer in my house. The soldiers from Beaufort came from Beaufort and before my house I am in the back when they are there and I see they look into my house and I am afraid altho' they do this I am not to be provoked to do anything rash.

I wish Mr Stretch would write to Col.Hare that I have paid twice for one spoor and I hope the Govt. will look into this case.

Gowana Interpreter.

Feb. 9th. Baesack and Doxota reported Mapu's procedure relative to a horse which Doxota bought at Beaufort from an Englishman who stole the animal from Greli's country and sold him to Doxota at Fort Beaufort and another horses on 10th. The horse was stolen from the Colony by Mapu and sold in Hinza country for cattle.

10th. Mr Trichard received 28 head of cattle from Sonto as part

/compensation .....

compensation for 33 Head stolen from him. 14 Head to be paid by Govt. for an equal number given by Sonto in Tola case - which the Chief states were for Trichard.

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Report Tyumie Residency 10th February 1844.

Previous to the receipt of the annexed letter from the officer in command at the Tyumie Post dated 6th inst with the desire of His Honor the Lieut.Governor that I should enquire and report I had been required by the Chief Xoxo to transmit for his Honor's information the accompanying depositions which I had taken in the case referred to and which I have now the honor to submit.

It is not in my power to produce any evidence to refute the charge that the Caffers fired on the Pekatie except the Statement of the people who Consider themselves injured but on the day specified by the Officer that the Caffers did fire on the Military the Chief Xoxo and my interpreter were present and both assert the five Caffers were unarmed.

The Field Cornet Scheppers who His Honor was pleased to place on the Boundary to regulate the acts of both parties and thereby prevent collision between the troops and the caffers asserts that the Caffers behaved with great forbearance Considering the Irregularities which prevail on that portion of the Boundary owing to the impudence of the young Hottentot soldiers sent out to seize Cattle without reference to this office or the Field Cornet who lives on the spot, and expressed his regret at the usage towards the Pekatie which I had the honor to mention in my report last week.

The depositions is the Caffers explanation of the procedure of the Patrole on the 5th inst and it is also affirmed that the Hottentot soldiers have not infrequently advanced to the Boundary and fired down (from the ridge which marks in) in the kraals in the valley.

The statement that the Patrols wounded "one of the mounted Caffers and also his horse" is at variance with the fact that a messenger from Hermanus kraals in the Klinkwater was advancing along

---



the foot road which separated Caffraria from the Colony, on horse-back unarmed towards Tyali's kraal, and who had not deviated from the road or was in any way connected with the complainants - yet

/he ....

he was most wantonly pursued and several shots fired at him and his horse by the Police who had received the officers orders to fire - he, however, very fortunately escaped with his horse into the thicket - the caffers however, alluded to by Nana did call out to the Hottentots and reminded them you commenced the last war in this Neck (ridge) and you are now trying to light the fire on the same place.

C. L. Stretch, J.P. Diplomatic Agent.

Statement of P. Campher Agriculturist of Mankazana -
States that when Mr Molesworth commanded the Mankazana Post 2 red cows were slaughtered 1 red cow of Slotu the Pekatie also 1 red and white cow slaughtered on the 3rd inst.

Jan Brander ordered me to skin the lost cow which the Patrol shot and all the meat was conveyed to the post on a tree which was provided for the purpose and delivered to Jan Brander - who divided it among all the soldiers English and Hottentots.

Before me C. L. Stretch, J.P. P. Campher his X mark.

16 Feb 1844

"Geelboute" Hide was sent to Beaufort by Koya - which was also slaughtered at the Post.

Sandilla and his Amampakati arrived at the Residency respecting Thunis Botha's 38 head of Cattle which were stolen in August 1843. The Chief came by request of the Agent who informed him that 1 of the cows had been found in possession of Dukumbana by Swartbooy's son and this circumstance led to the detection of the thief, and in order to avoid restitution he stated the cow in question was received by him from the Chief at the time Tola was expelled from his ground in the neighbourhood

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of the thieves kraal. Botha discovered 7 cows and a bull which were subsequently taken from him, these were restored.

Decision. The Amapakatie require more evidence and request Swartbooy may be sent to the Great Place to confront Dukumbana.

The compensation for Mr Welsh's cattle was then demanded in lieu of the two mares which had been given by Sandilla and claimed by Abraham Botha at the Quarterly meeting.

"Decision to be given at the Great Place".

/Sandilla .....

Sandilla and the Council requested to know why the cattle of his people have been seized on the Mankazana Boundary.

29th February.

Xoxo delivered a horse which had been taken from a Caffer who had been in service at Fort Beaufort, supposed to belong to Mr Vaughan which William Nelson took charge of.

Messages sent to Botman in reference to Mr Robinson's horses, by Bosman and Adam.

March.

2nd. Sandilla this day sends 7 head of cattle in addition to the horse which he has placed in charge of Xoyo for Van Gass and Mock's.

| | | |
|---|---|---|
| | Value of the horse | £5 |
| March 4 | cattle | 6 |

placed in charge of Boyola to be delivered to the Resd. J.P. at Beaufort for Frederick Marx.

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Copy.

To His Honor Col. Hare C.B. and K.B. to Lieut.Governor and Commander in the Eastern Districts the memorial of Frederick Marx of Winterberg humbly herewith

That Memorialist waited on your Honor at the last Quarterly Meeting at Fort Beaufort, expecting to receive compensation for horses stolen from him and others from Winterberg on the 22 November last reported to D. O'Reilly and traced by a Patrole of that officer's over the boundary which patrole are ready to swear to Your Honor gave 6 head of cattle and understanding they were compensation for the damage done to my horses as also Your Honor desired us to proceed to Mr Stretch to receive further compensation for damage done, and the total loss of two horses.

I have nothing about this case. Send it to Mr Stretch.

Signed J. Hare.

/Memorialist ..

Memorialist in company with John van de Vyfer and George van Kasa proceeded to the Residency at Block Drift about the 30th of last month - the excuse made by Mr Stretch was that he had not seen Sandilla but requested us to come again on the 13th Feb. when compensation would be given. We did so and were sent by Mr Stretch to Sandillas - and Sandilla again sent us to Mr Stretch. Upon asking Mr Stretch for compensation he referred me to your Honor that he could not satisfy us. I beg to bring to the notice of your Honor that I perceive our horses put into the irreclaimable list, which memorialist presumes is a mistake, our horses were herded when taken and properly traced to the Boundary by a Patrole, also I wish to draw your Honor's attention to being put off by the Resident Agent Stretch and made to ride to his residence, twice a distance of



nine hours and that in honest time - hoping Your Honor will take into consideration and allow us compensation for horse hire.

Frederick Marx.

Winterberg Feb 27 1844.

N.B. This document was written by D. O'Reilly - transmitted to the Resident Agent Mr Stretch in pursuance of His Honor's note thereon. By order. H. Hudson.

28 Feby 1844.

Report Tyumie Vale 4th March 1844, fourteen days after the robbery I received a report that a Patrole had traced the horses of Memorialist into Cafferland "and gave the spoor over to two Caffer Policemen from Post Retief and they gave it over to Maqomo's people.

Upon investigation it appeared the statement was not correct as neither Maqomo or his people had heard anything of the robbery, which induced His Honor the Lieut.Governor to have the case recorded at the last quarterly meeting."Not Reclaimable but recommended claimant proceeding into Caffreland, which accordingly he did a few days after - on his arrival at Block Drift he was afraid to proceed to Sandilla - sixteen days after he sent two young men who called at my office on their way to Sandilla's kraal where they were informed the messengers that had been sent into Creli's country had not returned. They were in consequence dissatisfied and abusive to the Agent who recommended them to submit their grievances to His Honor's notice if they supposed that all the assistance at his disposal has not been rendered.

Soon after their departure from Cafferland Sandilla brought a horse and 7 head of cattle as compensation which has been placed in charge of the Res.

Justice of Peace at Fort Beaufort for Marx - not including 6 he received at the Quarterly Meeting.

C. L. Stretch J.P. Diplomatic Agent.

It seems quite evident that Nel's case has been already settled by Mr Borcherds indeed I suspected so from the circumstance of his not having appeared to prefer his claim at the last quarterly meeting - and now he very improperly makes use of the order first given him by Mr Stretch upon Mr Shepstone - I have some recollection of this old man having refused to go to Fort Peddie and that the Agent consequently arranged for payment of his claim by Mr Borcherds but I speak from memory and may be wrong but Mr Stretch will be able to inform me.

J. H.

Fort Beaufort
26 February 1844

Sir,
In reply to your letter of the 22 inst I have the honor to inform you that Joseph Mildenhall has sworn to the value of the 3 head of cattle stolen from him on the 4 Sept, last to be three pound sterling each and with reference to the case of J. D. Nel I beg to state for the information of His Honor the Lieut.-Governor that on the 4th Oct last I gave to J. D. Nel out of the Govt. kraal at this place 6 head of cattle and one horse - as reported by me in reply to your letter of the 14th inst.

Presuming therefore that Mr Nel has been already compensated I have not sent him notice should I, however, be mistaken I beg to be informed by return of post that I may send off the intimation to him. I can find no report of the case in my books and therefore I suppose that it must have been made to Mr Stretch - all I know of the case is that upon Mr Stretch's Memorandum by order of His Honor I gave over the cattle and the horse to Nel.

Your ob.servant.

M. Borcherds. J.P.

transmitted to the Resd. Agent Tyumie in pursuance of His Honor's note within.

By order H. Hudson. 1 March 1844.

1844 12 March.

In addition to the cattle forwarded to Beaufort on the 12th inst 3 head on this day delivered by Sandilla for Mr van Gass and Mocks.

C. L. Stretch.

By - Myakala -
valued at £5 0 0

26 March.

Field Cornet Scheppers reports that on the 22 inst 4 oxen were stole from Bard Wingvogle. Conrad Scheppers and Hermanus Wingvogle while grazing in the fields with a child herding a large flock of cattle.

The spoor was discovered and followed to Gavu Kloof 3 oxen were found close to the boundary but the fourth was not with them - he however returned home the same evening - 6 head of cattle has been paid as compensation - but as the ox has been recovered 2 of the best of the number will be returned - by Scheppers on a/c of Govt.

Black cow - 1 to the people who lost the property
2 calves to the Police
1 calf on a/c of Govt. which are to remain in charge of Mr Scheppers for the decision of His Hon. the Lieut.Governor --

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Residency 4th May 1844

8th The caffer Quku of Maqomo's tribe appeared and deposeth - Some time ago, I do not know how long, a Hottentot came to Maqomo and requested assistance to trace the spoor of 2 oxen which had been stolen from Mr Mildenhall. I and Kalela went with him and on our arrival at the confluence of the Kat with the Klip Klu river the Hottentot showed us the spoor of some oxen. We did not get it over the river the oxen drank and went back to a waggon which was outspanned in the rand. We then asked the Hottentot what we should do and he searched for another spoor and pointed it out to us - it was the spoor of a horse and a dog we told him so - the Hottentot then said the rain had obliterated the spoor of our oxen, we separated and Kalele and I returned home -

Gomana Interpreter. Quku his X mark

8th May

Xoyo delivered the undermentioned cattle as a fine for the insult offered to the Residency in driving 2 stolen horses into the Garden ground, and which he levied from the kraal in the vicinity of which the spoor of Sutton's horses were traced.

| | |
|---|---|
| 1 cow | ) 3 given to the Police |
| 1 " and a young calf | ) 2 reserved for Govt. |
| 2 bulls | ) |

M. Bower of Fish River obtained 7 horses he had lost and received compensation from Kona. Referred to the Chief for compensation, with the Policeman Lochart.

1844

Return of Cattle, Sheep and Goats and other Property robbed from the Colony and taken across the Border and Reclaimable according to the Treaties existing between Her Majesty's and the Caffer Tambookie and Fingo Chiefs from 1st Jan to 31st March 1844.

| Date of Robbery | Names | Property Lost horses | cattle | sheep | goats | other prop. | Where robbed |
|---|---|---|---|---|---|---|---|
| 7th Feb. | James Jay | 3 | | | | | Conappe Inn |
| 9th Feb. | Joseph van Ardt | | 3 | | | | Fort Beaufort |
| 16th | Robert Bovey | | 3 | | | | " |
| 29th | John Vaughan | 1 | | | | | " |
| 17th | Gerson Mageman | 1 | | | | | Phillipstown |
| 5th | Mr van Rooys | 3 | 14 | | | | Tarka vide Capt. Sutton's Report recovered and 20 head of cattle 2 goats paid for losses |
| March 6th | Stephanus Naude Peit Zoon | 2 | | | | | Recovered by Botman and compensated for loss of time. 2 hd. cattle |
| | August Struesel | 2 | | | | | Mankazana |
| | Bard Wingvogle | | 3 | | | | Kat River |
| | Theunis Botha | | 8 | | | | Gwaar recovered |
| | Paymaster Brown | 1 | | | | | Fort Beaufort the stable broken open and the horse of Adj.Thom taken away. |
| 22 April | R. Bovey | | 9 | | | | Compensated |
| | Owner unknown | 3 | | | | | |

| When Pursued | Where taken across the frontier | By whom | To whom reported | |
|---|---|---|---|---|
| compensated 11 hd. cattle value £16 5. one horse £8 0 | | | | £24 5. |
| recovered in Gafferland by the Policeman Salwana | | | | |
| 2 recovered in Gafferland having strayed from the Colony | | | | |
| recovered by Xoxo who seized it from a Caffer he had been residing in Beauft. | | | | |
| recovered by Mapu a Pokatie of Maqomo's. | | | | |
| recovered by Damon Sept and others | | | | |
| recovered by Field Cornet Scheppers and the Border Pokatie. The Police were compensated with the owner for their exertions and 2 head of cattle placed at the disposal of Govt. by the Chief Xoxo. | | | | |
| Found by Kanyella with another horse which had strayed from Beaufort. The robber has been delivered over to the Colonial authorities with the three horses which had been taken from the neighbourhood of Assagai Bush. | | | | |



Blank

Deposition of the Policeman Kalale. Before C. L. Stretch J.P.

The Magistrate of Beaufort sent for me to follow the spoor of Mildenhall's cattle. I forget how many days it is since I was employed. The spoor of 15 head of cattle was given to me at Carpenter's Drift. It was a correct spoor we traced the spoor towards the Umdala mountain where we left it until the following morning when the pursuit of the thieves was resumed. We found Klaas coming from Beaufort and he assisted us to follow the traces to the Umdala - it was then near night and the Caffers would not help us - The third day we returned and the same caffers informed us the cattle had been taken back we then proceeded to Mildenhall to ascertain if the statement was correct and why he did not inform us or the Magistrate that he had recovered his cattle, he accused us of having "thrown" the spoor away he desired us to go to Salwana as one head of cattle was still missing. Mabada was present who refused to go for he told us all the cattle had been brought to Mr. Mildenhall how is it that when I brought the cattle back you said nothing to me about the cow you now claim and Mildenhall replied because I did not look into my book - we then went to Beaufort and the Magistrate told me I had cheated Mildenhall that I had taken the spoor to the Umdala instead of Salwana's. We then according to the directions we received went to Salwana's, and having reported our duty he informed us Shokosala of the Umdala was the thief and from whose kraal compensation had been paid one of the thieves belonging to Slambie got some of the cattle and was passing my kraal when I had them seized which I delivered to Mabada we then proceeded to the Umdala and the robbers gave five head of cattle which we took to Kona. The Chief told us the case should be investigated and sent a bull to G. Borcherds for the cow which Mildenhall said was missing.

Klaas Love his X mark. Kolale his X mark.

Before me
C. L. Stretch. 25 June 1844.

---



G (?) reported having recovered 8 hd. of cattle from Tola and Botman's people. Thieves unknown.

Report Caffraria 13 July 1844.

In M. Stanton's letter of the 9th inst drawing the notice of His Honor the Lieut.Governor to the conduct of Mr Stretch in reference to a loss he asserts has been sustained at his farm situated on the immediate boundary of Cafferland, I have the honor to submit for his Honor's information that I was not made acquainted with the case until I received a report from the office of the Act. Secretary to his Honor communicating the information, I then lost no time in giving every attention in my power to ascertain the facts of the robbery and I beg to enclose the deposition of the Policeman who was employed on the occasion. It appears the assistance of the native police was obtained but not in conjunction with Mildenhall's servants as the writer of the letter states.

/The .....

The police were alone and owing to their exertions the robbers were obtained for the fact that the pursuing party of Police assisted by Klaas the Govt. interpreter were rapidly advancing towards the kraal occupied by the thieves in the Umdala and fled with the cattle in order to deceive and subsequently delivered them in two lots to Mildenhall.

The missing cow was not then noticed nor alluded to until the Police informed of the recovery went to Mildenhall to ascertain the truth, and at this period the cow was reported to them they accompanied Mildenhall to Beaufort when Maqomo desired the Police to go back and demand payment some days after the Chief sent a bull to me with a message to the following effect "Mildenhall has not lost a cow but I send this bull for the number he has had" and which I reported in a former letter to your office for the information of His Honor.

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I beg respectfully to observe that during my connection with the office I had in this country I have been repeatedly assailed by the occupants of this farm Messrs Stanton and Mildenhall in the local journals and at the quarterly meeting on the most unfounded and calumnious charges such as the present, they have never regarded the arrangements for the recovery of stolen property, and when they cannot succeed in its recovery according to their own the Govt. Agent is the reported barrier to a satisfactory adjustment of their claims.

C. Lennox Stretch. J.P.

July 14th.

4 head of cattle stolen from the Gonappe by Catze of the Gaga which was discovered by Selemina in tracing the spoor of 12 oxen, and for which the robbers have delivered two of the cows stolen.

1 black and white vaderlander marked NS
1 red cow

4 caffer cows and 3 cows paid for the 2 slaughtered.

C. L. S.

| | |
|---|---|
| Maqomo's men | 3 calves |
| 1 Sandilla | 1 |
| Ongelie | 1 |
| Selemina | 1 |

C. L. S.

Return of Property stolen from the Colony reported during the period ending

| Date | Names | Property Lost and Recovered Horses | Cattle | Sheep | By whom recovered |
|---|---|---|---|---|---|
| | Hanse Arends | 2 | | | recovered by Tyumie Police |
| | George Sutton | 2 | | | " |
| 29 Ap. | Hendrik Mentz | | 9 | | " |
| | | | | | 5 hd paid as compensation |
| | Jan du Preez | | 6 | | " |
| | | | | | 4 do |
| | Jan October | 2 | | | |
| 7 May | H. Sparks | | 15 | | Owner & servants & Police 5 hd. as compenation |
| | Umgash | 2 | | | Recovered from thieves by Police. 3 hd. as compensation |
| | Joseph Mildenhall | | 19 | | Recovered by Police |
| 27 Ju. | Edward Niland | | 8 | | Police |
| 29 | Maqomo | | 17 | | Owner unknown delivered by the Chief to Maqomo |
| | cattle recovered | | 17 | captured by Gilbert | (M.Hudson) |
| 2 July | from robbers | | 4 | " Police | 4 head of cattle |
| | | | 6 | Maqomo | as compenaation 13 Jy. |
| | | | 6 | delivered to Kalela | |
| | Jacob Cupido | | 5 | | Maqomo's people |
| | owner unknown | | 1 | | Hanse Baidness |
| | W.Peacock | | 19 | | statement of herd to be investigated |
| | William Hatting | | 12 | | claimed by James Cawood |
| | Major O'Reilly[1] | 3 | 11 | | Recovered by the Police and compensated to the satisfaction of owner. |

(1) Major A. A. O'Reilly, Brigade Major, Frontier. On Maitland's Staff.

| Date | Names | Property Lost and Recovered Horses | Cattle | Sheep | By whom recovered |
|---|---|---|---|---|---|
| | James Hart | | 15 | | Recovered in Kroomen Bush recovered by the Police and the remaining two compensated. |
| | J. D. Nel | | 4 | | |
| | Horses | 11 | 174 [1] | | cattle recovered by Police during the Quarter. |

N.B. 25 head of cattle sent to Mr Bovey Valued at £28 in reduction of Maqomo's debt for £34 - The cattle were valued by the Agent but Mr Bovey had them (?) at Beaufort for £23 0 0.

C. L. Stretch
Diplomatic Agent.



August 24th.

79 head of cattle sent to Beaufort having been seized from Soga, Gampu and Pekana 18 head of cattle seized
20th from Mazara and forwarded to Beaufort to be appropriated as follows value £16.

£6 to Mr Bovey balance of three horses
£10 to Gilbert in lieu of cattle he should have received from Fort Peddie, but which had been subsequently sold.
head of cattle from Maqomo seized from Pekana.

18 September. 30 head of cattle to Mr Peacock valued by Messrs Stretch and Borchards.

8 head of cattle valued 123 ryds
£10 for Mr Robinson delivered to his servant.

(1) Note that nearly all of these had been recovered, or at least the equivalent restored. Vide Memo 38.

Report of depredations from to

27th Dec. 1 horse stolen from Victoria the property of Joris Wilkinson seen by two men CMR crossing the Keise with a Caffer.

1845

Jan 25 1 horse the property of Dr Eddie[1] stolen from Victoria traced to Bungala's country.

21 Cornet Bunbury and Sergt. Crawford stopped by Caffers near the Umdala in Caffraria by 3 caffers - vide deposition.

21st A woman named Nosope abused Sand's herd because he would not allow her to steal a sheep the property of his master.

26th Gert Delport robbed of 6 horses at English Drift on the Gonappe.
Jan Jager, Mancazana
1 cow and 2 calves

February.

6th a mare stolen from Ferie Elands river traced to Gaikas kop and spoor given over to Cympi.
1 horse stolen from Mrs Jurie - recovered on the Shiloh road.

1 ox slaughtered the property of M. Pretorius Kat River
1 horse from the Mission Ins. Lovedale
E. Gwali shop robbed by means of a false key.

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5th Feby. Michael Blakeway 2 horses taken out of the kraal.
14th Klaas Myer 1 horse stolen from the kraal Lieut. O'Reilly[2] and Lewis Gordon Young robbed between Victoria and Beaufort.
Klaas Meyer attacked on the Block Drift road.
George Skinner 2 horses lost from Victoria, one found near Botha's Post and the other in possession of Vandala.
24th Steerman Soldat and Jack report 2 Guns stolen from their wagons at Victoria.
27th Phillip Norton reports 4 horses stolen from his farm.*

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(1) Eddie, Dr. N. C., Surgeon with the Cape Mounted Rifles.

(2) Lieut. J. R. O'Reilly, Cape Mounted Rifles.

Report of Depredations committed in the Colony by the Native tribes - reported to the Resident Agent at Block Drift. Nov. and Dec. 1844.

January and February 1845

Report of depredations committed in the Colony by the native tribes and reported to the Resident Agent at Block Drift.

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NONE C. L. Stretch.

March and April 1845.

Report of Depredations committed in the Colony by the Native Tribes and reported to the Resident Agent at Block Drift.

| Date | Name | Property Lost Horses | cattle | sheep & Goats | where from |
|---|---|---|---|---|---|
| April 1 | Adrian Botha | 1 | | | |
| | David Clerk | 1 | | | Kroomer |
| | Adams Plaatze | 1 | | | Kat River |
| April 24 | Wm Wynn | | 2 | | Victoria |
| 26 | Sergman | | | | |
| | Hartzenberg | 2 | | | Fort Beaufort |

| Horses | Recovered Cattle | Sheep & Goats | To whom and where reported | Remarks |
|---|---|---|---|---|
| | | | recovered by Oerson Mageman | |
| | | | | no proof |
| | | | | no proof |
| | 2 | | recovered & compensated with 11 head cattle Mr Stretch on the 16 June 1845 | |

May and June 1845

Report of Depredation committed in the Colony by the Native Tribes as reported to the Resident Agent at Bock Drift.

| No | Date | Name | Property Lost Horses | Cattle | Sheep and Goats | Where from |
|---|---|---|---|---|---|---|
| 2 | 9th May | Phillip Norton | 3 | | | Koenap |
| 2 | 22 May | Peit Vourie | 3 | | | Elands River |
| 3 | 22 May | Paul Wentzel | 3 | 4 | | Mankazana |
| 4 | 22 May | Christian Hatting | | 11 | | Koenap |
| 5 | 22 May | Hendrik Odendaal | | 4 | | Kat River |
| 6 | 22 May | Wm. Eva & Wm Wynn | 2 | | | Fort Beaufort |
| 7 | 26 May | Jan du Preez | 6 | | | Koenap |
| 8 | 9 May | Samuel Robinson | | 9 | | Palmietfontein |
| 9 | 15 May | " | 3 | | | " |
| 10 | 9 May | John Vaughan | 2 | | | Fort Beaufort |
| | 26 May | Jan Greyling | 4 | | | Mankazana |
| | | | 26<br>5 | 28 | | |

| Restored horses | cattle | sheep | To whom reported | Remarks |
|---|---|---|---|---|
| | | | | Caffers seen riding horses answering the description of Mr Norton's. |
| 3 | | | Capt. Sutton & Agent | the two robbers were apprehended by Sandilla and committed to Beaufort Prison |
| | | | C.L. Stretch & J.P. Beaufort | stolen whilst grazing in the fields on his farm - the horses were spoored to the cattle fork on the Kat River above Fort Beaufort where the village cattle obliterated the traces. The case reported to Maqomo. |
| | | | Mr Borcherds X | traced to Geo Gilbert farm 4 miles from the Caffer boundary where the spoor was lost in consequence of high wind. |
| | | | " X | spoor lost in consequence of rain |
| | | | C. L. Stretch X | recovered from the robbers by Maqomo's Pekatie Salwana |
| | | | X | traced in the direction of Cafferland with the spoor of one caffer deceiving them, spoor lost on Koenap heights, 12 miles distant from the Boundary owing to a shower of rain. |
| | | | J.P. Beaufort X | Stolen whilst grazing impossible to trace them owing to High grass and the hardness of the ground. |
| | | | J.P. Beaufort X | No spoor could be found. |
| | | | J.P. Beaufort X | stolen whilst grazing near the burial ground. No spoor could be found. |
| | | | J.P. Beaufort X | spoor lost in the Kroomen Mountains they were taken by 3 caffers whose spoor was seen where they mounted. |

Continued May and June 1845

| Date | Names | Property Lost horses | cattle | sheep | from where stolen |
|---|---|---|---|---|---|
| Brought over | | 26 | 28 | | |
| 12 | Hendrik Scheppers | 1 | | | Mankazana |
| 13 May 28 | Nicholas Barnard | | 6 | | Koonap |
| 14 | Mr M. Bowker | | 4 | | " |
| June | | | | | |
| 15 2nd | December Petrus | 2 | | | Winterberg |
| 16 1st | Jan Ackerman | 2 | | | Kat River |
| 17 3rd | William Sadler | 1 | | | Fort Beaufort |

A copy of the above statement transmitted to the Governor with my Diary to the Governor to the 11th June 1845.

C. L. Stretch.

| Recovered horses | cattle | sheep | To whom reported | Remarks |
|---|---|---|---|---|
| | | | J.P.Beaufort | spoor lost on the boundary owing to caffer cattle grazing on Colonial lands |
| | | | " | traced to within 7 miles of the boundary with the spoor of caffers driving them |
| | | | " | traced to Mildenhall's farm where the spoor was obliterated owing to caffer cattle grazing on Colonial lands. |
| | | | " | could not be traced on account of the rain. Spoor appeared to proceed towards Blink. |
| | | | Col.Somerset and C.L.S. | spoor taken over the Bourdary and given over to Botman's people. |
| | | | J.P.Beaufort | traced into Cafferland where they gave over the spoor to Maqomo's people. |

Report of Depredations Committed in the Colony by the Native Tribes as reported to the Resident Agent at Block Drift.

| No. | Date | Name | Property Lost Horses | Cattle | Sheep | Goats | Where from |
|---|---|---|---|---|---|---|---|
| from June 7th 1845 | | | | | | | |
| 1. | | Johannes de Lange | | 18<br>21 calves | | | Koesnap |
| 2. | | John Phillips | 1 | | | | Somerset |
| 3. | | George van Gass | 3 mares and a foal | | | | Winterberg |
| 4. | | George Gilbert | 2 | | | | Kat River |
| 5. | | B. D. Bell | 1 | | | | Fort Beaufort |
| 6. | | Sergeman Hartzenberg | 1 | | | | Fort Beaufort |
| June 7. 13th | | John Edwards | 6 | | | | Post Retief |

A copy of the above statement transmitted to the Governor with my diary to the 18th June 1845.

| Recovered cat. | hor. | sheep. | To whom and when reported | Remarks |
|---|---|---|---|---|
| | | | Resd. Agent | Could not be traced but the spoor of three Caffers was observed on the spoor of the 18 oxen, the remainder were calves. |
| | | | " | tied to a wagon between Grahamstown and Myers kraal was untied in the night and stolen with a saddle and bridle. |
| | | | " | The spoor traced in the direction of Blinkwater towards Magomo's kraal. |
| | | | " | traced into Botman's country the spoor give over to one of Botman's sons and reported by the Chief that his people had traced the spoor as far as Victoria Post. |
| | | | " | traced into Magomo's country up to the Ganzen Kloof. |
| | | | " " " | |
| | | | | traced to the kraal of Salwana the principal Fokati of Magomo who delivered the horses but refused to give up the thieves or adequate compensation. This kraal is notorious for the number of horses traced to it, and should the Chief Magomo not adopt active measures which I apprehend he will not I beg to receive his Honor the Lieut. Governor's instructions on the subject. |

1845 June and July continued

| No | Date | Names | Property Lost Horses | cattle | Sheep | Where From |
|---|---|---|---|---|---|---|
| | 16 June | William Saddler | | | | Fort Beaufort |
| | 16 June | Gideon Botha | 3 | | | Koonap church |
| | 18 June | | | | | |
| | | William Wallace | | 8 | | Kat River |
| | 18 June | John Kestell | | 25 | | Fish River |
| | 20 June | " | | | | |
| | 22 June | Gideon Botha | | 11 | | Gwar |
| | 23 June | Phillip Norton | 2 | 9 | | Koonap |
| | | Gert Victor | 3 | | | do |
| | 24 June | Hendrik Mentz | 2 | | | |
| | | Jan Greyling | 2 | | | Blinkwater |
| | 24 | Jan Nel | 3 | | | Koonap |
| | | Robert Bovey | | 17 | | Fort Beaufort |
| | | Jan Roux | | | | Botha's Past |
| | July 2 | Charles Clerk | | | | Fort Beaufort |
| | July 3 | William Leavy | | 11 | | Grahamstown |
| | | John Edwards | | 10 | | Winterberg |
| | 7 | Joseph Painter | 2 | | | Beaufort |
| | | William Wynn | 1 | | | " |
| | 3 July | Adam Plaatje | | 3 | | " |
| | 28 | Delport | 5 | | | Fish River |
| | | van der Merwe | 6 | | | Nr Grahamstown |
| | | D.P. de Lange | 3 | | | Winterberg |
| | | | | 10 | | Hankazana |
| | | Alfred Moneroft | | 8 | | |
| | 30 June | Widow Landtman | | 18 | | Doksel River |

| Recovered hor. | catt. | sheep. | To whom and when reported | Remarks |
|---|---|---|---|---|
| | | | Mr Stretch | Salamas a Pokatie of Mqomo has been ordered by his chief to pay for this horse |
| 3 | | | " | No proof |
| | | | " | Seized from thieves in Caffer-land by Botman owner unknown |
| | 8 | | " | Property given up by Botman owner compd. |
| | 25 | | " | false report cattle were found on complainants farms |
| | | | " | no proof |
| | | | | no proof |
| | | | " | erroneous report |
| | | | | no proof |
| | | | | no proof |
| | | | | no proof |
| | | | | traced to Mambas country Keiskamma |
| | | | | false report the property not stolen |
| | | | | no proof |
| | 11 | | | seized from thieves by Bungulu owner unk. |
| | | | | no proof |
| | | | | no proof |
| 1 | | | | recovered and thief given up |
| | 3 | | | recovered and thief given up |
| 5 | | | | recovered from Volie and compensated |
| 6 | | | " " | " |
| | 10 | | | recovered by a Patrole |

Reported by C. C. Ullenhore to Agent General.

Depredations reported to Agent Stretch during the Months of August and September 1845.

| Date | Names | horses | cattle | sheep | Where stolen | To whom reported |
|---|---|---|---|---|---|---|
| August 16 | Holton & Ulyate | | | | stopped on the road between | |
| 20 | James Attwell | | 10 | | Mankazana | Agent |
| Sep 9 | Anthony Botha | | 5 | | Winterberg | Agent |
| Sep 9 | Jan Andres | 1 | | | near Fort Beaufort | Agent |
| 14 | Roberts | | | | Hottentot location | Agent |
| 17 | Mr Minto | 2 | | | Botha's Post | Col. Somerset[1] |
| | Lieut. Gregory | | | | Victoria | " |
| 23th Sept | Dirk David | | 8 | | Kat River Settlement | Ensign Fitzgerald |

Copy forwarded to Govt. 25th Oct. 1845.

C. L. Stretch.

(1) Somerset, Col. Henry, later Major-General Sir Henry. Son of Lord Charles Somerset 1827-50: In command Cape Mounted Rifles.

| When pursued | remarks |
|---|---|

Victoria and Fort Beaufort and robbed of property to the amount of £11. Evidence could not be produced to discover the party.

this robbery took place 6 months since, but the owner discovered the robbers and by Caffer law obtained a Sentence of £60 damages which they levied in cattle.

recovered by Kalela, a Policeman and the thieves apprehended and committed to prison by Botman.

discovered a month after the robbery with Magomo's caffers recovered

| | |
|---|---|
| same day | a Gun and blanket stolen and the thieves threatened to kill the Hottentot. They have both been given up by Tola and committed to prison. |
| same day | Horses recovered and the thief apprehended by the Chief in whose territory the stolen property was found. He subsequently escaped from the guard of the 91st Regt. at Victoria - "Iloyla". |
| 1st. Regt. same day. | Mavel apprehended on suspicion. Traced to the boundary at the Gaga, and the spoor handed over to Siota's caffers by Koya and Englishman who have continued with the party in pursuit of the thieves. |
| | Andres and Nel reported the cattle were recovered and 5 others as compensation which have been divided between Koya and Tyali's wives - the one thief is in Gaga and the other is in Dushani's country. |

Depredations reported to the Agent Stretch during the Months of October and November.

| Date | Names | Property stolen horses | cows | sheep | other | Where stden | When Purused |
|---|---|---|---|---|---|---|---|
| Oct 10th | Unknown | | 17 | | | Winterberg | |
| 8 | Vigiland Visser | | | | 1 gun | | |
| 10th | A.S. White | 2 | | | | Fort Beaufort | |
| 13 | Andrew Quin | 1 | | | | | |
| | Jan Joubert | 2 | | | | Gonappe | spoor not followed |
| | Jan Abraham Botha | 1 | | | | Gonappe | |
| 14th | Phillip Norton | 4 | | | | Gonappe | |
| | Field cornet de Lange [1] | | 25 | | | Winterberg | |
| | Cases reported after the above return had been transmitted to Lieut.Govs. office. | | | | | | |
| 16 | Henry Wall | | 2 | | | Fort Beaufort | |
| | M. Blakeway | 4 | | | | near Beaufort | |
| | J. Stewart | 4 | | | | Gonappe | |
| 26 | Jan du Pree | 5 | | | | " | |

(1) De Lange, Field Cornet D.P., Kat R. Settlement.

| To whom reported | recovered horses | recovered cattle | recovered sheep | Remarks |
|---|---|---|---|---|
| Col.Richardson[1] | | 17 | | two thieves shot. Cattle recovered. This gun the property of Prince was stolen by three caffers and the spoor taken to within 17 yards of Mamba's kraal - it was reported to Marexana who asserted he could not s ee the traces that were pointed out to him - and there is every reasons to believe he fired on the two Hottentots who went to him for satisfaction. 2 other guns are supposed to have been taken by the same party. |
| | | | gun | |
| Agent | | | | no proof |
| | | | | no proof but a horse found the property of Mr Botha. vide report from Beaufort No 2 19 Oct 1845. |
| " | | | | not traced |
| Civil Commissioner | | | | traced to Elands River spoor lost. |
| | | | | spoor traced to boundary and it was lost. |
| | | | | No spoor can be found. |
| | | | | spoor obliterated. |
| | 5 | | | recovered by Caffer Servants compensation to the value of £20. |

(1) Col. Richardson - Lieut.-Col., 7th Dragoon (Prince Royal's) Guards.

December 1845

| Date | Names | Property stolen horses | cattle | sheep | Where stolen | When pursued |
|---|---|---|---|---|---|---|
| 10th | Mr Swift | 2 | | | Fort Beaufort | same day |
| 17th | Henry Essex | 2 | | | near Kat River | same day |
| 19 | Unknown | 5 | | | unknown | taken from robbers by C.M.R. and Police |
| 15 | Jacobus Naude | 2 | | | Junction of Kat and Fish River | following day |

Arrear cases for the year 1845

| | | |
|---|---|---|
| J. Berry | 2 | |
| Nel & Nourse | 5 | |
| Vigland Visser | | 1 gun |
| William Saddler | 1 | |

C. L. Stretch.

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Spoor obliterated on the Boundary by rain

spoor traced across the Boundary, and given over by pursuing party to Botman's caffers who gave it over to Maqomo's caffers near Tyumie.

Reported to Maqomo who placed at disposal of Govt. 1 horse 5 head of cattle.

disputed by Tola and owner and reported to Agent General.

C. Lennox Stretch.

1846

| Date | Names | Property stolen horses | cattle | sheep | where stolen | when pursued |
|---|---|---|---|---|---|---|
| 13th | J. Smith | 3 | | | Winter-berg | same day |
| 14th | J. Oggers | | 1 | | Mankazana | " |
| 16th | J. van Vuuren | 3 | 11 | | Winter-berg | same day |
| 17th | P. Koekamer | 4 | | | Fish River | same day |
| 18 | Adam Platjes | 3 | | | Kat River | |
| 19 | R. Painter | | 4 | | Yellow wood | |
| 20 | Jacob Janss ens | 4 | | | Kat River | same day |
| 21 | Sergt. Major Harvey | 3 | | | Victoria | |
| 24 | C. Bezuidenhout | 4 | | | Gonappe | same day |
| 14 | Mr Capel | 2 | | | | |
| 14 | Mr Simpson | 1 | 8 | | | |
| 17 | J. Rautenbach | | 27 | | Winter-berg | same day |

January 1846

| Reported | Property recovered horses | cattle | sheep | remarks |
|---|---|---|---|---|
| | | | | Pursuing party lost the spoor in the direction of Chumie Mountains. spoor traced to Gaga. |
| | | | | spoor lost in Kroomen Bush. |
| | | | | spoor brought over the Border and delivered to Botmana caffers traced to the Boundary near Beaufort |
| | | | | spoor could not be followed |
| | 4 | | | recovered with compensation in Tole country |
| | | | | spoor of 1 only traced to Mankazana |
| | | | | traced and recovered at Kona's kraal. |
| | 2 | | | recovered |
| | | 6 | | recovered by owner near Klu Klu after Police had reported the spoor could not be seen. Vide Agent General's letter. |
| | 27 | | | traced towards Shilo and finally to Tyumie (?) Kaimpi's Sandilla compensated owners who recovered their property. |

C. Lennox Stretch

4th February 1846.

1846 February

| Date | Names | Property stolen horses | cattle | sheep | where stolen | when pursued |
|---|---|---|---|---|---|---|
| 6th | P. Norton | | 8 | | Gonappe | same day |
| | Christian Groepe | | 4 | | Beaufort | " |
| 3 | Jacobus Naude | | 4 | | Gonappe | |
| | Stoffel Ruyters | 4 | | | Mankazana | |
| 3 | J. D. Nel | | 14 | | Gonappe | same day |
| 17 | John Blakeway | | 10 | | near Beaufort | |
| 17 | G. Gilbert | | 4 | | " | |
| | Samuel Oates | 1 | | | " | |
| | Hector Sawan | | 11 | | Broxley | not traced |
| | Morris(?) Erasmus | | 4 | | Kat River | same day |
| | Adrian Scanlen | 2 | | | Beaufort | same day |
| | Sergt. Maguire | | 17 | | Victoria | same day |

| To whom reported and date | Property recovered horses | cattle | sheep | Remarks |
|---|---|---|---|---|
| | | 8 | | 4 recovered and the remaining 4 compensated on the 14 |
| | | 4 | | subsequently lost by the Policeman (?) |
| | | | | taken by servants - case to be decided at Beaufort |
| | | | | Quingo and Lamane" |
| | 4 | | | recovered by Sandilla |
| | | 14 | | " " and servants |
| | | | | returned to their employers |
| | | | | no proof they had crossed the Boundary |
| | | | | " " |
| | | | | no proof caffers stole the horse |
| | | 4 | | robbers and property returned by Maqomo. The thief escaped from prison at Beaufort |
| | 2 | | | recovered having been ridden by caffers |
| | | 6 | | cattle not herded delinquents unknown |

1846 March

| Date | Names | Property stolen horses | cattle | sheep | where stolen | when pursued |
|---|---|---|---|---|---|---|
| 1st | Jan van Ardt | | 3 | | Unknown | |
| | Jeremius Nel | 4 | | | Beaufort | not traced |
| | Alex McTavish | 1 | | | Beaufort | traced same day |
| 8th | Mr Magill | 2 | | | Fort Brown | traced same day |
| 8th | E. W. Webb | 2 | 9 | | | |
| | J. L. Delport | 6 | | | Vantyn's Kloof | could not be traced |
| 13 | Richard Webb | | 2 | | Beaufort | same day |
| 13 | Wm Trollip | 3 | 25 | | Fish Riv. | same day |
| 13 | Elias Nel | | 19 | | Gonappe | not spoored |
| 15 | P. Norton | | 9 | seven | " | traced |
| | | 2 | | | unknown | not traced |
| 16 | Jan van der Merwe | 4 | | | Botha's Hill | not traced |
| | P. Camphor | | | 10 | Mankazana | " |
| 14 | J. Ackerman | | 1 | | Kat River | traced |
| | A. Nel | | 13 | | Gonappe | traced |
| 8th | Philip Norton | 5 | 5 | | Gonappe | traced & recovered in the Colony |
| | | | 3 | | not spoored beyond Beaufort | |
| | Barend Botha | 2 | | | s tolen with mares | |
| | J. Nel | 8 | | | | |
| 27 | R. Donaghoo | 1 | 22 | | Victoria | same day |
| 28 | B. Bell | 4 | | | Beaufort | same day |

| To whom reported and date | Property recovered horses | cattle | sheep | remarks |
|---|---|---|---|---|
| | | | | spoor lost in colony |
| | 4 | | | recovered by Botman with 2 others and sent to Beaufort on the 6th. |
| Major Smith[1] | | | | whip lash found with Maqomo's son with which the horse was tied |
| Major Smith | 4 | 10 | | recovered by Sonto and Tola and delivered to officer at Victoria. |
| Agent Stretch | 3 | 14 | | recovered by Botman from thieves and sent to Beaufort. Mr Webb reported that after riding 5 miles into Botman's country on the spoor of the cattle a Kafir brought 5 of the cattle and 2 horses stating he had taken them from the thieves. Webb refused to receive them and reported the case. |
| Agent Stretch | | | | |
| J.P. Beaufort | | | | traced to the vicinity of Mr Calderwoods. |
| Agent General | | | | |
| Agent " General | | | | found 6 in Skellem Kloof Klu Klu discovered by Kalela and Gothe and given over to Maqomo's caffers |
| Agent " General | | | | |
| " | | | | Botman's son Stock the thief |
| Agent Stretch | | | | |
| J.P. Beaufort | 4 | 10 | | captured at Victoria by the Sonto |
| By C.B.S.Clark 12 Jan to J.P. Beaufort | 4 | | | Tyumie |
| Agent General | | | | delivered by Maqomo, claimed by William Carpenter. |
| Agent General | | | | followed by Kolela. |

(1) Major Smith - Major C.J., Frontier Commissioner. In 1842 he commanded the Military post at Port Natal.

This book is a Witness

1. That the clamour of Grahamstown with the helps given to it by the Civil Servants of the Colony to please the power is as far as depredations are concerned false -

2. The sense of all the Noise is to prevent the Military Expenditure being withdrawn from the Colony which the Grahamstown contractors dreaded. The robbery of the Caffers is nothing, "a flea bite" "if we can keep the troops and rob the tax payer in the United Kingdom and give our Governors a lift to provide for their sons a la Napier -

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The War of "the axe" commenced 9th April 1846

Observe the depredation report to March 1846.

And in face of that, with so small an account of thefts of a Barberous Nation of 83,000 souls, the Govt., under Sir P. Maitland[1] waged War with them, for a crime which had been instigated by the Magistrate of Fort Beaufort and cost the taxpayers of the United Kingdom £1,500,000 - or thereabouts I was informed on good authority as much gunpowder was used from 9 April 1846 to end of Pottingers[2]

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administration as the allied armies consumed at Waterloo.

C. L. Stretch.

Col. Somerset, Col. Hare, Borcherds, Napier, West[3], Maitland,

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(1) Maitland, Lieut-Gen. Sir Peregrine Maitland, Governor of Cape Colony 18 March 1844- 27 Jan 1847

(2) Pottinger, Major-Gen. Sir Henry Eldred, Governor Cape Colony, 27 Jan.1847 - 1 Dec 1847.

(3) West, Martin Thomas, appointed Civil Commissioner of Albany, Nov. 1838. Appointed first Lieut.-Gov. of Natal Aug.1845.

Montague[1], Pottinger, Hogg[2] and many others who had been instigated to oppress the Caffres <u>because they were Caffres</u> by the Grahamstown Journal have since appeared before Him who wageth righteous judgement but Mr Godlongton[3] was the chief delinquent as a journalist.

C. L. Stretch.

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Mr Calderwoods[4] life was miserable after he descended from the elevated position of missionary to accept a paltry Magistracy that his bread might be buttered thicker.

So alarmed was he for his life at Alice that his residence was more like a Prison with bars at his doors and windows and the head of the Police informed me he had two policemen after to accompany him to his office. I was exceedingly pained at these facts as I always looked forward to his assuming the position of the late Dr Philip[5] in defending the aborigines generally in this Colony. What a warning to is the end of

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(1) <u>Montague</u>, John. Secretary to the Colonial Government.

(2) <u>Hogg</u>, Major William S., 7th Dragoon Guards; Commandant Hottentot Levies 1846; Special Commissioner with C. M. Owen to Orange River Sovereignty, 1851.

(3) <u>Godlongton</u>, Robert; Proprietor and Editor of Grahamstown Journal. M.L.C. 1850-3, 1854-7, 1862-78.

(4) <u>Calderwood</u>, Rev. H., L.M.S. Missionary at Blinkwater until appointed Gaika Civil Commissioner, cr. 1847.

(5) <u>Philip</u>, Rev. J. Philip, D.D.; the famous Dr. Philip, Superintendent of London Missionary Society in South Africa. Author of "Researches in S. Africa". London 1828. Died 1851.

this Gentleman, Warner Granville and others who did forsake the High Trust God Committed to them, of defending the truth of the Redeemers Kingdom -

C. L. S.

In 1835 I was with the Governors staff Col. Dutton[1], Sir James Alexander[2] were talking about the missionaries when Capt. Boyce[3] of the 55 Regt said if the Governor wanted a hang man to kill them he would offer his services. I reminded him of "Haman" - and such was the feeling towards the missionaries Chalmers[4], Read and others, these men seemed to thirst for their blood on this person.

L. S.

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During the time of Smith[5] and Stockenstrom some caffers instated so in cutting water ditches and ploughing -

My Salary from govt. was £300 a year during the ten years I was at Block Drift I drew from my private resources (?) £3000 which I expended at Block Drift in recovering that place from a wilderness to a farm - a model farm, which the Govt. seized and gave me the house and garden and thought it was a generous offer and I should not have got that if it had not been for Bishop Grey[6] - The Government I had served so faithfully attempted to ruin my character as they did my means of living.

C. L. Stretch.

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(1) Dutton, Col.: cf. Lieut.-Col. William Holmes Dutton (23 Nov. 1841) (Un-attached)

(2) Alexander, Capt. James Edward, 42nd Highland Regt. On staff of C-in-C in 1835. Later General Sir James Alexander.

(3) Boyce, cf. Boys, Capt. John H.H., 75th Regt. (1835). Later Lt-Col. Edmond French, Acting Lieut.-Governor of Natal, 2 Aug. 1849 - 19 April 1850, 12 Oct. 1852-31 Dec. 1830.

(4) Chalmers - Rev. W., Glasgow Missionary Society Reapresentative, at Tyumie.

(5) Smith - Col. Henry George Wakelyn, Commandant of Queen Adelaide Sept. 1835 - Aug. 1836. High Commissioner and Governor of Cape Colony, 1 Dec. 1847 - 31 March 1852.

(6) Grey, Bishop: cf Gray, The Right Rev. Robert, D.D. Lord Bishop of the Diocese, Cape Town. Consecrated 29 June, 1847

CMS. Devenish.
Revd. H. Calderwood.
" Locke[1]

P. J. van Vuuren 8th Dec. 1845.

Joseph Hatton rest. at Beaufort
2 horses not found of the following description
1 blue schimmel, aged scar on right side of head.

11 Dec. 1843 left side B.T. Brand - (?) back

2nd

Black horse aged - two marks of sores on Back - front tooth of upper jaw broken.

January 1844

29 Marks and 2 brothers
1 Feb. J. D. Nel
Okert Nel

February 14

5 horses. Mr Potgieter and 2 friends to search for cattle.

15th

Robt. Hart senior D. W. Pringle, J. Stewart and Mr Scott to attend a missionary meeting.

16

Mr Haylett from Howses Post relative to the theft committed on his flocks case submitted to Sandilla.

March 9th

19 hd. cattle Tuni's Botha to search for cattle
Ackerman to hire servants.

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Jan Voogt reported by James
Jan Cuttering (?) Hart to G. Borchards

/ May .....

---

(1) Locke, Rev. John, London Missionary Society Representative in Grahamstown.

May 31st 1844

David Roux went into Caffraria to search for a horse reported to him by Thunis Botha as being in possession of Ninga - The mare was produced by the Caffer Ninga but it was fully proved that Thunis Botha was incorrect in his statement.

June 8th

Cornelius Botman, three sons, Mr. Futter and Dannaloo arrived here in reference to a horse, the latter had purchased from Kaka two months since at Fort Beaufort for £1 1 0 and which Botman claimed as one of 4 stolen in 1838 he stated this horse was worth £30 - case referred to the Chief with Lockart.

C. L. S.

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Recovering own property and have been kindly entertained with board and lodging during our sojourn in his jurisdiction.

Edward Canner his X mark
Gert Nell 9th July 1843) 61 head cattle
Elias Nell )

Oerson 3 head cattle
Jas M. Archbell 12 July 1843
T. N. Beukes 3 horses and 6 head cattle 19 July 1843
Webster 27 July 1843
Gert Nel 29 July 3 horses
Andries Minger claims payment for 17 head cattle, 3 horses referred to Maqomo, 3 August.
A. Botha -
24 Augt. Oerson Oerson his X mark

Tzatzoe[1] 28th August
Dods Pringle) 6 Sept
Elias Welsh )
Revd. Mr Appleyard[2] 3 Sept.
Allie Arends) 6th regarding 3 oxen they had traced into Cafferland.
Mort.Present)
Dods Pringle
J. Welsh
L. Peffer
J. Vaurie
Jan Vaurie 24th Oct
Cobus van Buling 24th Nov. 1843

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(1) Son of Captain of Tinde Clan (Gaika dependents). In his youth exhibited by Dr. John Philip at Exeter Hall.

(2) Appleyard, Rev. J. W., Wesleyan Missionary at Colesburg.

B. MEMORANDUM ON THE STOCKENSTROM TREATY SYSTEM

BY C. L. STRETCH.

MEMORANDUM ON THE STOCKENSTROM TREATY SYSTEM.

By G. Lennox Stretch, Resident Agent Among the Galkas; 1835-1846.

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W.G.A.M.

From the moment Sir A. Stockenstrom arrived in Grahamstown in 1836 until he retired from the government of the Eastern Province in 1838, his mind was considerably diverted from the great object of his appointment owing to clamour, lawsuits, and enquiries, which consequently in proportion deprived me of his able assistance in the direction of the arduous and responsible duty which this unfortunate event imposed on me. The treaties were in consequence imperfectly worked during his administration, and I may say without fear of contradiction they were not understood or worked by the officer who succeeded him.

I shall record my opinion in reference to the proposed queries which may faintly demonstrate how unsatisfactory my position was rendered by adhering to the instructions I received in reference to the treaties from 1839 to 1846; amidst the overwhelming difficulties I had to contend with from the government; the civil and military officers, the colonists and the caffres; for during this period some very alarming accusations were brought against me owing to the faithful discharge of the duty entrusted to me, and it was evident up to the period of my removal from office my position was not understood.

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1. State superficially wherein the Stockenstrom treaties were superior in practice to Sir B. D'Urban's system.

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They gave grater facilities to the colonists to recover stolen property, and the innocent could not possibly suffer for the evil deeds of his neighbour. The chiefs gave their hearty concurrence and goodwill without which no system or plan can succeed.

It was not so with the Durban system. The native authorities opposed it as supplanting their rank and importance among the people as also their authority in the native courts. The agent decided all cases, and the cattle levied as fines were placed at the disposal of the government, whereby the chief's influence and cattle kraal was diminished. This circumstance particularly urged the chiefs to plot together for the resumption of their power, which the commissioner was aware of, and the Durban system was more expensive than the Stockenstrom system.

/"2. What were

2. What were the defects of the Stockenstrom treaties and how might the defects have been supplied?

- - - - - - - - - -

Sir A. Stockenstrom stated in the "Aborigines Committee of the House of Commons" the chiefs would not maintain the treaties, unless they beheld a force sufficient to compel their observance. (What people or nation would?) This force was not provided and the Caffres soon discovered the error and weakness of the government to enforce the penalty attached to colonial depredations. From this neglect emanated the irregularities on both sides of the Border, and disregard eventually to the authority of the chiefs. It was the primary defect from which many others originated. The boundary was guarded, which the chiefs repeatedly complained of to government, and urged that every Caffre found in the Colony without a pass should be shot. They never complained when these extreme measures reduced the number of their followers, who were detected in the Colony stealing.

- - - - - - - - - -

3. Did the Natives, and especially the contracting parties, consider the Stockenstrom treaties, as a whole, equitable in principles, and for what did they regard them an improvement on any previous colonial measures affecting them?

- - - - - - - - - -

The chiefs designated the treaties as a "wall", "a great word", as affording protection to all innocent people, and that no military party or patrol would on the mere "ipse dixit" of a farmer be permitted to disturb the tranquility of the country upon false evidence as in times past, and whenever the colonial war-cry reached their ear they appealed to "Stockenstrom's words", the treaties. The chiefs were also respected and acknowledged by the government; and what might have operated most favourably had the government at an earlier period evinced also its power to control and keep their friendly feelings within bounds.

- - - - - - - - - -

4. What were the main difficulties in the application of the treaties to depredations or other offences committed against the Colony? Mention the grounds of these difficulties and how, if at all, removable?

- - - - - - - - - -

When thefts were committed and proved against any party and the stipulated period of the month elapsed without compensation being given by the chiefs, the government was reluctant to risk a war by insisting on the just demand. This was the greatest difficulty I experienced in the application of the treaties. This "fear of war" often induced the government to insinuate the agent was to blame whenever long standing arrear claims were demanded.

- - - - - - - - - -

5. Have you any means of ascertaining what number of thefts were committed by Caffres within your jurisdiction under Sir B. Durban?

- - - - - - - - - -

/See Diary .....

See Diary annexed 1840.

The reports of depredations from the office of the J.P. at Fort Beaufort were so numerous during the Durban system as to exceed 3 to 1 at any period of the same duration immediately after the treaties were introduced. Wide reports from September 1835 to December 1836 (Durban policy) and from 6th December, 1836, to 6th December, 1838 (Stockenstrom policy). Compare the same with the offences for a similar period immediately after Sir A. Stockenstrom introduced his own.

- - - - - - - - - - -

6. During what period were the treaties most fairly enforced, and what proportion did border thieving during that period bear to any other immediately before or after?

- - - - - - - - - - -

Whenever the chiefs were satisfied the government was in earnest and determination evinced, the depredations were few for some months after, and at times ceased altogether.

i.e. could trust them.

- - - - - - - - - - -

7. Was the principle of the treaties, viz., that of holding the contracting chiefs responsible only for offences proved to have been committed by their subjects, understood properly by the different military officers commanding at the frontier posts? Can you adduce any cases in which said officers ignorantly or otherwise did not adhere to the instructions given in the treaties for disposing of cases of depredations reported to them by the sufferers?

- - - - - - - - - - -

The principles of the treaty appeared to me to be disregarded by Lt.-Governor Hare on many occasions, and I question if it was understood by him, or the civil and military authorities under him of which numerous proofs can be adduced from the Lt.-Governor's office, also the Civil Commissioner for Albany, and the respective resident agents.

I shall mention two or three cases bearing on my opinion out of many that are on record. A farmer named van der Merwe lost his oxen near Grahamstown, and makes affidavit he traced them to the border, and reported the loss to Capt. MacLean commanding at Howies Post; this officer in his communication insisted everything had been done by the farmer which the treaty demanded under such cases. Mr. West and Col. Hare supported his views and insisted that Botman should give compensation, but when investigated the case was fully proved, that the traces of the farmer's oxen had not been brought to within 5 miles of the boundary, and yet the highest military and civil authorities insinuated on this, I was leaning to the Caffres. The document can be had from Col. Hare's office.

At the conference between the chiefs and the Lt.-Governor in 1842, after the customary bitter accusations had been expressed towards them by Col. Hare in reference to the thefts reported, that had been committed by their people in the newspapers, the chiefs requested to know "the account of cattle and horses he claimed". Instead of appealing to the three agents who were present, Col.Hare turned to Mr. Borcherds, the resident justice of the peace at Fort Hare, and said "how many do they owe?" This functionary

/immediately started .....

immediately started off somewhere and returned in a few minutes with a scrap of paper on which he had pencilled 500 head of cattle and 300 horses. The agents knew nothing of this claim and stated their opinion. The demand was, however, formally made the following day at the Tyumie residence by the Lt.-Governor and his friend Mr. Borcherds. The newspaper had not even recorded during the month so many, and the Agent General knew nothing about the number claimed. After this the chiefs never believed or had any confidence in the government. It will be seen from the annexed letter dated 27th June, 1839, I had remonstrated in vain at such palpable disregard of the treaties, and such acts as I have related were not infrequent after. It was only my influence with the chiefs and people that enabled me to keep things quiet as long as I did. I was single-handed, and with the exception of old Mr. Read and Mr. Niven I knew of no one in the country capable of affording me sincere advice amidst so much confusion.

Grahamstown,
June 27, 1839.

Sir,-With reference to your letter of the 25 inst. relative to the 24 and 25 articles of the treaty being disregarded, the acting Lt.-Governor requests that you will furnish him with a case in point and further explanation, in order that the officers in charge of posts may be made fully acquainted with what is required of them by said articles and all irregularity prevented.

I have the honour to be, Sir,

Your most obedient servant,

H. Hudson.

Several cases were submitted which this letter nor his order, if he issued any, prevented.

- - - - - - - - - -

8. Were all the cases reclaimable in terms of the treaty adjusted by the chiefs in communication with your office before his Excellency's first arrival on the Frontier? If a balance remained, what proportion did it bear to the settled claims? State in what previous periods - if there were any - wherein the outstanding claims had been greater and how disposed of?

- - - - - - - - - -

The returns annexed to this Query exhibit the state of the frontier for the six months ending 31st July, 1844 - and the small balance due by the chiefs in terms of the Treaties being 2 horses and 43 head of cattle, and these were paid before the arrival of the Governor on the frontier in September 1844.

In the month of August, however, an affray occurred in the Colony between some Caffre thieves and Dutchmen in which de Lange lost his life. The delinquents escaped into Caffreland and the chiefs, having delayed in giving them up to justice, the chief Sandille co-operated with the Government for the more expeditious apprehension of the thieves by admitting a military force into his country whereby he observed "the people will see that the Government are in earnest". This force was stationed on the ceded

/territory ....

territory, when his Excellency arrived on the Frontier, and some of the delinquents had been secured and placed in the Grahamstown prison previously. It will therefore be seen if the Government was justified by the overthrow of the system then in operation. It surprised everyone connected with the tribes and was the commencement of the trouble which speedily followed and ended in war.

- - - - - - - - - -

9. Were the alterations repeatedly made in the treaties necessary in practice? Characterize a few of the chief points involved in these changes; state in what respects they infringed on the principle of the treaties, or whether the introduction of them impaired the efficiency of the system, how and to what extent?

- - - - - - - - - -

The establishment of the "not reclaimable list" was the heaviest blow ever struck on the treaties. It was arranged and carried into effect about the beginning of 1839. It was the foundation of a system under covert of the treaties, and it was the commencement of a debt against Caffreland which increased according to the inclination of reporters for the press; it was worse than the patrol system, for in that the chiefs could form some estimate of our procedure, but this "not reclaimable list" was stabbing them in the dark.

Every hoof missing from a farm, whether lost or strayed, was sure to figure in the list. Mr. Chase took advantage of it, and very naturally for him, he balanced the account not long since and the result was printed. Mr. Montagu, alluding to it in Council last year, observed, "and I have no reason to doubt Mr. Chase's paper !!!"

The next alteration took place in 1840, by Sir George Napier, of a trifling character, and with the consent of the chiefs, as the alteration did not affect the principles of the treaties. It was, however, unnecessary in practice and it appeared the Governor decided on this course to appease the clamour which prevailed against the system. He observed publicly on his arrival in Grahamstown, "Why, I thought that I should have found the frontier in a flame, but on my arrival the people laughed at me".

He wished, however, at this period of his administration to present for the acceptance of the chiefs a new treaty that had been drawn up by Judge Menzies, and which he brought from Cape Town for this purpose, but on perusing this very sly document, I declined to have anything to do with it, and the motion dropped. The attempt was then abandoned for a time, and finally accomplished by his successor, Sir Peregine Maitland. As it will be seen, the Stockenstrom treaties met with a most ungracious reception at Government House from the period they were promulgated until they were finally withdrawn, which a portion of the Cape press designated "the triumph of Truth and Justice".

- - - - - - - - - -

10. Were the Caffre chiefs properly and fairly consulted in regard to these alterations before they were enacted? Were they ever afterwards complained of by them, and what effect did they have on public confidence in Caffreland? Can you refer to any cases connected with your office in

/support of the ...

support of the opinion you may give on these points?

- - - - - - - - - - -

With reference to the unjust list, designated "not reclaimable", the chiefs were never consulted and Makomo one day alluded to it by remarking "that since Stockenstrom left, the Government was contented to take half the treaties", and I have recorded in reply to the 7th query the confidence in the Government declined from this period, particularly as the demands were increasing on the chiefs for cattle and horses they knew nothing about, vide the claim for 500 head of cattle and 300 horses made in 1842 by the Lieut. Governor and the Resident Justice of the Peace of Fort Beaufort, while a few months before the colonial authorities admitted and sent into Caffreland Mr. Eaton, the clerk of the peace of Albany, and the interpreter, Mr. G. Cyrus, to obtain evidence against a gang of English horse stealers who had been robbing the Colony and selling the horses to the Caffres!!!

When therefore his Excellency arrived on the Frontier in 1844, he did not condescend to consult the Heads of the Nations, but commenced at the Tail with the little chiefs at Fort Peddie, and he was told by Tzatzoe: "It was not good to get the little dogs barking at the big dogs". The Gaika chiefs were not even treated with common civility, much more were they consulted with regard to the extraordinary procedure of the colonial government on the occasion of the withdrawing of the Stockenstrom treaties, which the following limited detail demonstrates.

Detailed account of the visit of his Excellency, Sir P. Maitland, in September, 1844:-

On the arrival of the Governor in Grahamstown on Friday of September, his secretary dispatched a letter to my address desiring me to meet his Excellency at Fort Beaufort on the following Monday. I accordingly went there and waited till Wednesday without receiving further intelligence. A private letter, however, that was delivered to me on Wednesday stated that his Excellency and suite had gone unexpectedly to Peddie on the Monday morning. It was also stated to me that the Government agent, Mr. Shepstone, and some ministers had been closeted on Sabbath for some hours, when it is presumed he decided on changing his route and probably the line of policy he had previously intended, from the circumstance of the notice he gave me to meet him at Fort Beaufort on Monday (the day he left Grahamstown in an opposite direction). His intentions, however, were not made known to the Lieut. Governor! On Wednesday evening I returned to the Tyumie and on passing Col. Somerset's camp I was informed: "The Governor was at Peddie and he had abolished the Stockenstrom treaties in toto" - fatal moment to his administration the Conference at Grahamstown with Shepstone and others on the Sabbath. As Col. Somerset intended starting the following day to meet the governor at Peddie, I was requested by Sandilla, who had been anxiously awaiting my return, to write the governor in reference to a vile accusation that had been made against him in the Gazette to the effect "that Sandilla intended having him (Gazella) assassinated for his attachment to the British Government". Sandilla, well knowing that the accusation had not emanated from Gazella, but from the same source which from year to year produced the most injurious reports of war-alarming intelligence, considered the present opportunity favourable to confound his enemies and applied for his Excellency's approval that he might meet them with his Excellency at Fort Peddie. In two days a reply was returned to the effect "that Gazella was there under British protection and when Sandilla was required by his Excellency he would send for

/him ...

him". The chief received his harsh and insulting reply and merely remarked when I read the letter: "I am sorry that the Government believes the liars".

About 7 days elapsed when the arrival of the Governor at Beaufort was announced to me. I went there and was present at the rejoicing and effigy burning - it was a novel sight to Tzatzoe and some influential Caffres who were standing with me in the shade on one side of the scene of riot and drunkenness, while his Excellency Sir P. Maitland, and his son, Capt. Maitland, viewed it on the other. The natives, Hottentots, and Caffres - for many of both classes beheld it - at once perceived that clamour was triumphant.

For some days I was detained at Beaufort without any apparent object except to make me feel that my resignation would have been acceptable; the chiefs were not called; the Governor said that he would not see them. On the fourth day, however, intelligence reached me, the tribes were arming under the impression the Governor had come to fight the Gaikas, and I found a considerable body of Caffres had been ordered to place themselves between Fort Beaufort and my Residence at the Tyumie to watch the movements of the Governor. On communicating this preparation to resist territorial encroachment, I was soon informed his Excellency "would see them", and the day was fixed for the interview which convinced me the Governor did not wish to bring things to a crisis, although his own acts were all tending to do so.

The Chiefs and Amapakati assembled at the appointed time on their side of the border, but in sight of Beaufort, and I was desired to read a letter to them prior to the Conference, which had been prepared for the occasion (vide letter to my addresse published in the Christian Magazine, Cape Town). When the chiefs heard it and the threat contained they were silent, and the arrival of one of the aide camps informed us "the governor was ready", broke up the assembly. The chiefs on turning their eyes to the Beaufort parade beheld with astonishment the 7th Dragoon Guards drawn up. The chiefs refused to cross the boundary line. Another aide camp arrived with "orders" for the chiefs to advance. I assured the chiefs there was no danger; they believed me but requested I would ride with them.

On reaching the parade which we had to cross to the mess house of the 7th, the chiefs felt bitterly their position. It was most painful to my feelings, but I would not leave them to mix, as I might have done, with the officers and agents who were gazing at us with delight.

Soon after the Governor dismissed the parade and joined the chiefs. He spoke of the new treaties, the letter was again read, and finally told them he would send the new treaties for their approval.

The chiefs thanked the Governor for the interview, and said "yes" to everything, and the meeting broke up. It was unsatisfactory to the chiefs. They beheld in the Governor "a man of war" - this was on the 4th October, 1844 - and from that moment the chiefs prepared, as was subsequently shown, for the worst, which they very justly declared was produced by the "not reclaimable list". There was no chance for them, and a debt had been made against Caffraria. Sandilla alone remained firm, opposing the chiefs for some months, and consented to the establishment of Victoria, but finding the visit of the Governor had created in his country so much opposition to the government, he "officially" tendered his resignation and coutry to the British Government 4 months after; he informed the government he could not control the people any longer. This offer was rejected and he was urged to keep his people quiet, when the Governor had created the

/confusion. ...

confusion. After the meeting just alluded to, some of the chiefs were upbraided for having said "yes" to everything the Governor said. "Well", observed a chief of importance, "did you not see the swords of the Dragoons?" Who would have ventured to say "no" in Fort Beaufort?

The new treaties were first read at Victoria in December, 1844, and the meeting did not conceal their feelings on that occasion. Col. Sutherland, of the Indian Army, witnessed the folly of first inviting the chiefs to meet the Lieut.Governor and then ordering the C.M. Riflemen to chase them out of the place. Maquomo retired growling like an old lion. On the 20th January, 1846, they were submitted for signature. As Maquomo took the pen, he said: "I sign for the Stockenstrom treaties", and made his cross. Soon after a confederation of all the Amakosa tribes East and West, of the Kei, also the Tambookies was made to resist, and the signal to rise would be the smoke of the first Caffre hut burnt by the troops of her Majesty. All this was faithfully made known to the Colonial Government by the agent. To this the chiefs strictly adhered, for the heroes of Burns Hill were not molested or attached in the advance of the troops for 25 miles through Caffre country, until Captain O'Reilly set fire to Sandilla's own hut. The troops were then attacked and driven back on Blockdrift. Can the Governor say he was not warned? Yet he has asserted that the information was wanting.

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11. What was the manifest effect of his Excellency's visit on the frontier in 1844 on the working of the treaties, and in what light did the Gaika chiefs in treaty with the Colony view the conduct of the administration towards them on that occasion?

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For most rumours to the peace of the Frontier.
Vide No. 10.

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12. Was there anything done then or subsequently by the present Governor which counteracted the operation of the treaties i.e. prior to their formal abrogation by him? Did his own measures thereafter introduced remove the counteraction in question?

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The treaties were not worked even in their defective administration from October, 1844.

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13. State what objections, if any, were made by the chiefs to his Excellency's procedure towards them, or wherein they complained of the last paper he prescribed and presented for their acceptance?

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/The chiefs complained ....

The chiefs complained that the Governor had been induced by the missionaries to make the change in the country in order to obtain by force what they could not accomplish by a moral influence, to rule over their people, "to steal their people, and be magistrates and chiefs themselves". They demanded the name of the missionaries and observed Williams and van der Kemp did not act this way with God's word: Messrs. Govan, Laing, Col. Somerset and Sir Harry Darrell were present. The whole country was roused against the Gospel, and the churches and schools were from that day deserted. The chiefs were on the right spoor but it was obliterated by arbitrary measures.

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14. Were the chiefs in treaty with the Government consulted on the withdrawment of the Stockenstrom treaties, or on his Excellency's own measures which were substituted in their stead?

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No, and it has been observed that they would have been justified according to the rules and laws of nations had they done then what they did at Burnshill.

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15. How was the public confidence affected by the various changes introduced; when and by what was it first shaken? How did the natives shew their decreasing faith in the Colonial Executive, and to what was this due?

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"The not reclaimable list"; the chiefs observed, "our people steal oxen and cows, but the Government steal with the pen".

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16. Were the chiefs ever threatened by the supreme officers of the Government with expulsion from their country? For what, by whom, and what effect had the menace on the temper of the chiefs and their people?

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The first meeting the Lieut. Governor Hare had with the chiefs, the "Umzimvoobo was threatened to be their border", and "I will cripple you", were the unfortunate remarks which created some uneasy feelings in Caffreland. Col. Hare quarrelled with the chiefs at his first public meeting with them, and ever after used threats which at length were so common that the Caffres entirely disregarded such language, although used more recently by Sir P. Maitland. These threats were produced by demands from the "not reclaimable list". The temper of the people was so far worked upon that the gun and powder trade was increased thereby.

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17. What chiefs, if any, were cordial and efficient in complying with the requisitions of the treaties when fairly submitted? Were they the majority, and did they also represent a major part of the Gaikas?

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It was quite impossible for the chiefs who resided near the Upper boundary to observe the requisitions of the treaty from the perpetual demands made on them for cattle "supposed" to have been taken by the Caffres; they were puzzled and could not comprehend at first what it meant.

Eno and Tzatzoe, however, were more fortunate in a more retired position which combined with the just influence Mr. Niven exerted in his sacred character added to the firm disposition of the chief. The tribe was saved from the trouble which daily occurred lower down, and it is but common justice to say that during my occupancy of office I had no complaints against these two tribes. They never stole, although during the patrol system not all the artillery of Great Britain could have induced them to fear the consequences of plundering the Colony although as regarded the stipulations of the treaty, the accompanying printed official returns will speak for each of the chiefs as far as it effected them - in proof of which the prosperous state of the frontier and the great rise in the market of landed property which increased in 9 years in many instances from £400 to £3,000. This is one of the strongest proofs of the effect produced by the Stockenstrom treaties. Its opponents say that it was the wool that produced the demand for landed property.

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18. What chiefs evaded the colonial claims preferred through your office? What was done by Executive to enforce redress? And what assistance did the paramount chief or others give when required against delinquents?

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Tola was troublesome and eventually, at Sandilla's desire, he was punished by some troops from the Colony and 500 Caffres headed by Sandilla himself. This honourable conduct on his part was misrepresented by his enemies. Col. Hare believed them and insulted Sandilla by accusing him of assisting Tola to escape (vide official correspondence on that disgraceful affair in Seyalo country between Sandilla and Mr. Shepstone, resident agent for the Tslambie tribes).

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19. What means were proposed to Government by yourself or others within your knowledge to meet the obstacles that occurred from time to time in the working of the treaties? At what periods and how were they received or the subject itself disposed of? Can you mention any such proposals and the cases in which they were to be made applicable?

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Early in '39 I complained of a departure from the treaties and urged their observance by disregarding all stories of losses, unless it could be clearly shown the Caffres were the delinquents. I also proposed the native foreigners should not be allowed to re-establish heathen kraals in the Colony, which I found so numerous as scarcely to distinguish the Colony from Caffraria. Mr. Cole, then J.P., at Fort Beaufort, and myself proposed a rural police force for the colony adjacent to the border which this gentleman offered to conduct, but no notice was taken of these proposals, and finally I told the governor that a

/strong police ...

strong police force was absolutely necessary to work between the Great Fish River and the Kat River, or that war was inevitable. This advice was disregarded for want of funds.

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20. Had the Caffres within your jurisdiction become suspicious of the intentions of the Government, when and by what was this occasioned or aggravated, how early manifested and in what form, and what knowledge had the Executive of danger to the public safety from the native turbulance and excitement, and what plan was suggested or adopted to meet the crisis?

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Certainly they had, first from the unexpected removal of Stockenstrom from office, and when the chiefs asked the cause they were told "that was no business of theirs as the queen removed much greater men than Stockenstrom". This feeling was aggravated by the unjust demands made on them. Izalien refused to attend the Quarterly Meetings in consequence ever after.

The chiefs confederacy was reported to the Government by the agent Stretch. The excitement produced by the Governor's approach to the Caffre country in 1845 was known to him, and the deputation of Boers from the Orange River at the same time to prevail on the Chiefs to take part with them was also known to the Executive, and I informed them as a last warning that "war was inevitable" six months before it commenced.

When these dark clouds rolled over us, surely it was time to awake. Even the burghers were not called out. So cheap did the Government estimate the Caffres, until they were roused too late to retrieve their steps by the defeat at Burns Hill.

The resident J.P. was ever a barrier to the performance of my duties. I had repeatedly complained of his interference but all in vain. He was allowed to go on until his disregard of the treaties brought the Government and chiefs into collision in the case of Heeintji and the Hottentot who was murdered March last. The lawswas first disregarded by the colonial authorities and was the sole cause of war declared by Government.

- C. LENNOX STRETCH.

# CHAPTER I

## C. L. STRETCH -

## A BIOGRAPHICAL NOTE.

## CHAPTER I

Charles Lennox Stretch, the son of Captain James St. Leger and Catherine Stretch,[1] was born at Knock Duff[2] in the County Cork, Ireland, about the year 1796.[3] He emigrated to the Cape when a young man, arriving on 3 November 1818, as an officer with the 38th Regiment.[4] In a career which was both varied and distinguished, he achieved most prominence in his role as Diplomatic Agent of the Colonial Government with the tribe of Gaika, in the period February 1836 to December 1846.[5] Nevertheless, an account of his other activities, over a period of sixty years, as engineer, soldier, magistrate, and Member, first of the Cape Legislative Assembly, and then of the Legislative Council, covers many of the most important events of this time.

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(1) Una Long, II, p.413. Stretch's parent emigrated to the Cape at some stage. James Stretch was buried at Glen Avon, near Somerset East, and his wife Catherine, who died on 31 May 1845, aged 80, was buried at Lovedale. See Una Long, II, p.413; Cory Library, Ms. 1697: Memo by C. L. Stretch, Somerset East, 27 November 1881. Stretch states that his mother, Catherine Stretch, and brother-in-law, Lieut. Devenish, died at his Residency at Block Drift, and were buried (at Lovedale) on the adjoining land belonging to Stretch.

(2) Una Long gives "Krock-duf", but Knock Duff" is the modern spelling.

(3) Stretch died on 12 October 1882, at the age of 86. Infra, p. 8, 9 n. 1

(4) The Alice Times, Seymour and Peddie Gazette, 1951, "Captain Stretch", by Dr. R. H. W. Shepherd; quoting a memo in which Stretch traces his career from 1818-36.
38th Regiment: of 1st Battalion, South Staffordshire.

(5) Infra, pp. 4—6

Soon after his arrival at the Cape, Stretch served on the staff of Col.Wilshire at the Battle of Grahamstown, on 22 April 1819, when the attack of the TSlambies led by Makana was severely repulsed.[1] Immediately after this event he was appointed Assistant Royal Engineer to organise the construction of earthworks and fortifications to protect the town.[2] Thereafter he served in the campaign in Kafirland until October 1819 when peace was declared by Lord Charles Somerset.[3]

From 1823 to 1827 he was employed on a military survey of the colony, and was subsequently appointed Government Surveyor by Somerset. In 1829 he was instructed by Sir Lowry Cole[4] to undertake the major operation of rebuilding the Enniskillen Pass,[5] on the approach to Graaff-Reinet from Sneeuberg. In 1828 he was appointed Secretary to the Agricultural Society of Graaff-Reinet, under the Presidency of Landdrost van Ryneveld, for the introduction of woolled sheep into the district.

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(1) Cape Monthly Magazine, May 1876, "Stories of Border Life", article by Stretch describing Makana's attack on Grahamstown.

(2) For these details of Stretch's career, vide article "Captain Stretch" by Dr. R. H. W. Shepperd, in "The Alice Times, Seymour & Peddie Gazette", 1951.

(3) The occasion of Somerset's famous, or infamous, verbal "treaty" with Gaika. Vide Walker, p.155. Infra, p. 18 n. 5
Somerset, Lieut.-General Lord Charles Henry, Governor of the Cape Colony, 6 April 1814 - 5 March 1826 (resigned in England, April 1827).

(4) Cole, Lieut.-General Sir Galbraith Lowry, Governor of the Cape Colony, 9 September 1828 - 10 August 1833.

(5) Thus named by Sir Lowry Cole.

These activities ended with the outbreak of the Kafir war in Dec. 1834.[1] Stretch was commanded by Sir Benjamin D'Urban[2] to proceed to Grahamstown in order to be at the Governor's side during hostilities. During 1835 he acted as Commandant of the Native Levies,[3] and was subsequently reappointed Assistant Royal Engineer for the construction of Forts Cox and Beresford. This task he accomplished, and on 7 October 1835 he took up a new appointment as one of the Commissioners for the Location, Establishment and Regulation of the family and tribe of Gaika".[4]

By this time Stretch had acquired a close knowledge of affairs in the frontier area. His ability to understand and control the natives had already been recognised by Government in giving him important appointments requiring such qualifications, and on 27 Jan.1836, D'Urban appointed him Resident Agent with the tribe of Gaika.[5]

Rumours of the imminent retrocession of Queen Adelaide[6] became widespread in the latter half of 1836,

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(1) On 21 December 1834 the Gaikas Maçomo and Tyali invaded the Colony, at the head of 12,000 Kaffirs. Vide Walker, p.185.

(2) D'Urban, Maj.-General Sir Benjamin, Governor of the Cape Colony, 10 Jan. 1834 - 20 Jan. 1838.

(3) As an officer of the 75th Regiment. cf. Cory, Index, P.272. Made Captain, General Orders, 22 Feb. 1835, Encl. 11 in No. 1, P.P. 279, 1836.

(4) Cory III, p.228.

(5) P.P. 503, 1837, Pp. 5 and 10. He was stationed at Fort Cox.

(6) Infra, pp 43—9.

and Stretch, on hearing that Colonel Smith[1] was to relinquish his command in the new province, tendered his resignation to D'Urban. Stockenstrom,,[2] however, on D'Urban's recommendation[3] wrote to Stretch requesting him to reconsider this decision.[4] As a result Stretch decided to remain in office, in order, as he wrote, "to assist in introducing the Glenelg Treaties for the better regulation of the Caffer tribes".[5]

He moved from Fort Cox to Blockdrift, where the Gaikas Macomo, Tyali and Sutu granted him 1,000 morgen of land between the Tyumie and Gaga Rivers.[6] On this land Stretch built, at the cost of £700, the house Domira, which was to be his permanent residence until war broke out between the Colony and the Kaffirs. By this time Stretch had made improvements to his property at a total cost of £3,000.[7]

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(1) Smith, Col. Henry George Wakelyn, later Major-General Sir H. G. W. Smith, High Commissioner and Governor of the Cape Colony, 1 Dec.'47 - 31 March 1852.

(2) Appointed Lieutenant Governor of the Eastern Province 5 February 1836.

(3) Zuid Afrikaan, 25 September 1854.

(4) Stretch, "Correspondence", No.13, Stockenstrom to Stretch, 3 August, 1836: of "As I know your sentiments and principles to be in favour of justice and humanity ..... I shall anticipate the pleasure of meeting you at Fort Cox, and shall calculate on your continued service to the Government".

(5) Stretch, memo quoted by Dr. R. H. W. Shepherd in article, "Captain Stretch", "Alice Times, Seymour and Peddie Gazette", 1951.

(6) Cory Ms. 1697. Memo by Stretch, Somerset East, 27 November 1881.

(7) For full details about the Blockdrift Residency and lands vide article by Stretch, 23 Jan. 1847, published in S.A.Pamphlets Vol.VII. Also Cory, Notes, 70/1; and Backhouse, James: Narrative of a visit to Mauritius and S.A., P. 215ff.
Ibid, Appendix.
S.A.Pamphlets, Vol.VII: "Blockdrift", article by Stretch.

On 11 April 1846, when British troops entered Kaffirland, Stretch placed his property at the disposal of Government. Royal Engineers took over the Residency on 19 April, and it was turned into a fortress for the 91st Regiment. Stretch meanwhile took service with the Colonial forces as Commandant of a Native Levy.[1] On the termination of hostilities with the Gaikas,[2] however, Stretch was informed that, save for the damaged residency, and one acre of land, his property at Blockdrift had been confiscated, and was reserved for Government purposes.[3] On 5 December 1846, at a week's notice, Stretch was dismissed from his diplomatic post by Sir Peregrine Maitland.[4] Several months later Sir Henry Pottinger[5] determined, further, to dismiss Stretch from his command of the Native Levy, on the grounds of "misconduct" and "tampering with the natives".[6]

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(1) Referred to, Pottinger to Grey, 14 April 1847. P.P. 54, 1848.

(2) The Gaikas surrendered in October 1846. Vide Cory IV, p.502.

(3) Cory, Lib., Ms 1697: Extracts from Memo by Stretch, Somerset East, 27 November 1881.

(4) Stretch to Grey, 24 Feb. 1848; No. 10, Stretch, "Correspondence".
Maitland, Lieut.-Gen. Sir Peregrine, Governor Cape Colony, 18 Mar. 1844 - 27 Jan. 1847.

(5) Pottinger, Maj.-Gen. Sir Henry Eldred, High Commissioner and Governor, Cape Colony, 27 Jan. 1847 - 1 Dec. 1847.

(6) At one week's notice.
Pottinger to Grey, 14 April 1847; No. 17, P.P. 54, 1848; P. 54. Pottinger was unwilling to disclose facts: Stretch to Grey, 27 Aug. 1849. Article in "The Observer" quoting this letter, is given in Stretch, "Correspondence". The reason given by Pottinger was that Stretch had Kafirs under his command - the Gaika Levy - "without proper authorisation". Cory V, P.15, 18 ff.

Stretch appealed indignantly against this peremptory treatment.[1] He appealed first to Maitland, then to Pottinger, and then to Smith, asserting the injustice of his dismissal from the Gaika post, and demanding an official enquiry. On 18 January 1847 he put in a detailed claim for £496 as compensation for his property at Blockdrift.[2] These appeals were in vain. Maitland's Governorship terminated on 27 January 1847, and his successor Pottinger, who saw fit to disapprove of "such a man as Stretch"[3], refused to grant any enquiry. Nor was Smith, who became Governor on 1 December 1847, willing to "raise" the acts of his predecessors. Finally, in 1848,[4] Stretch appealed directly to the Secretary of State, Earl Grey;[5] but the Minister declared he saw "no sufficient reason for his interference in this case". The matter was left to the Colonial Government, and on 24 May 1849 Montagu, the Colonial Secretary to Government,[6] communicated to Stretch that there was no prospect for his re-employment, nor any possibility of his obtaining a pension.

At Blockdrift Stretch's place was taken by the Rev. R. H. Calderwood,[7] who was installed at the end of 1846 as Civil Commissioner with the Gaikas.[8]

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(1) Vide Stretch "Correspondence".

(2) Article on Blockdrift, S.A.Pamphlets, Vol.VII.

(3) of Cory V, p.19.

(4) Stretch to Grey, 24 Feb. '48, and 29 May,'48, Nos. 10 and 12 in "Correspondence".

(5) Earl Grey, Secretary of State for War and Colonies, 3 July 1846 - 27 February 1852.

(6) John Montagu, Secretary to the Cape Government, 1842-53.

(7) Formerly L.M.S. missionary at Blinkwater.

(8) Cory IV, pp 502-4.

Stretch returned to public prominence when in 1854, he was elected to represent the Fort Beaufort constituency on the Cape Legislative Assembly.[1] He continued to represent Fort Beaufort until 1858, and from 1860-3 was Member of the Legislative Assembly for Port Elizabeth.[2] Finally, from 1869-73 he represented the Eastern Divisions as Member of the Legislative Council.[3] During these years he was also active in other sphere. In 1858 he was appointed a Member of the Board of Commissioners for improving the Port and Harbour of Knysna.[4] As Road Engineer at Knysna he was in charge of the building of the road over the Zuurberg, the most important work of its kind undertaken in the Colony up to that time.[5]

Stretch's varied occupations naturally precluded his having any permanent place of residence, though after 1819 he became the owner of a portion of land in the Baviaan's River Valley, in the Somerset District.[6] In these years he met and married a daughter of Robert Hart,[7] "one of the most enterprising and successful of the early South African farmers", and the founder of Somerset East.[8] Charles Stretch died near Somerset East on 12 October 1882, at the

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(1) Cory, Index; P.272.

(2) Cory, Index, P.279.

(3) Ibid.

(4) Una Long II, Pp 413-4.

(5) The Alice Times, Seymour and Peddie Gazette, 1951. "Captain Stretch", by Dr. R. H. W. Shepherd.

(6) Una Long II, Pp.413-4.

(7) Ibid

(8) G.T.J., 16 October 1882: C. L. Stretch, Obituary.

age of 86.[1]

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In a versatile career Stretch at no time distinguished himself more notably than in the eleven years when he was Diplomatic Agent for the Colony, in Kaffirland.[2] He occupied a highly important and evidently controversial post, and he showed a remarkable ability to perform the peculiar functions devolving upon him. D'Urban had personally summoned Stretch to Grahamstown when hostilities began in 1834, and at the conclusion of the war the Governor appointed him Agent with the Gaikas, the most powerful of the Colony's late enemies. Stretch held this appointment until the D'Urban System was set aside by the Glenelg policy, and all reports indicate that he performed his difficult and responsible functions with consistency and success. Repeated expressions of confidence were forthcoming from Government, and especially from his superior in Queen Adelaide, Colonel Smith.[3]

On 3 August 1836, Stockenstrom on D'Urban's "strong recommendation"[4] wrote to Stretch requesting him to continue in office as Agent with the Gaikas. As a result Stretch not only remained in office, but also played a leading role in assembling the chiefs for the negotiations with Stockenstrom

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(1) G.T.J., 16 October 1892: C. L. Stretch, Obituary. Lovedale South Africa, R. H. W. Shepherd, p.193. For these references I am indebted to Dr. A. K. Fryer of the University of the Witwatersrand. Dr. Fryer suggests that the place of Stretch's death was the farm "Glen Avon", which (formerly) belonged to Robert Hart.

(2) 27 January 1836 - 5 December 1846.

(3) Stretch, "Correspondence", No. 8. Appendix to above: Nos 7, 8 and 11.

(4) Supra, p.5.

at the end of 1836.[1] In a letter dated 26 October 1836 Stockenstrom told Stretch "I really think your position the most important in the colony just at present. The peace of the frontier depends upon your management".[2] In the event, Stretch's management was highly satisfactory to both Government and the tribes, and the treaty negotiations were one-sided surrounded by an atmosphere of unprecedented confidence and goodwill.[3]

In the years which followed, Stretch continued to exercise an influence among the Kaffirs which, after Stockenstrom's departure in 1838,[4] was probably greater than that enjoyed by any other representative of the Colonial Government. He was called by the natives "Xollilizwe" (the Peace Maker), and among the missionaries he was known as "the Philanthropic commissioner".[5]

When it was rumoured, shortly after Stockenstrom's dismissal, that it was intended to remove Stretch also, the Gaika Chiefs jointly declared that they would not receive any one else in his place. This rumour, however, was repudiated by the Colonial Government.[6]

Stretch's influence was on conspicuous occasions of the first importance to the Colonial Government in its dealings

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(1) Infra pp. 98, 99.

(2) Stretch, "Correspondence", Appendix: No. 13: Stockenstrom to Stretch, 26 October 1836.

(3) Infra, pp 98, 99.

(4) Oct. 1838. He was formally dismissed by Normanby on 31 August 1839. Vide P.P.424, 1851, p.262.

(5) Lovedale South Africa, by R. H. W. Shepherd, P.88.

(6) G.H. 8/9, No. 1, Hare to Napier, 3 Jan 1840; No. 2, Hare to Napier, 8 Jan. 1840.
Infra, pp 102, 103.

with the tribes. It was largely at Stretch's instigation that the Chiefs were induced to come to Blockdrift in 1840 to discuss Napier's proposed amendments to the treaties.[1] After the conference Napier wrote to Stretch that "had it not been for the sincere exertion of the great and just influence you possess over these tribes, we might have found (our task) almost insurmountable",[2] and he expressed similar sentiments in his despatch to the Secretary of State.[3] In 1842 Stretch's intervention in the famous Sutu Affair,[4] following the death of Tyali, earned him the praise and thanks of both Hare and Napier, and the formal approbation of the Secretary of State, Stanley.[5] Again when Maitland made important alterations to the Treaty System, Stretch's mediation was decisive in bringing the Gaika chiefs to a conference with the Governor.[6]

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(1) 1 December 1840. cf P.P.424, 1851; No. 21, Napier to Russell, 11 Dec. 1840.
Vide Infra, pp.

(2) Stretch, "Correspondence", Appendix: No. 14, Napier to Stretch, 12 Dec. 1840.

(3) P.P. 424, 1851, No.21, Napier to Russell, 11 Dec. 1840.

(4) For the details of this affair see P.P.424, 1851; No. 32, Napier to Stanley, 30 May 1842. Stretch, departing from the strict policy of non-intervention in Kaffir customs and law, had interceded to protect the life of Sutu, the great-wife of Gaika, who had been accused of witchcraft, and threatened with ritual death. His intervention was successful, and prevented a major crisis in inter-tribal relations.

(5) Stretch, "Correspondence", Appendix: No. 15, Hare to Stretch, 4 May, 1842.
Napier to Hare, 26 May 1842.
Stanley to Napier, 3 September 1842.
Stanley, Lord, Secretary of State for War and Colonies, 3 Sept., 1841 - 23 December 1845.

(6) Conference in October 1844.
Stretch, Memo. § 10.
P.P. 424, 1851; No. 50. Maitland to Stanley, 7 Dec., '44.
Infra, pp.

In the cardinal matter of obtaining redress for losses resulting from depredations, Stretch likewise exerted his influence with the Chiefs. Cory wrote that Stretch was not always able to make chiefs like Tyali, proven as thieves, honour their promises to return the cattle stolen.[1] But his success in obtaining satisfaction from the Gaikas, "the most refractory" of the Kafirs, is best illustrated by his official Diary. The Diary was commenced in September 1837, and maintained until the outbreak of war in March 1846. As a record of the continual transactions between the Agent and the Chiefs for the recovery of stolen property it demonstrates the working of the essential principle of the Stockenstrom treaties, that recovery should be effected by peaceful methods, and not by arbitrary resort to force.[2] The Diary was eventually handed by Stretch to John Noble, Clerk of the Cape House of Assembly, as a document elucidating "the working of the Glenelg-Stockenstrom Policy on the Frontier of the Colony".[3] Indeed, as a consistent record of the day to day operation of the Treaty System, this Diary is probably the most important document of its kind.

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(1) Cory, IV, P.348.

(2) Infra, pp. 21, 84, 87.

(3) Letterbook, L.G. 337.

# CHAPTER II.

## THE DEVELOPMENT OF A TREATY SYSTEM.

## CHAPTER II.

The Glenelg-Stockenstrom Treaty System was inaugurated on 5 December 1836,[1] when treaties were signed with the Gaika, TSlambie and Congo Chiefs who resided along the eastern frontier of the colony. A treaty with the Fingoes followed on 10 December, and one with the Tambookies on 18 January 1837. These treaties, made with the Chiefs as politically independent parties, replaced the abortive D'Urban treaties of September 1835,[2] which had treated the Chiefs as British subjects within the Province of Queen Adelaide.[3] Although the Stockenstrom treaties were annulled by Sir Peregrine Maitland in 1844,[4] new treaties were signed. Thus, from December 1836 to December 1847, when the treaty system was renounced by Sir Harry Smith,[5] there existed a formal system of treaty law between the British authorities and the independent tribes along the eastern frontier.

From its inception until the present day, the treaty system has been the subject of strenuous debate, and adverse criticisms have tended to preponderate, if only because of their volume. The system was of course staunchly defended by its progenitors, and in recent times it has been argued that the system was never given a fair chance of developing

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(1) P.P. 424, 1851, pp. 2 ff.

(2) Treaties .... 1803-54, pp. 37-92.

(3) The land between the Keiskamma and Fish R. was annexed as the Province of Queen Adelaide, by Proclamation of 10 May 1835.

(4) P.P. 424, 1851, pp. 232, ff.

(5) P.P. 969, 1848, pp. 24 ff: by Proclamation of 23 December 1847, issued in accordance with a Proclamation of 17 December 1847.

and achieving its aim.[1] Such support, however, is conspicuous by its rarity. Smith, when formally annulling the treaties at Kingwilliamstown on 23 December 1847[2] declared that "all treaties and conventions resting upon, or recognising the political independence of the Kafir Chiefs have proved unsuitable to the social state and condition of themselves and their people". These were hard words, fitting perhaps at the ceremony of abrogation. Yet they do not constitute the harshest indictment of the treat system that has come to hand. Smith's statement does not deny that the system, though it had "proved" unsuccessful, was originally viable as a tentative step in frontier. Other criticisms do not admit even this mitigating factor. One school denounces the whole treaty-system ab initio as "a product" of the pseudo-philanthropism of certain missionaries and politicians.[3] Further, the decision to abandon the Keiskamma - Kei territory and institute a treaty system on the eastern border, is seen as the direct cause, and immediate justification of the Great Trek.[4] Then it is alleged that the treaties were an Imperialistic device used against the

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(1) MacMillan, "Bantu, Boer and Briton", P.234, et. passim.

(2) P.P. July 1848 (continuation), pp. 25, 26.

(3) Van Biljon, P.J., "Grensbakens Tussen Blank en Swart in Suid-Afrika": P.171: "Die hele verdragstelsel, altans soos dit in Suid-Akrika toegepas was, was dan ook 'n direkte produk van Buxton en Philip".

(4) ibid, P. 176. "(die verdragstelsel) het direk aanleiding gegee tot die Groot Trek".

emigrant Boers.[1] Van Biljon goes so far as to say that treaties with the natives were only taken seriously by the British government as the basis of a system of penal rules against the Trekkers.[2]

Denunciations of the Glenelg treaty system were rife both during its operation, and in the period immediately after its demise.[3] In the years 1836-46 frequent petitions from the border districts complained that continuing Kaffir depredations were the result of the inherent futility of the treaty policy. A petition from Port Elizabeth in December 1843[4] ascribed "increasing outrages" to the "mischievous operation" of the "fatally mistaken policy pursued since the year 1836". A group of Kaga farmers in September 1845[5] declared their belief that "savage hordes are quite incapable of appreciating treaties". So high a functionary as Maitland stated the view that "only fear or interest" would bind chiefs to their treaty obligations.[6]

Critics were not far to be sought after the Glenelg system had been extinguished by the frontier war of 1846-7. Witnesses before the Commons Select Committee of 1851 gave their opinion that "not the slightest" reliance could be

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(1) Muller, C. F. J., "Die Britse Owerheid en die Groot Trek", P.129: "'n verdere goedkoop wyse van optrede teenoor die Voortrekkers was die stigting van verdrae wet inboorbinglede".

(2) Van Biljon, P. J., "Grensbakens Tussen Blank en Swart in Suid-Afriak", P.170: "Verdrae met die inboorbinge het alleen ernstig in aanmerking gekom wanner hulle as strafmaatreels teen emigrante moes dien".

(3) Infra, pp. 117 - 27.

(4) P.P. 424, 1851, P.191.

(5) Bowker, "Speeches, etc", P.140.

(6) P.P., February 1847, No. 1. Maitland to Stanley, 17 November 1845.

placed on treaties with the Chiefs,[1] and that it had been "a great mistake" to deal with the Kaffirs "as though they perfectly understood the uses of civilised society".[2] Adderley declared in the House of Commons in 1851 that the Treaty Policy had "utterly and entirely failed",[3] while Grey in a private memorandum advocated force as the only means of controlling the Kaffirs since they were "altogether unable to understand a policy of justice".[4] Molesworth, simply enough, banished the whole idea of treaties as "ludicrous".[5] The question was, as he typically, treaties with or without force

The categorical tone of these criticisms seldom seems authentic, and is belied, in the first instance, by the actual history of treaty-making between the Colonial Government and the native tribes. The treaty policy was by no means an eccentric innovation. Treaties had been made with the tribes long before the Glenelg-Stockenstroom system was instituted, and treaties continued to operate and to be made long after the demise of that system.

As early as 1774 Governor Van Plettenberg had formed an agreement with the Xosa Chiefs, arranging for the Fish R. to be the colony's eastern limit. This agreement with the Chiefs was formally endorsed by the Council of Policy on 14 November 1780.[6] After 1803 the Colonial Government saw fit

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(1) Report, Select Committe on the Kaffir Tribes, 1851, §2438; Evidence of Capt. H. C. C. Owen.

(2) ibid, §2360; Evidence of Lieut.-Col. T. C. Smith.

(3) Quoted by Muller, C. F., "Die Britse Owerheid en die Groot Trek", P.269.

(4) ibid.

(5) "Materials for a Speech, etc", P.11; quoted by Van Biljon, P.J., "Grensbakens Tussen Blank en Swart in Suid Afrika", P.176.

(6) Theal, (Before 1795), III, p.112.

to conduct negotiations with the tribes through the Chiefs whom it regarded as paramount in various regions. The Chief Hintza, residing beyond the Kei River, was recognised as Paramount of all the Xosas, while Gaika was to be Paramount of the Western Xosas.[1] The clearing of the Zuurveld by Cradock in 1812 was preceded by negotiations with both Hintza and Gaika.[2] Somerset in 1817 arranged with Gaika a "reprisal" system for the redress of stock-thefts on the frontier.[3] The measure of the Colonial authorities' determination to maintain these alignments was given when, in 1818, colonial forces joined with Gaika warriors in a campaign lasting several months, to defeat Gaika's rival Ndhlambi.[4] In October 1819 Somerset met Gaika, formally affirmed his paramountcy, and concluded with him the famous verbal treaty, by which the colonial frontier was moved from the Fish to the Keiskamma.[5] A number of the Chiefs disputed Gaika's right to give away their lands in this area, and in 1824 Ndhlambi and Dushani, who had never recognised Gaika's paramountcy, were permitted by Somerset to return to the southern portion of the "ceded territory".[6] Nevertheless Gaika remained as Paramount. When he died in 1828 Maçomo became regent for his successor, the young Sandile.[7] After 1829, however, when Sir Lowry Cole expelled Maçomo from the

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(1) Walker, "History of Southern Africa", pp 153-4.

(2) ibid, p. 153.

(3) ibid, p. 154. and n.

(4) ibid, p. 155. and n.

(5) ibid.

(6) ibid, p. 181.

(7) ibid, p. 182.

lands he occupied in the Kat R. area,[1] relations with the tribes deteriorated, until war broke out in December 1834.

It is clear that the treaty idea was by no means foreign to the Cape Government when Glenelg in 1835 proposed to relinquish D'Urban's new province east of the Keiskamma, and to form treaties with the independent tribes.[2] Nor did the treaty idea lose currency after Glenelg's system had been set aside. An immediate antecedent of the post-1835 treaty-system existed in the treaty concluded between D'Urban and the Griqua Chief Andries Waterboer on 11 December 1834.[3] This treaty continued to operate long after Smith's declaration to the Xosas that there were to be "no more treaties", and only lapsed with the death of Waterboer in 1852.[4] Napier in November-December 1843 signed treaties with the Griqua Adam Kok and the Basuto chief Moshesh.[5] The treaty with Moshesh lapsed only when the Bloemfontein Convention was signed in February 1852,[6] but the Griqua treaty remained in spite of the creation of the independent republic of the Orange Free State.[7] The Pondo Treaty State created by agreement between Maitland and Faku in October 1844, continued its existence long after the formation

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(1) Walker, "History of Southern Africa", P. 182.

(2) Bell and Morrell, "Select Documents on British Colonial Policy", pp.463 ff.

(3) P.P. 252, 1835, pp 115-6.
Infra, p. 28, 29.

(4) P.P. 1768, 1854, p.2.; quoted by
Walker, "History of Southern Africa", P.258.

(5) P.P. 424, 1851, pp 214 ff.
Walker, "History of Southern Africa," P.221.

(6) Walker, "History of Southern Africa", P.258.

(7) ibid, pp 258-9.

of British Kaffraria in December 1847.[1]

Nor was treaty-making an exclusively British policy. The Trekkers, and in due course both the Free State and the Transvaal, Republics concluded treaties with the Zulu, Basuto, Swazi and other tribes.[2]

The treaty policy was hardly the unfortunate child of sudden birth, and violent and equally sudden demise, which it is often represented to be. In fact, the "Glenelg policy" had in many respects become clearly defined before the Glenelg-Stockenstrom treaties were signed in December 1836. In 1833 the then Secretary of State Stanley[3] had set down treaty principles for the proper regulation of relations between the Colony and the border tribes. In a despatch to D'Urban dated 27 November 1833[4] he strongly urged that "an intercourse with the chiefs of the Caffer tribes" be cultivated by "stationing prudent and intelligent men among them as agents of your government". In return for "small annual presents" the chiefs, he anticipated, would be induced to become "responsible for the peaceable conduct of their followers". Aberdeen[5] declared in April 1835, shortly before Glenelg succeeded him as Secretary of State, that the conclusion of treaties was "the only policy

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(1) Pondoland was still independent in 1885. Walker, "History of Southern Africa", p.404.

(2) Walker, History of Southern Africa", pp 275-6.

(3) Stanley, Lord, Secretary of State for War and Colonies, 3 April 1833 - 4 June, 1834.

(4) P.P. 252, 1835, P.65; No. 27, Stanley to D'Urban, 27 November 1833.

(5) Aberdeen, Earl of, Secretary of State for War and Colonies, 20 Dec. 1834 - 17 April 1835.

which it becomes this country to observe and steadfastly pursue in regard to the native tribes by which the colony under your government is in a great measure encompassed".[1]

Treaties were to Stanley an alternative to the reprisal or commando system of dealing with frontier stealing. Recovery of stolen property should be effected by co-operation between the Chiefs and the Colonial authorities, and not by arbitrary resort to force as under the Commando System, "that fearful scourge of the natives".[2] Humanitarian motives were backed by sound economic arguments. The outstanding feature of both the British and the colonial administration in these years was the overall poverty. From 1823 to 1835 the British national debt remained undiminished,[3] while the annual income of the Cape Colony decreased steadily between 1819 and 1830.[4] Retrenchment was necessarily the order of the day, and the imperial military force at the Cape was reduced from 4032 to 2400 men, while the garrison's commissariat expenses were made the responsibility of the Cape treasury.[5] In these circumstances a policy of territorial expansion of the Cape Colony, which would necessarily involve heavy military and financial expenditure, was unthinkable. The report in

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(1) Brookes, Native Policy, p.14.

(2) P.P.252, 1835, No. 27, Stanley to D'Urban, 27 November 1833. The Commando System was condemned by virtually all the witnesses before the Select Committee on Aborigines, (PP 538, 1836).
Diary, pp 294, 296, 297.

(3) Muller, C. F. J., "Die Britse Owerheid en die Groot Trek", p.23.

(4) ibid, p.21

(5) ibid, p.23.
Theal, Rec. C. C. XI, pp. 240-2.
C.H.B.E. VIII, p.217.

1826 of the Commissioners of Inquiry at the Cape referred to the "unexampled difficulty" of the financial position at the Cape, and discountenanced in the strongest terms a policy of "offensive hostilities" on the frontier.[1]

The Whigs who came into power in 1830, true to their promises of retrenchment, organised a systematic survey of the administration of public finances.[2] A Select Committee appointed to investigate and report on military expenditure recommended that "The strictest economy should be observed in every branch of the Military Expenditure of the Colonies".[3] In 1832 military expenditure at the Cape, where the garrison numbered only 1778 men, resulted in Imperial payments amounting to £100,000. The Commando system was seen as responsible for this.[4] A tentative step in the direction of an inexpensive frontier policy had been the appointment in 1822 of Melvill as British agent with the Griquas,[5] and in 1833 Stanley issued his strong recommendation to D'Urban to establish a civil agency with the other border tribes.

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(1) Muller, C. F. J., "Die Britse Owerheid en die Groot Trek", pp 25-6.

(2) ibid, p.27.

(3) ibid, p.28.

(4) ibid

(5) Walker, "History of Southern Africa", p.152. John Melvill, later a member of the L.M.S.

The policy of the Colonial Office received strong support from many sources within the Colony itself. As Commissioner-General for the Eastern Province between 1828 and 1833, Stockenstrom had learnt a distaste for commando methods, and had made a strenuous plea for a more moderate and intelligent approach to frontier problems. After the expulsion of Macomo from the Kat R. area in 1829 he held personal interviews with the various Kaffir chiefs as a result of which he became convinced of their "desire to remain on peaceful terms with the Colony".[1] The Chiefs expressed their willingness, even their eagerness, to see plunderers severely punished, under colonial law if necessary, "to prevent their returning to cause havoc among their own people or bring further displeasure on the part of the colonial government upon their tribes."[2] The Chiefs suggested that, if permitted to retain their lands in the ceded territory, they could act as auxiliaries in preventing depredations and intercepting plunderers.[3] Stockenstrom proceeded then to organise a project for the settlement of a dense population of Kaffirs, Hottentots and Europeans in this territory.[4] In a Memorandum dated 28 September 1829[5] he put on record his opinion that the Kaffirs should not be expelled from the Ceded Territory. He proposed that their reserves should be marked out, and that elsewhere the land

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(1) Uric, pp 169-70. Quotes Stockenstrom to Bell, 26 June 1829, C.O.367; and Stockenstrom to Cole, 11 September 1829, C.O.367.

(2) Ibid. Quotes Stockenstrom to Cole, 11 September 1829. C.O.367.

(3) Ibid. pp 172 ff.

(4) Ibid. pp 172 ff. Quotes Stockenstrom to Cole, 5 September 1839, C.O.367.

(5) "Suggestions of the Commisioner-General", 28 September 1829. A. G. Minutes, pp.211 ff.

should be divided into small portions of 2-3 morgen, one to be allocated to each man capable of bearing arms. Villages and military settlements would complete the consolidation of this frontier belt. By co-operation with the Chiefs and by keeping a check on the activities of parties tracing stolen property, he though it would be possible to maintain tranquillity on the frontier. By the end of 1829 some 3,000 Hottentots and Kaffirs had been settled in the Kat River area, in the northern part of the Ceded Territory.[1]

The project was constructive and admirably conceived. Unfortunately it was not permitted to develop far. Instructions from the Colonial Office caused the settlement of the Ceded Territory to be suspended at the junction of the Kat and Fish R.[2] The Kaffirs alone were to occupy the remainder of the territory, which therefore remained without consolidating colonial settlements. Depredations continued and in 1830 the colonists, taking the law into their own hands, organised a commando against Tyali, and the following year Somerset, contrary to Stockenstrom's wish, obtained permission to conduct another coercive expedition against the Kaffirs.[3] When Stockenstrom left the frontier in 1833 it was evident that his system had broken down.[4]

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(1) Walker, "History of Southern Africa", P 173.

(2) Smuts, "The Lieutenant-Governorship of Sir A. Stockenstrom", p. 20.

(3) Ibid. pp.21-2.

(4) Ibid, p.22.

Nevertheless, it was not necessary to conclude that the system was inherently bad. In a memorandum written in 1833[1] Stockenstrom reiterated his proposal that colonial settlements should be interspersed with areas of Kaffir Settlement throughout the Ceded Territory. In 1834, when answering a questionnaire issued by the Secretary of State Spring-Rice,[2] he supported a variation of the scheme for the pacific disposition of frontier affairs, namely the idea of treaties with Chiefs who would remain politically independent.[3] In his opinion it was certainly practicable to establish "amicable arrangements" with the Kaffir, Griqua and Coranna Chiefs, but he insisted that he would "only maintain the most amicable treaties". Though no aggression should go unpunished, he commented further, the colonial frontiersmen should be carefully watched in their treatment of the Kaffirs, and he warned that treaties would not "all at once stop the inroads of independent gangs of maraunders, and if, on the first injury done by the latter, we charge the said Chiefs with a breach of their engagement and plunder their people, those arrangements will prove as fragile as all former ones".

This was Stockenstrom's view. Elsewhere in the Colony the treaty idea was taken up enthusiastically by leading

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(1) Urie. p.185. "Memoir of 1833", A. C. Minutes, P.100.

(2) Spring-Rice, Thomas, Secretary of State for War and Colonies, 5 June - 14 November 1834.

(3) Urie
pp 164, 181-3. Answer to Questionnaire issued by Spring-Rice in September 1834, forwarded 18 September 1834. Printed in A. C. Minutes, P.123.

newspapers and advocated by a number of well-informed private individuals. In the Commercial Advertiser on 22 February 1834 Fairbairn elaborated carefully a proposal for "a regular formal treaty" to be negotiated with the tribes. The treaty, which must receive the full approval of the Chiefs, should be in writing and based "on the common principles of International Law". Boundaries must be defined, and a specific procedure provided for the recovery of stolen property. An essential feature of such an arrangement was to be the institution of a "British Resident or Consul", stationed in Kaffirland, to "keep open a constant communication between the Chiefs and the Colonial Government". Further the Agent must transmit all complaints of depredations to the Chiefs, and ensure in each case that a just settlement was obtained.

Fairbairn was pleased to observe that "from the tone lately assumed by the Grahamstown Journal ... the principles we have always advocated ... are beginning to find a resting place in the minds of the frontier colonists." Confirmation of this observation was soon forthcoming. On 27 February 1834 an editorial in the Grahamstown Journal noted that that newspaper had frequently in the recent past had occasion to urge "the expediency of making the Caffer Chiefs a party to some definite arrangement for the tranquillity of the frontier, and for the detection and punishment of delinquencies on the part of either Caffers or Colonists". Reference was made to the co-operative attitude evinced by the Congo chiefs, Pato and Kama, and it was noted that the pervading tranquillity in this area was facilitating commercial intercourse, and the general progress of civilisation.

Interest in the treaty idea was evidently widespread.

In March 1834 the Wesleyan missionary Boyce[1] wrote to D'Urban recommending the making of treaties with the independent tribes.[2] He noted that the commando system was "as unwise as it was unjust", though he still advocated that colonists should be allowed to cross the frontier in pursuit of stolen property, and obtain the assistance of a military patrol if they so desired. He did not espouse the idea of resident agents, as he anticipated that a clash between the civil and military authorities would probably occur.

A less conservative view was taken by Dr. Philip who, in a letter to D'Urban dated 13 March 1834, supported both the treaty idea and the idea of civil agents.[3] Philip had previously advocated a policy of annexation on the frontier, especially in relation to the Griqua territory in the north-east.[4] The Griquas were willing that their territory should be incorporated in the colony, and the effect of such annexation would be to create a buffer zone between the Colony and the Bantu to the north. Philip even told D'urban that, provided there was a plan to civilise the natives, he would not object to the annexation of Kaffirland "even from the Keiskamma to Delagoa Bay".[5] Failing annexation, he had recommended in the case of the Griquas,

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(1) Boyce, Rev. W. B., of the Wesleyan Missionary Society.

(2) Boyce, Notes (III), pp 76 ff.

(3) Urie.
p.202

(4) Walker, "History of Southern Africa", P.183. P.P. 538, 1836, pp 608, 625-6, 633.

(5) ibid, p.184. P.P. 538, 1836, p.693.

that a treaty should be made with Andries Waterboer, constituting him commandant of all the Griquas, and requiring him, in return for a salary, to maintain peace on the northern border. He now advocated similar measures for the eastern frontier. Further support for this line of policy was forthcoming from the Rev. James Read, the L.M.S. missionary at Philipton in the Kat R. Settlement. In a letter to Dr. Philip dated 17 June 1834,[1] which was subsequently forwarded to D'Urban, he made careful comments on the treaty policy. Inter alia, he gave his opinion that agents should be appointed near the boundary, and he urged that military force should "never be employed but in very urgent cases, and requested by the Chiefs".

D'Urban, in fact, could not afford to do more than implement Stanley's treaty policy.[2] In 1834 he commissioned Philip to visit the eastern frontier to assure the Chiefs that the Governor was coming "to redress their grievances". Meanwhile he set about applying Stanley's policy in the North. In July 1834 he had arranged with Dr. Andrew Smith,[3] who was taking an expedition to Central Africa, that the latter should on behalf of the Colonial Government, make friendly overtures to the tribes living to the north of the Orange River.[4] He was to sound their

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(1) P.P. 503, 1857, P.167, Encl. 5d2 in No 23, D'Urban to Glenelg, 9 June 1836.

(2) Infra, pp. 40, 41.
Walker, "History of Southern Africa", p.184.

(3) Dr. Andrew Smith was offered the Lieutenant-Governorship of Natal in 1848. Vide Una Long, III, p.402.

(4) Van Billon, P. J., "Grensbakens Tussen Blank en Swart in Suid Afrika", pp.144 ff.

attitude towards friendly alliance with the colony, and the setting up of trading missions in their territory. Presents were provided, to be distributed among the various chiefs. The mission was highly successful and Dr. Smith reported that "these various chiefs seemed to consider that by receiving such presents from me in the name of the Governor they actually consummated treaties". Now, in December 1834, D'Urban proceeded to negotiate a treaty with the Griqua Adries Waterboer.[1] In return for a salary of £100 per annum and 200 stand of arms, Waterboer agreed to maintain peace in his territory along the northern bank of the Orange, and assist in the apprehension of border thieves. Further the Rev. Peter Wright was to be stationed at Griquatown as Resident Agent "to facilitate a due observance of the mutual engagements and to secure the benefits which they are intended to afford to both parties".

This arrangement was concluded on 11 December 1834. Ten days later a Kaffir war broke out in the south. While Philip was on the frontier depredations had decreased markedly.[2] He had told the Chiefs that he himself disapproved of the practice whereby patrols entered Kaffirland; but, unfortunately, several days before D'Urban was due to arrive one of Somerset's patrols engaged in a skirmish with the Kaffirs in which Xoxo, a son of Gaika, was injured. On 21 December the Gaikas at the head of 12,000 Kafirs invaded the Colony.[3]

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(1) P.P. 252, 1835, pp 45-6. A treaty with Moselikatze was concluded on 3 March 1836. Vide Brookes, p.35.

(2) Walker, "History of Southern Africa", p.185.

(3) Walker, "History of Southern Africa,", p.185.

This dramatic turn of events delayed for some years a fuller implementation of Stanley's frontier policy. There were many dramatic developments yet in store. Before the signing of the Stockenstrom treaties in December 1836 inaugurated the ten-year period of the treaty administration, the territory between the Keiskamma and Kei R. had been annexed and abandoned; two sets of treaties with the Kaffirs on the eastern frontier had been signed, and subsequently annulled; and, the whole frontier question was keenly debated both in England, where the Aborigines Committee[1] was sitting, and at the Cape, where civil and military officials, private individuals, and the newspapers all had their say. The issue of the Kaffir war itself was never in doubt.

By May 1835 Colonel Smith had led the colonial counter-offensive beyond the Kei, and peace was declared. On 10 May 1835 D'Urban proclaimed the territory between the Keiskamma and the Kei as "Queen Adelaide Province",[2] the Kaffirs, "irreclaimable savages", were told they were to be driven across the Kei "for ever". Conciliation and consideration of economy seem to have had no place in this settlement, which was in strange contrast to the policy urged by the Colonial Office in the preceding years. At all events, D'Urban found it impracticable, for the simple reason that the Kaffirs refused to be driven across the Kei.[3]

Before long D'Urban drastically revised this settlement. Employing the agency of the missionaries,[4] he arranged a

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(1) Select Committee on Aborigines (British Settlements), P.P. 538, 1836.

(2) P.P. 252, 1835, p.132.
P.P. 279, 1836, pp 11, 41, 48 ff, 51.

(3) Walker, History of Southern Africa, P.185.
Du Toit, "Cape Frontier", p.17.

(4) Ibid.

meeting with the chiefs. On 17 September 1835 treaties were signed with the heads of the Gaika, TSlambie and Congo tribes.[1] The Province of Queen Adelaide was to remain, but the Kaffirs would continue to reside therein, as British subjects living under colonial law. The Chiefs engaged that they and this people would "bear true allegiance to, and be faithful subjects of His Majesty the King of England; to be friends of H.M.'s friends, enemies of his enemies". They would obey the commands of His Majesty's Governor, and the duly constituted colonial authorities .. "The Chiefs were to retain jurisdiction in regard to "the domestic and internal regulations of their tribe and families". Depredations must cease forthwith. The Chiefs were to give orders to their followers to this effect, and were to assist in every way to prevent depredations. Special rules regulating restitution were set down, the guiding principle being that the chief to whose location the cattle were traced would be held responsible. An agent of government was to be established with each tribal group. For the civilisation and good government of the Kaffirs, ministers of religion, schoolmasters and magistrates would be situated among them; chiefs might be appointed as magistrates.

Essentially, then, the Chiefs and their people were to become British subjects, and retain most of their land in Queen Adelaide.[2] This settlement certainly differed

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(1) Treaties .... 1803-54.
F.P. 279, 1836, pp. 95 ff.

(2) Walker, "History of Southern Africa", p.186:
"D'Urban still proposed to settle Europeans round the forts and along a broad belt of land across Queen Adelaide and to give out the Ceded Territory in farms, except where it was occupied by Hottentots and Gunkwebes and the 17,000 Fingoes he was bringing out of Kaffirland to a reserve round Fort Peddie ...".

greatly from D'Urban's May policy. Nevertheless, the latter settlement still seemed a radical departure from the policy of the Colonial Office. The Home Government had insistently urged that the territorial expansion of the colony was economically impracticable, and had stressed that the frontier policy towards the tribes was the establishment of treaty relations with them as independent peoples.[1] D'Urban had now annexed a vast area of territory (setting aside a large tract for European settlement), and taken upon the British authorities the responsibility of governing some 80,000[2] Kaffir subjects. The government, for an indefinite period, was to be a military one.[3]

The construction of forts in the new province had been started by Smith soon after the proclamation of the new province in May. D'Urban planned that by placing military posts "within around and among (the Kafirs) locations .... military power (would be) therefore always at hand to assist the civil". In November and January resident agents were established at Forts Peddie, Murray, Cox and Waterloo.[4] According to instructions issued to the agents, martial law was to continue until it was "safe and judicious" to replace it with civil.[5] The Chiefs would be subordinate to the "superior and superintending" authority of European officials, and to further counter-act the power of the Chiefs D'Urban intended that the "system of clanship ... be at once broken up".[6]

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(1) Supra, pp. 20-22.

(2) Infra, pp. 61.

(3) P.P. 279, 1836, Pp 88 ff, No. 9. D'Urban to Glenelg, 7 November 1835.

(4) P.P. 503, 1837, pp 5, 10.

(5) Ibid, pp 11 ff.

(6) cf. Van Biljon, "Grensbakens Tussen Blank en Swart in Suid Afrika" [illegible]

In defending his actions D'Urban declared to Glenelg that "policy, security and justice" had guided him. The Kaffirs had "deeply and without provocation dipped their hands in English blood ... they had lost the country in question by the operations of war which they had so wantonly provoked".[1] Moreover, he said, the Kei was a less difficult frontier to defend than the Fish, considering the "extent and character of the latter".[2] He expected that depredations would continue for some time, but if his experiment failed, it would be vain "to talk of any other relations with these people than the bayonet's point".[3]

Such, then, was the D'Urban policy. On 26 December 1835, three months after the signing of the treaties of September, the Secretary of State Glenelg penned his famous despatch informing D'Urban that, unless the Governor could show good reason why this instruction should not be implemented, British sovereignty over Queen Adelaide was to be renounced.[4] Treaties were to be made with the tribes thus released from their dependence on the British government. On first receipt of news from D'Urban of the May settlement, Glenelg had replied warning him that the annexation might have to be renounced and forbidding him to build forts or give away land to Europeans in the annexed territory.[5] Glenelg had received the protests of a number of missionaries

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(1) cf. Van Biljon, "Grensbakens Tussen Blank en Swart in Suid Afrika", p.134.

(2) ibid.

(3) P.P.279, 1836, P.103; No. 9, D'Urban to Glenelg, 7 November 1835.

(4) Bell and Morrell, Select Documents on British Colonial History, pp 463 ff.

(5) Walker, "History of Southern Africa", p.189.

against D'Urban's policy of "extermination".[1] Further, the Commons had appointed a Select Committee to investigate the relations of British colonists, all over the Empire, with "Aborigines".[2] The Committee had sat during August 1835, and had heard the evidence of the former Commissioner-General of the Cape, Andries Stockenstrom. Reiterating the views he had previously expressed, Stockenstrom had recommended that treaties be made with the tribes. The British authorities, he urged, should "never take any land but what was taken by treaty". The Congo tribes should be incorporated in the Ceded Territory as "allies", and subject to colonial laws. There should be a close line of settlements along the eastern frontier on the lines of the Kat R. settlement. Further he advocated regulations requiring the colonists to protect their property adequately, the sparing use of military force, and the severe punishment of aggressions from either side of the frontier.

For several months D'Urban delayed his reply to Glenelg's initial despatch.[3] Eventually he informed Glenelg of his September settlement, but before this was received Glenelg sent off his despatch of 26 December. This despatch covered the debate over frontier policy as far back as 1819, and embodied substantially the policy formulated at the Colonial Office by Glenelg's predecessors. Far from conceding that the Kaffirs had commenced the war without

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(1) Walker, "History of Southern Africa", p.189.

(2) Select Committee on Aborigines (British Settlements), P.P. 538, 1836.

(3) Walker, "History of Southern Africa", P. 189-90.

provocation,[1] Glenelg declared that the Kaffirs had "ample justification" in the continual encroachments on their land, and in the Commando system, with its "long series of acts of injustice and spoliation in the highest degree indefensible". It was "the opinion maintained by almost every other witness on the subject that the Caffers were stimulated to this war by the belief that they had been unjustly despoiled of their country and by the hope of regaining possession of it. "As to the commando system, Kaffir depredations had very often been a case of "imitating the conduct of their aggressors". Then, the wounding of two native chiefs had been an immediate cause of the war, and Glenelg declared he could not refuse the Caffers the benefit of this second apology for their irruption into the colony".

The subsequent enlargement of British territory was not only an act morally repugnant but it was economically and strategically impolitic. The Kei frontier was longer, more distant, and would bring contact with "fresh hordes of barbarians". In any case the proposed military method of guarding this frontier was unacceptable. Then there were considerations of economy; the question of raising revenues for the additional establishments was a matter "to which your (D'Urban's) consideration does not appear to have yet been given, and to which I have directed my own in vain". The safety of the colony, Glenelg maintained, was only to be secured by a policy of justice and conciliation towards the Kaffirs, "respect for their feelings and prejudices" and "regard for their real interests". He observed emphatically

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(1) cf. D'Urban; Supra, p.33.

that "Colonies which it is attempted to maintain in the neighbourhood of savage tribes on any other principles, must either be destroyed by that vicinity, or be upheld at a cost utterly disproportionate to their real value".

Glenelg then proceeded to lay down the leading principles for the proper settlement of the frontier. Following the renunciation of the annexed territory, a separate treaty must be signed with the chief "of every tribe in alliance with us, or in any degree under our protection".(2) Boundaries must be clearly defined. "Rules of mutual restitution .... must be particularised", the Chiefs pledging restitution in every case where there was sufficient proof of theft. A law must be framed enabling colonial courts to take cognisance of offences committed by British subjects in Kaffir territory and where a colonist wounded or killed a Kaffir, or injured his property, he should "be made liable to the same punishment as if the sufferer were one of H.M.'s subjects. A special personnel for administering border policy would include a Civil Commissioner as "protector of the Kafir tribes", who would be informed of all happenings on the frontier, and exercise a general superintendance. A government agent in Kaffirland would hear complaints, and see that justice was done on both sides. The final "administration of the Executive government" in the eastern districts would devolve upon a Lieutenant-Governor.

On 5 February 1836 Stockenstrom was officially appointed Lieutenant-Governor.[1] On 4 December 1835 he had received a

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(1) Uys, p.204.

letter from Glenelg desiring him to come to London.[1] No hint was given of the Minister's motives, and before Stockenstrom had reached London, or "ever seen or communicated with Lord Glenelg", the Despatch of 26 December was sent off. In a letter dated 7 January 1836, Stockenstrom, in response to a request from Glenelg had elaborated his views on the frontier situation.[2] Explaining misconceptions which might have arisen concerning his previously expressed views, he commented on D'Urban's measures, and concluded with definite proporals for the new frontier settlement. This letter was written before Stockenstrom had seen Glenelg's December despatch,[3] and is important not only as a resumé of his own views, but because it reflected very accurately Glenelg's conclusions, and the eventual settlement at the end of 1836.

Commenting on D'Urban's incorporation measure, Stockenstrom admitted that he had previously advocated "the gradual incorporation within the Colony of certain hordes", but he showed that his plan was less developed then D'Urban's for he had only in view "such communities as were wandering and unsettled already in many ways dependent upon or closely allied to us". He had "specially excepted those nations who can control and protect themselves", and he stressed he would not advocate rendering the expense of the administration greater by conquest of, or interference with, tribes so far organised as to need "only our example and justice, our commerce, and the free and friendly communication of those

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(1) Stockenstrom, Autobiography II, pp.56 ff.

(2) Uric
pp 192-6.

(3) ibid.

improvements which they would gradually become prepared to cultivate in order to become civilised". The Kaffirs beyond the Keiskamma clearly fell into this class, he thought.

He pointed out that to make the Kei the Colonial boundary would only create an additional frontier. The Kaffirs would continue to reside along the Keiskamma in any case, and it was "not in the nature of things that the Kafirs, after all that has now taken place, can be trusted so near the colonists, if these be unprotected". He thought that the Chiefs would continue for a long time to resent their subordination.

The settlement of the frontier should look both to the security of the colonists, and to the improvement of the Kaffir tribes as independent allies. The defence of the Keiskamma boundary could be effected by a dense settlement of the Ceded Territory,[1] those Kaffirs who were neutral during the war being permitted to remain in this area. A reprisals system must not re-occur. Property must be properly guarded, and "no armed person or force ought to be allowed, except under peculiar clearly defined circumstance to enter Kaffirland". Unarmed persons might cross the boundary but only according to special rules. Foreign Kaffirs found in the colony were to be regarded as enemies.

The Chiefs must understand that the withdrawal from the Kei boundary was an act of calculated lenience towards them. After the withdrawal, a conference should be arranged for the

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(1) Here Stockenstrom differed from Glenelg who proposed that the Ceded Territory be wholly occupied by the Kaffirs, cf. Glenelg to D'Urban, 26 December, 1835.

purpose of drawing up specific rules for dealing with mutual aggressions, and to persuade the Chiefs to accept colonial agents, who would ensure the recovery of stolen property and mediate in all disputes. Civilisation, he concluded, could more easily be brought about by civil agencies and the influence of the missionaries then by "the precipitate introduction of English law, or by means of the bayonet".

On 18 July Stockenstrom arrived at the Cape to take up his post as Lieutenant-Governor.[1] On 18 August the law of the bayonet came to an end in Queen Adelaide, when D'Urban repealed Martiemal Law;[2] and in December 1836 the signing of treaties in accordance with Glenelg's instructions of December 1835 completed the reversal of D'Urban's settlement.[3] There has always been a party which has represented this as a misguided step, disastrous to colonial interests and the peace of the frontier.[4] After 1836 Petitioners referred to the "salutary and humane" operation of the D'Urban system and urged a return to that "system".[5] Latter-day critics indicate that incorporation of the tribes was in any case effected 11 years later, and argue that it was an evasion of responsibility to

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(1) Stockenstrom, Autobiography II, pp.42 ff.

(2) Infra, pp. 43, 44.

(3) Infra, pp. 49 ff.

(4) cf Supra, pp. 15–17.

(5) Petition of Municipal Commissioners of Grahamstown, 16 August 1843, C.O. 48/233: P.R.O. Bell and Morrell, "Select Documents in British Colonial Policy", pp 499-500. Also, Memo of Thomas Phillips, 28 July 1842, P.P.424, 1851 pp 126-130.
Petition of the Inhabitants of Lower Albany, P.P. 424, 1851, Encl.2 in No. 43, Napier to Stanley, 4 December 1843.
But the D'Urban "system" never operated except as a system of martial law, viz. (a) D'Urban treaties signed 17 September 1835, (b) Martial law repealed 18 August 1836, (c) Stockenstrom treaties signed 5 December 1836.

postpone this in 1836.[1] De Kiewiet puts it bluntly that "Glenelg's decision in 1836 was a decision to allow the sores of the frontier to fester for another season till another outbreak (of war)".[2]

Such criticisms, however, evade the evidence, and beg the question. The treaty policy of the Colonial Office before 1834 had looked very soberly to economic factors.[3] Now, after it had expended £154,000 in the Kaffir war,[4] it behoved the British government to be more than ever aware of the practical limits of its policies in South Africa. During Melbourne's second administration, between 1835 and 1841, annual deficits were registered,[5] and the British national debt remained at about £30 million. Nevertheless, the imperial Treasury continued to shoulder almost the whole of the military expenditure at the Cape. In November 1837 Glenelg had to assure Hewick that the military establishment at the Cape would be reduced as speedily as possible to its pre-war size, and that its commisariat expenses would be made a local responsibility. The Cape Treasury itself, with the Public debt at £264,768 was reported in 1835 to be "ebbing fast".

If the charge of irresponsibility is to be made, then surely, considering the continued financial stringency, it

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(1) Brookes, Native Policy, pp 13-14: "The history of the next seventeen years (1830-47) is merely a record of the efforts of Great Britain to evade all responsibility in this direction; and it is not until the closing weeks of the year 1847 that we find this hesitating policy ended by the masterful hand of Sir Harry Smith".

(2) De Kiewiet, "Social and Economic History of S.A.", p.51.

(3) Supra, pp.21,22.

(4) Muller, C. F. J., "Die Britse Owerheid en die Groot Trek", p.29.

(5) E. L. Woodward, "The Age of Reform", pp 106-107.

must be made against D'Urban. Glenelg was adhering to the necessarily cautious policy of his predecessorsat the Colonial Office, but D'Urban had made a radical departure from this. D'Urban's policy involved the expense of administering a vast new territory, and controlling its numerous savage inhabitants, whereas Glenelg recognised that, for the time being, a static policy on the Eastern frontier was the only one which either the British or the Colonial Government was competent to observe.

Support for the treaty policy had been widespread before war broke out,[1] and after 1835 independent and informed support was again forthcoming. Most of those who gave evidence before the Aborigin%es Committee in 1836 "agreed that treaty arrangements with the Kaffir Chiefs would be practicable and useful".[2] All "agreed as to the unsuitability of the commando system" and most agreed with Glenelg, again, in regarding the war of 1834-5 as the result of "the vacillating policy of the government with regard to their right to occupy the Ceded Territory".[3]

Philip, appearing before the Committee of 1 August 1836, said he thought "a system of international law introduced on the frontiers of the country, would prove the most efficient and best protection that the colonists could have".[4] This was a reiteration of the view he had previously expressed to D'Urban, and he advised that, as in the case of Waterboer in 1834, written treaties should be concluded.[5] The Colonial

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(1) Supra, pp.23-28.

(2) Uris
P.208-9.

(3) Ibid.

(4) Select Committee on Aborigines (British Settlements),
P.P. 538, 1836, p.626 §4327.

(5) Select Committee on Aborigines (British Settlements),
P.P. 538, 1836, p.677, §5733.

Government must punctually fulfil its obligations, and take cognisance of the crimes of its subjects against the persons or property of Kaffirs beyond the boundary. Civil agents should be established in Kaffirland, the commando system abandoned, and the military excluded entirely, "except when called in by the principal agent". "The difficulty of maintaining amicable relations with the tribes and nations on the borders of our colonies" he concluded, "is with us, and not with them".

Other well-considered proposals, substantially to the same effect, were forthcoming from the Rev. W. Shaw,[1] and the Rev. John Beecham,[2] both of whom gave witness based on their direct experience of frontier conditions.

Meanwhile D'Urban had done nothing to defend his measures to the Colonial Office. Glenelg had noted in his despatch of December 1835 that he must assume that he did not "labour under any cardinal error respecting the facts", but that he did not preclude the possibility of D'Urban's being able to produce evidence to the contrary. On 17 February 1836 he wrote to D'Urban bluntly asking for further facts.[3] D'Urban's delay in replying was truly "astounding". His vital despatch, dated 9 June 1836, was only posted in December 1836, and reached London only on 15 March 1837.[4] Not until twelve months after the Lieutenant-Governor's arrival in the Colony did Glenelg receive from D'Urban any of Stockenstrom's communications.

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(1) Shaw, Rev. William, of the Wesleyan Missionary Society. Stationed at Grahamstown. Chairman of the Frontier District. His proposal given in Select Committee on Aborigines (British Settlements), P.P. 538, 1836, pp 664 ff.

(2) Beecham, Rev. John. His proposal given in Report of the Select Committee on Aborigines (British Settlements) § 4364.

(3) MacMillan, "Banty, Boer and Briton", p.182.

(4) Ibid. Smuts, "The Lieutenant-Governorship of Sir Andries Stockenstrom", pp 82 ff. Du Toit, "Cape Frontier", p. 19.

Stockenstrom had been forced to spend the first three weeks after his arrival in quarantine. As soon as he was released D'Urban proposed to him that he should "forthwith abolish his system".[1] Stockenstrom's explicit instructions from the Secretary of State, however, were "not to proceed to treat with the Kaffirs till the Governor's final report is received,"[2] and he declined D'Urban's suggestion, stating clearly his reason.[3] On 17 August Stockenstrom set out to the frontier to inspect conditions at first hand. The following day D'Urban, having given no hint to the Lieutenant-Governor of his intended action, repealed Martial Law in Queen Adelaide.[4] Stockenstrom declared that the first he knew of the Governor's intention was on reading in the Swellendam public papers of the accomplished fact.[5] D'Urban's act placed a heavy responsibility upon the Lieutenant-Governor. On reaching the frontier he conferred with the local authorities, and received the opinion of Colonel Smith and all the agents that it was impossible to carry on the D'Urban

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(1) Stockenstrom, Autobiography II, pp.42-3.

(2) MacMillan, "Bantu, Boer and Briton", p.151.

(3) Stockenstrom, Autobiog.II, p.42.
G.H. 1562, 8/1, No. 2, Stockenstrom to D'Urban, 5 August 1836.

(4) Stockenstrom, Autobiog.II, pp. 44-5.
McMillan, "Bantu, Boer and briton", p.156: "On 17 August Stockenstrom left for the frontier ..... D'Urban's next action gives the nature of his would-be operation with Stockenstrom .... on 18 August, the very day after Stockenstrom's departure, like a bolt from the blue came the Governor's Proclamation that as "peace, order and good government" prevail in Queen Adelaide, Martial Law should cease .... Stockenstrom, that is to say, in spite of his "private conference with the Governor, had no warning of a step that made "the system" finally impossible".

(5) Stockenstrom, Autobiog.II, pp 44-5: "... before I had left Cape Town four and twenty hours, without the slightest hint to me of what was going on, on so vital a subject, which concerned no body in the Colony next to the Governor as much as myself, Martial Law was repealed by Proclamation (dated 18 August 1836). On reaching Swellendam I saw this publication in the public prints".

System "without the discretionary power which was exercised under martial law".[1] On 14 September he communicated this opinion to D'Urban, declaring that order had hitherto been maintained only by "the indefatigable exertions of Colonel Smith supported by competent means and zealous auxiliaries".[2]

The repeal of Martial law precipitated the abandonment of Queen Adelaide. D'Urban and his supporters deplored the retrocession of the new territory, for they represented that the D'Urban system had functioned well, and would have continued to do so. The ensuing Glenelg policy could not fail, D'Urban said, to be "pregnant with insecurity, disorder and danger".[3] The Grahamstown Journal, and even the S.A. Commercial Advertiser, had published favourable reports on the working of the system, and "looked forward optimistically to security and progress on the frontier".[4] And a resolution of the Legislative Council on 24 August 1836 had expressed "unqualified approval" of the system.[5] — a very little factual basis —

New light is thrown on the situation, however, by a comment from D'Urban's commander in Queen Adelaide. In a memorandum dated 12 July 1836,[6] Col. Smith strongly criticised the military nature of the frontier administration. Smith was emphatic that the frontier was to be protected neither by "military display" nor by "chains of post", nor by "arbitrary

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(1) G.H. 1362, 8/1, No. 10, Stockenstrom to D'Urban, 14 September 1836: "On this subject Colonel Smith and every one of the Agents entirely agree".
Stockenstrom, Autoblog. II, p.45: "Col. Smith when he received the proclamation repealing martial law with truth exclaimed to his Assistant, "the sooner we march out of this province the better, for how am I to eat up a Kaffir according to Blackstone?".
McMillan, "Bantu, Boer, and Briton", p.156.

(2) G.H. 8/1, No. 10, Stockenstrom to D'Urban, 14 September 1836

(3) P.P. 424, 1851, pp 31 ff.

(4) Uric
p.196.

(5) Boyce, Notes (III), pp 57-8.

(6) P.P.503,1837, p.263; Encl.1, in No. 24.

commanders ... who may conduct patrols". The Kaffir Chiefs must be accorded more deferential treatment, and be permitted to regain their prestige. A civil administration staffed by "active and judicious men", was the only one likely to win the confidence and co-operation of the Chiefs, and effectively maintain tranquillity on the frontier. These comments told heavily against some of the leading characteristics of the D'Urban administration.

Further revealing comment was forthcoming from Stretch, the Government agent with the Gaikas.[1] Stretch, while remarking that "the most beneficial results" had so far been obtained, noted significantly that the Chiefs remained an uncertain quantity. They feared that "a continuation of this system must undermine, as it has already diminished, their power ....," and had expressed to Stretch their gratification at hearing of Stockenstrom's arrival in South Africa. They keenly desired to meet him, when "we shall open our hearts for we have much to say".[2]

Indeed, the attitude of the Chiefs made it extremely doubtful whether peace could have been preserved in the new province for very long.[3] For the average colonist "system" meant land grants: for the tribal chief it meant probable

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(1) P.P. 503, 1837, Stretch to D'Urban, 27 July 1836, Encl. 36 in No. 14.

(2) P.P. 503, 1837. Encl. 1 in 36, in No. 14, D'Urban to Glenelg, 19 September, 1836.

(3) cf. G.H. 8/1, No. 10, Stockenstrom to D'Urban, 14 September 1836: ... "the Chiefs are dissatisfied ..... A Chief thus dissatisfied has only to proceed beyond the Kei, there collect a force, fall upon what he would consider rebellious subjects ..... and reinforced .... make us pay dearly for his temporary submission".

loss of power and status. It was later revealed that a massacre plot against the colonial officials in Queen Adelaide had been planned by a council of the Chiefs and had only failed because one of the Chiefs declined to give his assent to the proceeding.[1] Even with Martial Law there were formidable difficulties facing the administration of the D'Urban system. Once Martial Law was withdrawn there ceased to be a "system". Thus far, as Stockenstrom observed, only military force had sufficed to maintain the general peace under this settlement.

A civil administration was never tried in the province of Queen Adelaide. It was pointed out by Justice Menzies that a number of serious legal anomalies inherent in the D'Urban system, would obtrude themselves the moment Martial Law was repealed.[2] As soon as a civil administration was instituted, every law in force in the colony would apply in the new province. Now, according to the instructions forming the Constitution of the Legislative Council, the Governor was "prohibited from proposing or assenting to any law having the effect of naturalising aliens as British subjects". But the first effect of the D'Urban treaties of 17 September 1835 had been to make the Kaffirs British subjects. If the Kaffirs were to be regarded as foreigners permitted to reside within the colony, then they would be subject to the provisions of Ordinance 49. The "slightest consideration" would show that this law was unsuitable for the regulation of the Kaffirs in Queen Adelaide. Then, the Kaffir magistracies proposed by D'Urban would be illegal. A Kaffir magistrate, having no

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(1) P.P. 424, 1851, P.133, No. 43, Encl. 1: Hare to Napier, 13 November, 1843.
P.P. 424, 1851, P.256, No.3, Glenelg to Napier, 13 November 1837.
Infra, p. 98.

(2) Menzies, "Legal Notes on the Treaties with the Kaffirs, of 17 September, 1835".
Grahamstown, 6 October 1835;
P.P. 424, 1851, pp 197 ff.

jurisdiction over Europeans, would be an "inferior" magistrate, but a law subjecting Kaffirs to such jurisdiction was discrimitatory, and as such contrary to the instructions. Further, there was no provision for the restoration of property stolen before 17 September 1835, but any colonist discovering in Queen Adelaide property stolen from him would be entitled under colonial law to reclaim such property.

Some of these difficulties, were characterised by Menzies as "insurmountable". D'Urban had proposed passing ordinances to "adopt" the colonial laws as required;[1] but these ordinances, as Napier later observed, were never prepared.[2] Thus when D'Urban repealed Martial Law on 18 August 1836, he in effect cancelled the operation of his system on the frontier. As the officials declared, the administration of Queen Adelaide became impossible. D'Urban complained of retrocession, but it was by his own act, executed before he had made any substantial report to Glenelg, and without the knowledge of the Lieut.-Governor, that retrocession became inevitable.

It is difficult to see that D'Urban in eleven months had done more than pursue a policy of great expectations. Even before the cancellation of Martial Law, while the papers praised the "system", chaos threatened to unfold. Soon after his arrival on the frontier, Stockenstrom was sending back reports which substantially contradicted D'Urban's belief that all was well. There is no reason to doubt these reports. D'Urban told Glenelg that the nature of Stockenstrom's reports had convinced him that "with such opinions and prejudices against

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(1) P.P. 424, 1851, P.180, No. 20. Durban to Glenelg, 7 November 1835.

(2) P.P. 424, 1851, p.181, Napier to Stanley, 4 December 1843 .

the existing system, it would have been vain to expect that (he) could have efficiently continued its operation".[1] This was probably a sarcastic reflection on the Lieutenant-Governor's impartiality; yet it was an inescapable fact that Stockenstrom's reports were based on the positive evidence of frontier colonists, and the majority of the frontier officials.

Contrary to D'Urban's belief that depredations only occurred in the period of unrest immediately before the evacuation of Queen Adelaide, Stockenstrom showed that depredations had "never ceased for one week at a time since the war".[2] This fact was supported by the "repeated assurances of Colonel Somerset and Captain Armstrong and the complaints of all the Field Cornets and great numbers of the inhabitants"[3]. On 14 September, noting the dissatisfaction of the Chiefs, Stockenstrom reported that he would nevertheless be compelled quite soon to disband a large proportion of the frontier militia.[4] He declared that he saw "nothing that promised the ultimate success of the plan we were then pursuing".[5] He had seen "eating-up" in progress, and "witchcraft unsuppressed".[6] When, at a conference with the Chiefs, Macomo and Tyali complained of having been deprived of their lands, "not a single

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(1) C.O. 1447, D'Urban to Glenelg, 15 March 1837. Cited by Smuts, "The Lieutenant-Governorship of Andries Stockenstrom", p.93.

(2) G.H. 8/1, No. 39, Stockenstrom to D'Urban, 3 November 1836

(3) Ibid

(4) G.H.8/1, No.10, Stockenstrom to D'Urban, 14 September 1836: "The Hottentots, constituting the provisional and Beaufort Levy are near one third of that (the present) strength and clamorous for relief - a deputation of them waited on me today and .... urgently stated their detention as a grievance".

(5) G.H. 8/1, No. 39, Stockenstrom to D'Urban, 3 November 1836

(6) Ibid

dissentient voice was raised".[1] As to the gradual undermining of the Chiefs' authority, he declared that the Chiefs "saw the commencement of the trial as soon as we did, and determined to resist it".[2]

These reports were only transmitted to Glenelg by D'Urban after considerable delay, and Glenelg meanwhile continued to wait "with anxiety" for information.[3] By October 1836 D'Urban had not yet posted his report, and he now took the law into his own hands. To "end the suspense", he ordered the evacuation of Queen Adelaide to begin.[4] D'Urban had reminded Stockenstrom that the responsibility for framing the treaties rested on him,[5] and on 5 December 1836 Stockenstrom met the Chiefs of the Gaika, TSlambie and Congo tribes at King Williamstown to conclude the new treaties.[6] Despite attempts to create excitement, the Kaffirs had remained quiet in expectation of the proposed change.[7] Stockenstrom's first step, now was formally to renounce British sovereignty over Kaffirland, and absolve the Kafirs from their allegiance to the British Crown. It was impossible to enter into treaties "on behalf of His Majesty, with His Majesty's own subjects"[8]

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(1) G.H.8/1, No.39, Stockenstrom to D'Urban, 3 November 1836.

(2) Ibid

(3) C.O.1324, Glenelg to D'Urban, 31 December 1836. Cited by Smuts, "The Lieutenant-Governorship of Andries Stockenstrom", p.83.

(4) MacMillan, Bantu, Boer and Briton, pp 157-8.
Smuts, "The Lieutenant-Governorship of Andries Stockenstrom" pp 82 ff.

(5) On 13 October. cf.MacMillan, "Bantu, Boer and Briton", pp 157-8.
L.G. 2, No.25, D'Urban to Stockenstrom, 13 October, 1836.

(6) "Treaties .... 1803-54", pp 37-92. Vide Appendix I

(7) G.H.8/1, No.39, Stockenstrom to D'Urban, 3 November 1836.

(8) Stockenstrom, Autobiography, II, p.110. cf.P.P.279, 1837, p.110, Glenelg to D'Urban, 17 February 1836: "Between the King and his subjects no convention, in the proper sense of the term, can subsist. The rights and duties incident to that relation must be determined by the general law, and cannot be properly defined by any other rule".

The treaties which were then signed embodied almost completely the instructions of Glenelg's Despatch of December 1835.[1] Also, they reflected strikingly the ideas of Stockenstrom, Smith and Philip, and the numerous other proposals proferred since Stanley's first project in 1833 of the treaty policy.[2]

The Glenelg-Stockenstrom treaties formally proclaimed the Keiskamma-Tyumie line as the boundary of the Colony. Beyond that line the tribes were to possess their former lands in full title. The Ceded Territory south of the junction of the Kat and Fish Rivers was also to be occupied by independent tribes; but they would occupy this land on sufferance "as a special mark of His said Majesty's grace and favour". Kaffir law would prevail in this area, as beyond the Keiskamma, but the British authorities reserved the right of stationing troops and building forts therein. No colonist armed or unarmed, single or in number, might cross the boundary into Kaffirland except with special permission. And the same applied to Kaffirs wishing to enter the colony. A Colonist must obtain a pass from the commanding officer at one of the military posts, and a foreign Kaffir must obtain one from one of the colonial agents residing in Kaffirland. Colonial agents and representatives of the Chiefs (pakati" - councillor) were to form a special administrative personnel along the border. The agents whose capatity was solely diplomatic, were to hear all "representations, complaints or applications" from colonists and Kaffirs, and must at all times exercise the fullest impartiality and justice. The pakati, to be stationed at points along the border, must establish understanding

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(1) Supra, pp. 33-36.

(2) Supra, pp. 23-28, 34, 37-9, 41-2.

with the commanding officer at the nearest military post, and do their utmost to prevent the occurrence of aggressions. A Kaffir police to be established at the military posts, would be free to enter Kaffirland (unarmed) in pursuit of thieves and stolen property; military patrols were strictly debarred from such entry.

Particular attention was given to the rules relating to the restitution of stolen property. If any person in pursuit of plundered property should not overtake the same before reaching the boundary, he would be at liberty to obtain directly the assistance of the nearest pakati in tracing it further; alternately he should lodge his complaint with the resident agent for the chiefs into whose territory the criminals and property were traced. The owner must, however, make oath that the spoor was taken to a particular spot on the boundary - that the property had been properly guarded when stolen, and in the case of livestock, that it had been guarded by an armed herdsman - that the pursuit was commenced immediately after the theft - that, if the theft occurred at night, the property had been properly secured in kraals, stables and the like - and that the pursuit in that case was commenced at latest, early next morning. If there seemed no reasonable cause to reject such statement, then immediate steps must be taken to effect recovery. In the case of recovery effected with the aid of the pakatie, the owner would "be at liberty" to report his case either to one of the agents, or to one of the military posts, leaving the pakati to pursue the criminal(s). The Chiefs must assist the pakati, and Chiefs and pakati might recover compensation from the offenders for their exertions. Where the report was made to an agent, the latter must forthwith place the case before the Chiefs, who would then enter into the "strictest investigation". If in clearly proved cases recovery was not effected within one month, then the

Chiefs must indemnify the owners. With the exception of indemnification thus obtained, none but the identical property might be recovered.

Finally, there were a number of provisions designed to further the gradual civilising effect of the Glenelg policy. The Chiefs pledged themselves to "encourage trade and commerce to the utmost of their power" and to give protection to European traders. They also engaged to encourage the propagation of the Christian religion in their territories, and to give protection to its teachers and ministers.

Though these were not treaties of military alliance, the tribes engaged to remain at peace with the colony, and themselves, and the Gaikas, TSlambies and Congoes promised not to molest the Fingoes or Tambookies.

The treaties with the Gaikas, TSlambies and Fingoes were signed at King Williamstown on 5 December 1836. That with the Fingoes was concluded at Fort Peddie on 10 December 1836, and that with the Tambookies at Shiloh on 18 January 1837.

The Stockenstrom treaties then, had implemented Glenelg's instructions in almost all respects.[1] In one important particular there was a difference, Glenelg's initial instructions had been that the Ceded Territory was to be totally cleared of colonists. Stockenstrom, however, had pointed the inexpediency of destroying the Kat R. settlement at this stage,[2] and Glenelg subsequently accepted that the colonists should be left in that area. The Gaikas Maçomo and Tyali had to forgo their claim to the Mancazana lands,[3]

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(1) Supra, pp. 33—6.

(2) Stockenstrom to Glenelg, 7 January 1836. Quoted by Urie, pp 192 ff.

(3) In the Kat R. area. Vide map. Appendix III.

but another Gaika chief, Eno, was allocated a large portion of the Ceded Territory.[1] The TSlambie chief Umkai was also admitted to the Ceded Territory and the Congo chief Pato retained his position in the southern position. The Fingoes were placed around Fort Peddie.[2]

With the conclusion of the treaties the British forces were withdrawn from the Ceded Territory.[3] Agents were placed at Fort Peddie, Blockdrift and Shiloh,[4] and William McDowell Fynh was deputed to make overtures to the Gcaleka Paramount Creli to induce him also to accept a resident agent of the Colonial government.[5] According to Glenelg's plan, an Agent-General was established at Grahamstown as superintendent of the activites of the agents.[6]

Such was the Glenelg-Stockenstrom system. The independence of the Chiefs, a boundary to be observed by Kaffir and Colonist alike, mutual restitution of stolen property according to carefully enunciated rules, the indirect and peaceful civilisation of the tribes - these were the essential features of the system. In the years to come the most directly contentious aspect of the system was

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(1) G.H. 1352, 8/1, Stockenstrom to D'Urban, 3 November 1836; To exclude the Gaikas and TSlambies from the Ceded Territory "could merely prove an enduring source of irritation and unrest".
cf. Treaties .... 1803-54, p.37.
Vide map. Appendix IV

(2) Treaties, 1803 .... 54, pp.37-92.
Vide Map. Appendix IV

(3) Smuts, "The Lieutenant-Governorship of Andries Stockenstrom", p.87.

(4) Stockenstrom, Autobiog.II, pp.111-2.

(5) G.H. 1353, 8/2, Encl. in No.39, reporting H. Fynn's meeting with Creli on 19 February 1837. The "Governor's word" was accepted.

(6) Glenelg's "Protector of the native tribes".

to be the carefully drawn up body of rules governing the recovery of stolen property.[1] Glenelg had stressed, with a view obviously to avoiding the arbitrary procedure of the commando system, that special attention should be given to these rules. The arrangements effected by the treaties of 1836-7, however, encountered such strenuous and vociferous objection that first Napier in December 1840, and then Maitland in December 1844, saw fit to effect important amendments.[2]

On 19 June 1838 Napier had met the Gongo Chiefs and concluded with them a "defensive alliance".[3] This, in fact, added to the effect of the previous treaty. In November 1840, however, Napier determined to alter a number of the articles of the Stockenstrom treaty.[4] On 26 October, in reply to a petition from Port Elizabeth, Napier stated, in agreement with the colonists, that many of the clauses relating to the method of recovery "seem to shock our sense of natural justice, and to be unsupported by any considerations of sound policy.[5] In December he met the tribes and effected several important amendments.[6] Generally, the rules were relaxed in favour of the colonists. The colonists had objected to the fact that a pakati had the discretion to refuse an affidavit, and it was now provided that any person might cross the boundary in pursuit of stolen property, if he could show "good and sufficient reason". The necessity

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(1) Infra, pp. 131, 132, 134 ff.

(2) ibid.

(3) "Treaties ... 1803-54", p.93.

(4) P.P.424, 1851, p.65. No.20, Napier to Russell, 6 November 1840.

(5) P.P.424, 1851, p.65. Encl. in No. 20.

(6) P.P.424, 1851, p.68. No.21, Napier to Russell, 11 December 1840.
"Treaties ... 1803-54", pp. 97 ff.

for herdsmen to be armed fell away. Pursuit of stolen property need only commence "within a reasonable time", and if the theft occurred at night, then pursuit must be "commenced next day", and not necessarily at first light. Where a Chief discovered a thief he must extract from the latter the plundered property together with damages for the plundered party. In any case, compensation must be obtained within 14 days, as opposed to the period of one month previously stipulated. A well-known feature of the commando system was revived in the new provision making the captain of a kraal responsible wherever traces of stolen property lead to his kraal. Any person not able to conform with the regulations as modified was entitled nevertheless to cross the boundary and recover his property where he found it, together with damages. Finally, in cases of murder, the Chiefs would use every exertion to apprehend the criminals and hand them over to the colonial authorities.

Thus the treaties remained until October 1844 when the new Governor Maitland drastically revised the Glenelg-Stockenstrom system. The treaty system remained, but on the basis of new treaties.[1] Spurred, like Napier,[2] by the complaints of the Colonists, Maitland resolved to revise the method for the recovery of stolen property.[3] While a reversal of the border system was undesirable, he thought

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(1) P.P.424, 1851, pp 227 ff, No. 5, Maitland to Stanley, 7 December 1844.

(2) McMillan, "Bantu, Boer and Briton", p.232.

(3) P.P. 424, 1851, pp 227 ff. No. 5, Maitland to Stanley, 7 December 1844: "... the arrangements, commonly known as Sir Andries Stockenstrom's, were denounced in every part; the represented the border system as a total surrender of the interests of the Colonists". Memo, § 10.

that "certain modifications and improvements" must be made.[1] The "unnecessary restrictions" on recovery must be removed; in particular, provision must be made for "the persons of the thieves to be got at". He began by scrapping the former treaties completely, and drawing up new ones for the signature of the tribes. An initial step "to weaken the confidence of the neighbouring Kaffirs, and restrain them from rashly attempting any hostile operations against the colony" was to conclude a treaty of alliance with the Gcaleka Chiefs Faku and Creli. Then he proceeded to call a conference at Fort Peddie of the Chiefs of the Tsambie, Congo and Fingo tribes, "the best disposed of our Kaffir borderers"; the Gaikas, whose "haughty and faithless spirit" required "coercive measures to subdue it", were initially excluded from these transactions, so that they might become sensible of Maitland's displeasure.[2] The treaties with the Tsambies, Congoes and Fingoes were concluded on 2 January, 1845,[3] and that with the Gaikas was read to the Chiefs on 30 December 1844, and eventually signed on 20 January 1846.[4]

In terms of the new treaties the Chiefs engaged to exert themselves to the utmost to apprehend and deliver up to British justice all criminals who escaped into Kaffirland. They undertook, also, to cause all possible witnesses to be available at the colonial tribunals. The police, and, in addition, the Cape Corps acting as police, might at any time enter Kaffirland in search of offenders. All colonial property discovered in Kaffirland must be forthwith restored.

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(1) P.P.424, 1851, pp 227 ff. No. 5.

(2) P.P.424, 1851, pp 227 ff, No. 5, Maitland to Stanley, 7 December 1844.

(3) G.H. 8/14, No. 1, Hare to Maitland, 6 January, 1845.

(4) Stretch, Memo, § 10.
G.H.8/14, Hare to Maitland, 16 December, 1845.

A Chief would be liable, at the Agents requisition, to pay value and compensation for all property traced into his territory. The pursuing party must not have made any delay that was avoidable. Alternately, the Chief might deliver up the actual thieves. Disputed points would be referred to a "competent tribunal" which would be called from time to time.

The general effect, then was to place a greater liability on the Chiefs, first in the matter of apprehending thieves, and then in making them responsible wherever stolen property was traced into their territory. Maitland's measures were of course intended as a rebuke to the tribes, and in particular to the Gaikas.[1] To impress the Kaffirs with his resolve he placed 200 stand of arms with the agent at Fort Peddie, and stationed 400 troops at a new outpost, Post Victoria, situated in a commanding position in the Ceded Territory.[2]

His measures, he declared, were intended to "act upon the fear and sense of interest of the chiefs; to overawe them into keeping good faith with the Government".[3] That the Gaikas, in the first instance, were not "overawed" was shown by the rise of the war-party among that people after 1844.[4] In March 1846 war broke out on the eastern frontier after a series of incidents between the Gaikas and the Colonial government.[5] At the conclusion of the war the

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(1) P.P.424, 1851, pp 227 ff., Maitland to Stanley, 7 December 1844.

(2) ibid

(3) P.P. of 1847, No. 1, Maitland to Stanley, 17 November 1845.

(4) G.H. 8/14, No.5, Encl., Stretch to Hare, 6 March 1845. Infra, pp.

(5) P.P. of 1847, No. 3, Maitland to Stanley, 21 March 1846. Infra, pp.

treaties with the tribes on the eastern border, excepting that with Faku, were renounced,[1] and the treaty system on this frontier came to an end. It has been said that in any case the treaty system did not work after Maitland's summary dealings with the tribes.[2] Legally, at least, the treaty system introduced by Stockenstrom in 1836 lasted until December 1847 when it was formally abrogated by proclamation issued by the South African High Commissioner, Sir Harry Smith.[3]

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(1) Supra, pp. 14, 19, 20.

(2) Stretch, Memo, §12.

(3) Supra, pp. 14, 15,

# CHAPTER III

## THE OAIKA TRIBES AND THE TREATY REGULATION OF THE RECOVERY OF STOLEN PROPERTY.

## CHAPTER III

During the operation of the Treaty System, the "Gaika" tribes appear as a compact and in many ways distinctive Kafir group. MacMillan called them "much the most important of the frontier tribes"[1], and "the 'strongest' in Kafirland"[2]. Elsewhere he referred to the description of them as "the most turbulent of the clans"[3], and certainly, in peace and in war, the Gaikas evinced a solidarity and prowess which distinguished them from the other frontier tribes. They were the only group who really dared to defy the colonial authorities, and they led the tribes against the colonial forces in 1835, 'and again in 1846'[4]. Their co-operation was essential to the successful working of the treaty system, a fact of which frontier officials were not consistently mindful. The Gaikas had remonstrated in 1839 when it was rumoured that Stretch, like Stockenstroom, was to be removed[5], and they finally found cause in Maitland's tactless conduct towards them, to demonstrate their mettle in renewed war against the colony in 1846.

The ability of the Gaikas to play this leading role

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(1) MacMillan, B. B. B.: P.248.

(2) Ibid: P.265.

(3) Ibid: P.237.

(4) Theal II: P.90, 264. III: Pp.1 ff.
Walker: P.185, 228.

(5) G.H. 8/9, 1840: No. 1, Hare to Napier, 3 Jan., 1840.
Memo: §3, 20.

is largely attributable to factors such as their numerical superiority, genealogical links, and territorial position.

Estimates of the actual Gaika population during this time vary between 50,000 and 70,000[1]. An estimate presented to D'Urban in 1836[2] put the number at 56,000 (as against 7,500 Congoes, and 9,200 †Slambies). An estimate given before the outbreak of war in 1846[3] placed the Gaika numbers at 70,000. It is clear that the Gaikas were by far the most numerous of the Kaffir groups living west of the Kei.

The solidarity of the Gaika group was not entirely the result of close genealogical links[4]. Among the signatories of the Gaika treaty in 1836, were Sandile, Macomo, and Tyali, three of the sons of Gaika. Botman and Eno, however, who also signed the treaty, were only distantly related to Gaika and his sons. Eno was the son of Langa, the great-uncle of Gaika. Botman's common ancestor with the sons of Gaika was the Xosa Gconde, who was six generations removed from Gaika. The †Slambie chiefs, Umhala, Umkai and Gazella, with whom a separate treaty was concluded, were actually more closely related to the sons of Gaika then were Botman and Eno.

/Botman .....

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(1) Stretch's reference to a "nation of 83,000 souls" (Diary P.343) probably includes the other tribal groups.

(2) P.P. 503, 1837: P.9, D'Urban to Glenelg, 6 feb., 1836.

(3) Maclean, Compendium: P.7.

(4) See genealogical table, Appendix.

Botman and Eno represented groups within the Gaika group. Whereas the sons of Gaika belonged to the "Rarabe" Xosas, of which, strictly speaking, the TSlambies were a part, Eno was descended from Rarabe's mother Langa, and was head of the "Amambalu" Xosas; Botman was descended from Gconde's son Umdange and belonged to the Imidange or "Imdenki" Xosas. By 1836 the Amambalus and Imdenkis were dependent tribes of the Gaikas,[1] and treated as such by the colonial authorities. This Gaika group was recognised by the D'Urban treaty in 1835, by the Stockenstrom treaty in 1836, and by Napier in 1840, at the time that the amendments to the treaties were introduced.[2] Maitland in 1845 departed from the customary practice when he concluded separate arrangements with Eno, deferring consultation with the remaining Gaika chiefs until some time had been permitted to elapse.[3]

Territorially at least, though Tola was removed in 1843 from his position immediately on the frontier,[4] the Gaika clans remained contiguous to one another, and formed a solid block on the colonial frontier. From 1835-46 the Gaikas, with the Tambookies, TSlambies, Congoes and Fingoes,

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(1) Maclean, Compendium: P.7. Thus described by Rev. H. H. Dugmore.

(2) The signatories of the Treaty of 17 Sept., 1835 were: Macomo, Tyali, Eno, Kisha, Sutu, Sandile and Fadano (for Botman). The signatories of the 1836 Treaty were: Sutu (for Sandile), Macomo, Tyali, Botman and Eno. The amendments of 1840 were ratified by: Sandile, Macomo, Tyali, Botman, Eno and Jan Tzatzoe.

(3) In fra: P. 134.

(4) In fra: Pp. 106, 107.

constituted the main tribal groups situated along the colonial frontier. Their general geographic situation was as follows: the Tambookies lay along the N-Eastern frontier, to the north of the Amatola mountains, the Gaikas occupied a belt of land stretching south of the Amatolas and east of the colonial boundary; the Congoes occupied the coastlands and the TSlambies were situated between the Congoes to the south and the Gaikas to the north. The Fingoes were situated on a portion of land around Fort Peddie.[1]

In the Ceded Territory, where the Colonial Government marked out portions for occupation by various chiefs, the land allocation is clearly ascertainable. A map 'executed by order of Government in June 1837" clearly shows these demarcations.[2] The northern section was occupied, thus, by the Gaika chiefs Macomo and Eno. A narrow portion stretching across the Ceded Territory north of Fort Peddie was occupied by the TSlambie chief Umkai. The Fingoes were about Fort Peddie, and the Congoes, Congo himself, and Pato and Kama, occupied the remaining portion to the south, as far as the sea.

East of the actual colonial boundary, i.e. the Keiskamma - Tyumie line, the position was not exactly defined. According to the Rev. H. H. Dugmore, the Gaikas possessed "the whole of the Amatoli range of mountains,

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(1) See Map. Appendix IV.

(2) See Map. Appendix IV

from the colonial frontier to the banks of the Kei".[1] This description was generally true. One must assume that the Gaika location after 1836 corresponded roughly with that marked out by the D'Urban settlement of 17 September 1835. Art. 6 of the D'Urban treaty of this date[2] describes the Gaika location as follows: "a tract bounded .... on the west from the Enweleni to the Iquirikazi, and thence along the mountains to the source of the Chumie River; thence down the left bank of the Chumie to its confluence with the Deba, thence up the right bank of the Keiskamma to its confluence with the Deba; thence up the right bank of the latter to the Deba Nek; thence, within (to the north of) the road to the Mission Station of Pirrie; thence to the summit of the hill called Isidenge, thence down the left bank of the Kabousie River to the Kye". This general location was enlarged, to include the Imdenki Gaikas[3] "by extending its western boundary from the mouth of the Deba, down the left bank of the Keiskamma, to the Northern side of the Line Drift Ford; hence carrying the southern bourdary along the northern side of the high road leading from that ford to King Williamstown, to a distance of 17 miles, and thence in a direct line of eastern boundary, forming a junction with its before-mentioned boundary at the Deba Nek".[4] Thus the Gaika location, under the

/D'Urban ....

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(1) Maclean, Compendium. P.8.

(2) P.P. No. 279, of 1836: Pp. 95 ff.

(3) Botman and Tola. See Govt.Notice of 27 Jan., 1836. P.P. No. 503, 1837: P.9.

(4) See Map. Appendix III.

D'Urban system, comprised the two above-described tracts of land.

There is no evidence from official sources[1] that the Stockenstroom treaty of December 1836 effected any major re-disposition of the land occupied by the Gaikas beyond the Keiskamma-Chumie line. Of course, as this was not colonial land, a "re-disposition" could not have done more than establish by agreement between the chiefs and the Colonial Government, the settlement of general areas of land by the various chiefs. In one respect, however, there was a difference. The abandonment of the 1835 settlement, and D'Urban's plan "to settle Europeans along a broad belt of land across Queen Adelaide",[2] released additional lands to the Kafirs; and it is probable that at least some of this land accrued to the Gaikas. Then, since the Kaffirs had, by and large, been expelled from the Ceded Territory in 1835[3], the admission of the Gaikas Macomo and Eno in 1836 must have occasioned some re-allocation of lands among the Gaika chiefs who remained beyond the Keiskamma and Tyumie. This was probably effected among the chiefs themselves.

It is important to note that the Gaika territory, within the Ceded Territory, and beyond the Keiskamma and

/Tyumie .....

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(1) viz. Parliamentary Papers, and L.G's correspondence (G.H. 8/1, 1836 - 8/15, 1846).

(2) P.P. 279, 1836; p.16: P.P. 424, 1851; p.20.

(3) P.P. 279, 1836; p.16: Some of the Congoes would remain. There was also the Fingo settlement at Fort Peddie.

Tyumie was directly adjacent to areas of colonial settlement. The Gaikas occupied all the lands along the colonial border which they had occupied in 1833, with the exception of the Mancazana valley, from which Tyali had been expelled in that year,[1] and from which the Kaffirs were now excluded in terms of the treaty of 1836. A salient of Gaika territory fringed on the colonial areas along a continuous line extending from the Katberg to Fort Beaufort, and thence down the Kat River to its junction with the Great Fish River, and thence down the latter as far as Trompeter's Drift.

The contiguity of the Gaika and colonial areas of settlement becomes an important factor when the Kaffir depredations on colonial property are examined. Of all the tribes the Gaikas were in the best position by far for the execution of sudden plundering raids into the colony. The Tambookies to the north, occupied land which was for the most part some distance from the colonial border;[2] the T'Slambies apart from Umkai, were well removed from the colonial settlements;[3] and the Congo settlements fringed on colonial territory along a comparatively short distance.[4]

/Unfortunately ....

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(1) Theal II: P.54.

(2) G.H. 8/8, 1839: Maro to Napier, 22 Nov., 1839. Fynn reported that the Tambookie frontier was almost completely uninhabited.

(3) See Map of Ceded Territory. Appendix IV
P.D. 424, 1851: P.69. No. 21. Napier to Russell, 11 Dec., 1840. "... the former (the TSlambies) being more removed from one frontier than the tribes of Gaika, the number of thefts committed by the TSlambie tribes are by no means numerous".

(4) See Map of Ceded Territory. Appendix IV

Unfortunately, the very proximity of the Gaika settlements was to incur for the Gaikas the responsibility for thefts which in fact they had not committed.[1]

Stretch declared that his Diary was evidence of the falsehood, as far as depredations were concerned, of colonial allegations against the treaty system.[2] He hoped, too, that the Diary would serve the wider purpose of elucidating for others "the working of the Glenelg-Stockenstrom Policy".[3] Since the Glenelg-Stockenstrom Policy depended primarily on the establishment of an effective civil agency with the frontier tribes,[4] the account of the day to day transactions of the key diplomatic agent in Kaffirland should indeed, be of the greatest relevance to any assessment of the working of this policy. The good-will and co-operation of the tribal heads was, obviously,

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(1) Memo: § 18: "... the perpetual demands made on them (the chiefs who resided near the Upper Boundary) for cattle "supposed" to have been taken by the Caffers ..". The emphasis is mine - G.B.C.

(2) Diary. P.342: This book is a Witness - 1. That the clamour of Grahamstown with the help given it by the Civil Servants of the Colony to please the power is as far as depredations are concerned false ....".

(3) Letter book of the L-G, 337: This book was handed to John Noble, Clerk of the House of Assembly, by C.L.S. "to elucidate the working of the Glenelg-Stockenstroom Policy on the Frontier of the Colony (in Noble's writing, paper pasted in front cover).

(4) Supra: P. 20

the sine qua non of any policy, short of subjugation,[1] and, as an indication of the extent to which this understanding was developed, the evidence of Stretch's Diary is of the first importance.

Nevertheless, in the long-standing and acrimonious debate on the Treaty System, there is scant reference to this record.[2] Judgements of a sweeping nature, usually adverse to the System, are frequent. The Kaffir chiefs are commonly depicted as having repeatedly broken their treaty agreements, until the Colonial Government was compelled to take steps to punish them "for their evil deeds".[3] Stanley wrote to Napier in 1844 "that the infringement of (a treaty) by one of the contracting parties ..... releases the other contracting party from the duty which would otherwise be incumbent upon him ...."[4] This truism assumes significance in the light of Napier's statement to the Select Committee of the British Parliament in 1851 that the treaties "were infringed by the Kafirs

/over ...

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(1) c.f."Massacre plot" against Colonial authorities during D'Urban administration of "Queen Adelaide." c.f. Glenelg to Napier, 13 Nov., 1837, P.P. 424, 1851, P.p.256 ff.
Hare to Napier, 13 Nov.1843, Encl.1 in No.43, P.P.424, 1851.
After the retrocession of Queen Adelaide this became more and more apparent, c.f. Napier, 26 July 1842: "no considerable change could be effected in these treaties without the risk of another war". (Napier to Stanley, P.P.424, 1851, No.33).

(2) Cory (e.g.) minimised the importance of the Agents, c.f. The Rise of S.A., Vol.IV: P.331: "(The Agents) received, when it was thought worth while to refer to them, the reports of thefts from the colony, they also received any stolen cattle which the chiefs thought fit to regain and return".

(3) Cory V, P.103.

(4) P.P. 424, P.267: Stanley to Napier, 11 March 1844.

over and over again".[1] Nor, in the opinion of many critics, could it be allowed that such infringements were at all surprising. It was held by many, mostly after the event, that treaties with uncivilised peoples were "utterly futile".[2] Molesworth referred in retrospect to the "series of ludicrous treaties .... (with) the barbarous chiefs of South Africa .... treaties which the savage never kept for one moment longer than he thought it for his interest to keep them".[3] The inevitable consequence of these "ludicrous treaties", apparently, was the war of 1846.[4] It was said that the chiefs were not only incompetent to carry out their obligations, but that they were also guilty of gross bad faith. Maitland wrote that "the Chiefs are not bound by (treaties), except so far as their fear or interest binds them ...,"[5] and Napier had expressed himself in similar strain on various occasions.[6] Cory wrote with finality that the Kaffir "barbarians .... had

/shown ....

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(1) Report of the Select Committee on the Kafir Tribes, 1851: P.202, §1533.
Report of the Select Committee on the Kafir Tribes, 1851: P.309, §2360, 2361: Evidence of Lieut.-Col. T. C. Smith. P.317, §2438: Evidence of Capt. H. C. C. Owen.

(2) De Kiewiet: Soc. and Ec. History of S.A., P.51.
Muller: Die Britse Owerheid en die Groot Trek, pp.269 ff: Private memo of Earl Grey (1851) quoted.

(3) Materials for a speech, Sir Wm. Molesworth; quoted by Van Biljon: Grensbakens tussen Blank en Swart in Suid Afrika, P.176.

(4) Van der Walt, Wiid en Geyer: Geskiedenis van S.A., P.111.

(5) P.P. of 1847, P.1; Maitland to Stanley, 17 Nov., 1845.

(6) Report of the Select Committee on the Kafir Tribes, 1851: P.202, §1533. P.P.424, 1851, Pp.83 ff: Napier to Russell, 1 June 1841.

shown themselves incapable of acting honestly and respecting the obligations of their promises".[1]

A warning against the uncritical acceptance of such generalisations exists, in the first instance, in the very evidence of those who made them. Napier,[2] like Hare,[3] had attested to the de facto power of the chiefs to restrain their subjects, and in 1851 had said that, in his opinion, it was necessary "to do all things through the chiefs". This opinion constituted valuable support for the case, upheld by some witnesses as late as 1851, that tact and moral force were sufficient to maintain peace between the colony and the Kaffirs.[4] It is not necessary, nevertheless, to argue that the continuance of the treaty system after the war of 1846 was desirable. Even Stockenstrom declined to advocate this.[5] The former Lieutenant-Governor confined the argument to the question of the alleged guilt of the Kaffirs in the events leading to the war of 1846. He pointed out that though "depredations were taking place constantly, (he was) not aware of any breaches of the treaties (by the Kaffirs)".[6] Depredations, he said, could

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(1) Cory V. P.103.

(2) Report of the Select Committee on the Kafir Tribes, 1851: §1524.

(3) P.P.424, 1851, Pp.138 ff: Encl.(F)(No.68) in No.35: Hare to Napier, 8 Sept., 1842.

(4) Report of the Select Committee on the Kafir Tribes, 1851: 2206, 2207, Evidence of A. Smith Esq., M.D.

(5) Report of the Select Committee on the Kafir Tribes, 1851: P.244, §1789.

(6) Report of the Select Committee on the Kafir Tribes, 1851: §1960.

not be construed as infringements of the treaties, "Unless the Government had demanded satisfaction in consequence of the articles of the treaty and the Kafirs had refused to give it".[1]

Here Stockenstrom touched on a cardinal point. This argument assumes that complaints arising from depredations were the main burden of colonial grievances against the Kaffirs; that, in fact, depredations were construed as the "infringement" which constituted the causa bellandi in 1846. Had any case substantially different from this been put forward against the Kaffirs, the argument must have shifted to other grounds; but Maitland for one, in his analysis of the causes of the war, did not indicate any other major cause for grievance.[2] He saw the Gaikas as "habitual marauders", and "perfidious neighbours", and thought that coercive measures would have to be used against them.[3] He was doubtless correct in his report of the presence of a "war party" among the Gaikas in 1846,[4] but apart from the incidents immediately preceding the outbreak of war in 1846, he did not particularise any important agression against the colony by the Gaikas.[5]

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(1) Report of the Select Committee on the Kafir Tribes, 1851: §1961.

(2) cf. P.P.1847, No.1, Maitland to Stanley, 17 Nov., 1845.
No.3, Maitland to Gladstone, 26 March, 1846.
Infra: P. 135

(3) P.P.424, 1051, Pp.227 ff; Maitland to Stanley, 7 Dec., 1844.

(4) Stretch, as early as March 1845, gave warning of the rise of a War-Party in Kaffirland: C.H.3/14, No.5, Encl: Stretch to Hare, 6th March, 1845.

(5) P.P.1847; No.3, Maitland to Gladstone, 26th March, 1846.

It is an important question then, whether the Kafir depredations can be construed as an infringement of the treaties which justified the war against the Kafir tribes. That is, did the Kaffirs, thus disregard their liabilities under the treaties in such a way as to provoke or justify recourse to war by the Colonial Government?

Since the war of 1846 was waged principally against the Gaikas[1] it is necessary to investigate their liability in particular. It can be seen that the rate of depredations during the Glenelg-Stockenstrom system compared favourably with the rate of depredations in previous periods of frontier administration.[2] Now, whereas under previous systems property had been recovered by force, viz. military patroles and commandoes,[3] the basic provision of the treaty policy was that this should be effected by colonial agents in concert with the Kaffir chiefs. And here Stretch's Diary has direct relevance.

The Diary shows that in cases of reclaimable losses reported to himself, full payment was, except in a few cases, obtained from the chiefs;[4] more important, the Diary illustrates the manner in which payment was obtained. The following report of accase, for example, shows the treaty principle at work:[5] in June 1841, 5 cattle belonging

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(1) Infra: Pp. 134 ff.

(2) Infra: P. 91. Hudson Papers, Mss. 932.

(3) Report of the Select Committee on Aboriginos (British Settlements), 1836: passim.

(4) Infra: Pp. 73, 314

(5) Diary, P.222.

to one Daniel Risiberg were stolen and pursuit made on the day after the theft. The Agent reported as follows: "Traced to Botha's Post by the Owner and the Police afterwards followed the spoor into Tola's country. Tola's people seized the cattle but the thieves fled. 5 head of the identical cattle brought in by Tola himself and sent to the Magistrate at Beaufort the same night. 5th Inst. -". Agent and Chief are seen here co-operating to effect the restitution of stolen property.

That such instances of co-operation were characteristic of, rather than exceptional in, the working of the system, is shown by the following analysis: the Diary records that between August 1837 and March 1846, a total of 272 reclaimable cases were handled jointly by the Agent and the chiefs. Some of these cases came to the notice of the Agent first, who then referred them to the chiefs for settlement; some (a large proportion[1]) came to the attention of the Chiefs first, who handed the property to the Agent, with a report of the case. Of the 272 cases arising, 193 were promptly settled; 61 remained temporarily unsettled; and there were 18 cases where chiefs defaulted.

The second category, namely, "Unsettled" cases, included those cases where the chiefs, alleging erroneous reporting, refused to entertain the colonial claims.[2] In

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(1) Diary: passim.

(2) The Diary records 9 distinct cases of erroneous reporting (cf.Diary Pp.6, 9, 22, 25, 78, 113, 132, 219, 329), 6 cases of fraudulent reporting (cf.Diary, Pp. 45, 164, 177, 203, 329) and 3 cases where the good faith of the colonists was strongly suspect (Diary, Pp 82, 95, 96).

two prominent cases, the claim of a colonist Neiland for some 36 "stolen" cattle, and the claim of a colonist Van Aardt for 25 "stolen" cattle,[1] the Diary records that the remonstrances of the chiefs were upheld by subsequent findings.[2] Both cases were witness to the ease with which erroneous reports could be made; while Van Aardt's case hints strongly at the occurrence of deliberate mis-representation.[3]

Though 61 cases appear in the Diary as at least temporarily unsettled, the reports of the Quarterly meetings show that by March 1846 few "arrear" reclaimable cases remained.[4]

With regard to the third category, that of cases of default, it is important to note that in only two cases were chiefs of any importance concerned: the first, the case involving a stolen whiplash, found in the possession of Macomo's son;[5] and secondly, the case of the theft by Botman's son of a cow.[6] Both cases occurred in March 1846, i.e. in the tense period immediately before the outbreak of war. The remaining cases concerned various petty chiefs, some of whom, like Salwana, were incorrigible thieves, and their riddance desired by Kaffirs and colonists alike.[7] In the 18 cases of default, payment was in each

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(1) Diary, Pp.203 and 209-10 ( Neiland's case)
Pp.181, 194, 198, 201, 202 (Van Aardt's case).

(2) Ibid.

(3) cf Diary, Pp.194, 198, 201, 202.

(4) Diary: Pp.263, 283, 334ff.

(5) Diary, P.340, 341.

(6) Ibid.

(7) Diary, P.327. cf.P.P. 424, 1851. P.225. Encl.(R) in No.49: Hare to Maitland, 22 Aug., 1844: "Sandile desires assistance for the explusion of a "gang of notorious thieves".

case subsequently extracted by force.

This analysis suggests strongly that Stretch's role as government agent was effective, and that much depended on proper liason between the colonial authorities and the chiefs. The depredations recorded in the Diary represent approximately one-third of all reclaimable cases which occurred along the total length of the frontier,[1] during the full duration of the treaty system; and these cases, falling under Stretch's supervision, were settled in virtually all instances. Cory asserted that "Stretch was not always able to effect his duties, or to make chiefs like Tyali, proven as thieves, honour their promises to return the cattle stolen ....",[2] but the Diary shows this, at least, that the two most frequently quoted cased of "default," Van Aardt's and Neiland's, both of which concerned Tyali, were cases of erroneous reporting by the colonists.[3] It is true that there were cases where Stretch was unable to obtain satisfaction, and default was clearly evident; but the Diary records, in addition a number of examples of fraudulent conduct on the part of the colonists, towards the Kaffirs.[4] Though breach of faith in one instance by no means justifies it in another, there is clearly no evidence here which would permit the onus of bad faith to be placed on the Kaffirs.

If the Gaika agent, then, handled one-third of all

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(1) Infra: P. 92

(2) Cory IV, P.341. Also P.348.

(3) Vide Supra: P. 74, n.2,3.31.

(4) 6 distinct cases. Vide supra, P. 74 n.3.
Diary, pp. 45, 164, 203, 310, 329.

reclaimable cases, it must still be asked, for what proportion of the remainder were the Gaikas liable, and how, and to what extent was this liability redeemed. Assuming that the Tambookies, TSlambies and Congoes were together responsible for a fair proportion, say one half, of the two-thirds of reclaimable cases still unaccounted for,[1] we are left with one-third of the total number still ascribable to the Gaikas. It must be assumed that the Gaika depredations not personally dealt with by the Agent were attended to, according to legitimate procedure under the treaties,[2] namely by the pakati situated along the Gaika boundary, and their Chiefs. The fact that recovery could take place thus "informally", is surely a tribute to the smooth working of the system. Admittedly, there were a number of cases where property was not immediately recovered either by Agent, or pakati, the final settlement being effected by the Lieutenant-Governor at the Quarterly meetings.[3] Nevertheless it is an important fact that the reclaimable cases were actually settled.

Two points become quite clear: first, the Agent settled effectively nearly all reclaimable cases referred to him, and these amounted to a large proportion of all such cases occurring in the duration of the Treaty System: secondly, by 1846 the outstanding claim against the Gaikas,

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(1) Infra: P. 92.

(2) Supra: P. 51. Also appended Treaty Art.24, 25.

(3) Diary, pp. 166, 202, 208, 263, 283.

or any of the Kaffirs, in respect of reclaimable losses, was negligible.

It may be asked, then, what was the complaint of the colonists against the Kaffirs? If we accept Stockenstroom's dictum that depredations could not be construed as infringements of the treaties, unless satisfaction had been demanded in terms of the treaties and the Kaffirs had refused to give it,[1] it is difficult to see how the Kaffirs violated the treaties, at least in respect of reclaimable cases. In respect of "non-reclaimable" cases,[2] it is undeniable that the frequent claims of the colonial authorities were by no means fully satisfied by the Kaffirs. The returns of the Agent-General[3] show for the period September 1836 to December 1843 a non-reclaimable list of 1471 horses and 4,981 cattle. Of these 656 horses and 1988 cattle were repaid, leaving a total of 815 horses and 2,993 cattle unpaid. Though non-reclaimable cases were not as a rule referred to the Agents, Stretch's Diary records 109 cases which were proved non-reclaimable, and a total of 146 horses and 272 cattle falling under this head. Though the Diary records that in a number of instances property which was non-reclaimable was delivered to the Agent by the Chiefs, there is no record of intensive efforts by Stretch to obtain payment in such cases; and, of course, the Stockenstrom treaty did not make this his function.

/After .....

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(1) Supra: P. 70, n. 1, n. 2.

(2) Supra: P. 51.

(3) Infra: P. 88, n. 3.

After 1839[1] the non-reclaimable list was regularly presented to the Chiefs at the Lieutenant-Governor's Quarterly Meetings. The demand for payment could not have been construed as being "in terms of the treaties:" but many critics, nevertheless, have pointed to the size of the non-reclaimable list as proof of the bad faith of the chiefs, in not restraining their subjects, and proof, therefore, of the futility of the system.[2] The non-reclaimable list, it has been said,[3] was instituted to test the efficacy of the treaty system to prevent thefts. The size of the list would, therefore, be a severe indictment of the system.

There is, however, an opposite view, which holds that this "test" was irrelevant to the success of the treaty policy; that the non-reclaimable list, far from reflecting adversely on the good faith of the chiefs, was to the contrary, a measure of the unwisdom of the policy of the Colonial Government in its administration of the treaties: To institute this mechanism in the first place was greatly impolitic; and once set up, it was open to abuse by the colonists who never overcame their propensity to report thefts which had not in fact occurred. It has been seen that the chiefs had co-operated willingly in the vast majority of reclaimable cases,[4] a fact which is ground for

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(1) Memo. §9

(2) cf. Bowker, P.53: Alleges the bad faith of the Chiefs. Cory III, P.389: "... the cattle almost invariably became irreclaimable". *V.P. 424, 1851, pp 192—5, 184.*

(3) MacMillan, B. B. B. P.231.

(4) Vide supra, Pp.73-5

the presumption of their good faith. The perpetual demands arising, then, from a non-reclaimable list, must surely have been supremely trying to the presumed goodwill of the chiefs, and possibly it persuaded them of the futility of acting in good faith towards the Colonial authorities.

It will be necessary to consider first how the non-reclaimable list came to be instituted.

According to Stretch,[1] the non-reclaimable list was instituted by Napier early in 1839. He noted in his Diary[2] that"Napier by this order to the Agent-General opened the flood-gates of all the Mischief that followed". The non-reclaimable list, in Stretch's opinion,[3] was the ruin of both the Kaffirs and the Treaty System. An opportunity was given, he wrote, "to everyone .... to make statements of thefts that never occurred - and which the Colonial rogues too eagerly availed themselves of ....".[4] An essential feature of the Glenelg-Stockenstrom policy was the insistence that sufficient proof be adduced in any case of theft imputed to the Kaffirs; but "Governor Napier directed that all reports of cattle stolen should be charged to the Kafirs from 1841".[5] This proceeding, Stretch declared, "was as bad as the reprisal system".[6]

/Stretch ....

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(1) Memo, §9.
(2) Diary, P.(ii).
(3) Diary, P.(iii). Memo. §9.
(4) Diary, P.(ii).
(5) Diary, P.(iv).
(6) Diary, P.(iii).

Stretch commented further, in his Memorandum on the Treaty System,[1] that "the establishment of the non-reclaimable list was the heaviest blow ever struck on the treaties .. it was worse than the patrol system, for in that the chiefs could form some estimate of our procedure, but this "non-reclaimable" list was stabbing them in the dark".[2]

It was certainly a heavy blow to the Kaffirs that "all reports of cattle stolen" should be charged to them. The arbitrary formulation of huge claims against the Kaffirs was to the latter a well-nigh intolerable proceeding. Macomo complained to Stretch that he had become a mere policeman for the execution of colonial demands for compensation.[3] And small wonder, if we consider the size of the claims imposed upon the Chiefs.

Stretch noted in his Diary in 1844,[4] how, when, Stockenstrom was in England, Hare at Napier's request deduced from the reclaimable and non-reclaimable lists a claim of £13,000 (!) against the Gaikas. It was disgraceful, commented Stretch, that Napier should have thus made the system appear bad. Needless to say, this also insinuated virtually complete failure in due performance and good faith on the part of the Gaika chiefs. A further example of the arbitrary imposition of the heaviest claims is described in Stretch's Memorandum.[5] At a conference

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(1) Memo. §9.

(2) Ibid.

(3) P.P.424. 1851, P.124: Encl.No.7 in No.33, Napier to Stanley, 26 July, 1842.

(4) Diary, P.(111).

(5) Memo. §7.

between the Lieutenant-Governor and the Chiefs in 1842, after hearing Hare's "bitter accusations" against them, based on reports in the local press, the chiefs desired to know what the claim against them was. Without reference to the 3 Agents present, Hare turn to M. Boreherds, the Resident Justice of the Peace at Fort Hare (Beaufort?), and "This functionary", Stretch wrote, "immediately stalked off somewhere and returned in a few minutes with a scrap of paper on which he had pencilled 500 head of cattle and 300 horses". Though the agents declared they knew nothing of this claim, and not even the newspapers had recorded as many for the month, the demand was formally made on the Chiefs. "After this", Stretch wrote, "the chiefs never believed or had any confidence in the government".

Hare's account of the Quarterly Meeting in August 1842[1] records the imposition of an even heavier demand. At this meeting Hare produced a list showing that 2,000 cattle and 250 horses had been stolen by the Kaffirs in the past quarter. Hare stated that "half" had been recovered by the Agents and by frontier patrols, and he demanded the other half from the Chiefs. The Chiefs promised to give satisfaction by 1st September, and, though this promise was probably an attempt to delay the issue, Hare could report by October that "all claims for reclaimable cases of stolen horses and cattle were satisfactorily settled".[2] Nevertheless, the non-reclaimable list and the accompanying demands continued to grow.

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(1) P.P.424, 1851, Pp.131, ff, Enc.C. (No.55)(in No.55): Hare to Napier, 6 Aug., 1842.

(2) G.H. 8/10, No.75: Hare to Napier, 20 Oct., 1842.

It was, however, a step of doubtful wisdom, as MacMillan has said,[1] to attempt to enforce such claims at all. In Walker's view the non-reclaimable list went far to destroy the whole system.[2] The non-reclaimable list was largely based on reports from the military posts and the newspapers, of which the Agents with the tribes knew nothing. That dangerous errors could, and did, arise from such reporting was pointed out by witnesses such as Mr. Justice Menzies, and Mr. John Moore Craig, who both "ascribed most of the alleged thieving ..... to wandering natives encouraged to squat by farmers, in defiance of repeated orders of Government and of Ordinance 49".[3]

could they judge?

Kaffirs residing beyond the colonial frontier were probably to blame for a large proportion of the non-reclaimable losses; but it was certainly a step of highly questionable wisdom to place on the chiefs the full liability for long lists of uncertified claims. The Gaika Chiefs, to whom the heaviest responsibility invariably fell, had shown their willingness to co-operate in cases that were clearly reclaimable. They surely could not be expected to show the same spirit towards further, arbitrary demands,

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(1) MacMillan, B. B. B. P.231.

(2) Walker, P.225: "Lieutenant-Governor Hare .... destroyed all confidence in the Government by making such wide claims that some of the chiefs complained that the Government only kept that half of the treaties that suited them best".

(3) MacMillan, B. B. B., P.246.

which were based frequently on the vaguest evidence, if any existed at all. When the non-reclaimable list was first instituted, Hare anticipated that the chiefs were not likely to restore regularly in cases which fell under this head,[1] and he noted that coercion had sometimes been necessary even in reclaimable cases.[2] He noted, further, that the authority of the Chiefs was waning, that their subjects, who were equipping themselves with muskets and horses, were becoming more and more difficult to control: but, unfortunately, he did not seem to draw the conclusion that it would be foolish to expect much more of the chiefs then they had shown themselves either willing or able to give. While it is perhaps unfair to ascribe too much responsibility to Hare, it is clear that Hare evinced as much determination as any one to make the Chiefs pay in all cases, and, though even Napier disagreed at times,[3] he never ceased to advocate coercive measures to secure the demands of the Colonial Government.[4]

Stretch had argued that the Chiefs should be given assistance in setting up a "government" for the Kaffirs, or at least an adequate police force, to enable them more

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(1) G.H. 8/8, 1839: No.43, Hare to Napier, 21 Aug., 1839.

(2) Ibid.

(3) G.H. 8/10, 1842: No.68, Hare to Napier, 8 Sept., 1842.

(4) cf. G.H. 8/10, 1842; No.68, Hare to Napier, 8 Sept., 1842.
P.P. 424, 1851, P.200, Encl. in No.44: Hare to Napier, 25 Jan., 1844.
G.H. 8/8, 1839; No.24, Hare to Napier, 5 April, 1839.

effectively to control their subjects.[1] He wrote in November, 1844 that in the preceding five years "not a thief was caught in the colony by either the civil or military authorities, all being demanded from the unfortunate Caffre chiefs".[2] In an interview with Maitland he urged the necessity of forming a "Rural Police", and the Governor apparently expressed full approval of the plan.[3] He promised to take it to the Secretary to Government, Montagu, in order to devise means of raising the £6,000 required to finance this establishment; unfortunately, however, the matter got no further.[4]

It seems obvious that the strengthening of the civil administration would have been an eminently satisfactory alternative to Hare's methods. The argument is, briefly, as follows: assuming that the Chiefs lacked the ability to give satisfaction for all demands; and assuming that, as the Diary shows was the case with the Gaikas, the energetic co-operation of the Chiefs with the Agent, in cases reclaimable by Treaty, had fulfilled the primary object of the treaty policy of cultivating an understanding with the Chiefs, the question is raised: was it politic or wise by placing increasingly heavy demands on the chiefs,

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(1) Memo, § 19.

Cory, Notes, MS. 6174: Stretch No. (?), Tyumie, 10 Aug., 1842. For a fuller treatment of this subject, vide infra, Pp.

(2) Quoted by MacMillan, B. B. B., P.249.

(3) "Correspondence with the S.of S. etc.": No. 2, Stretch to Brownlow Maitland, 6 January, 1847.

(4) P.P. 1847, No. 1, Maitland to Stanley, 17 Nov., 1845.

to jeopardise this valuable understanding? Stretch said that after 1842 the Chiefs lost all confidence in the Colonial Government,[1] and Stockenstrom was to state that Maitland's intervention in 1844, and his peremptory treatment of the Gaikas was the greatest single factor leading to the war of 1846.[2]

It seems highly plausible to argue that the "failure" of the Treaty System, and the war of 1846, was ascribable to the blundering and short-sighted policy of the Cape Colonial Government. Stretch's hint that the clamour against the Kaffirs and the Treaty System emanated from war profiteers and land-hungry men, who, desired to discredit and Kaffirs and see them driven beyond the Kei,[3] would seem to confirm this; for the Colonial authorities were ever prone to adapt their policies in accordance with pressure from the Colonist, and forget that, as Stretch's Diary convincingly shows, the Chiefs had in fact exerted themselves admirably in performing their essential obligation under the treaties.

(1) Memo. §7.

(2) Report of the Select Committee on the Kafir Tribes, 1851: 1905-8, 1956.
Infra: P.

(3) Diary, Pp.342-4.

# CHAPTER IV

## AN EVALUATION OF THE EVIDENCE OF STRETCH's DIARY IN RELATION TO OTHER RECORDS OF DEPREDATIONS.

## CHAPTER IV

Stretch's Diary records the depredations which were reported to him as reclaimable from the Gaikas. For the most part the losses reported were property reclaimable and were in fact recovered. Of a total of 1939 cattle and 365 horses reported as stolen between September 1837 and March 1836, the period covered by the Diary, 1717 cattle and 219 horses were reclaimable according to treaty and the Diary shows that they were in fact recovered.[1] The non-reclaimable cases were not, of course, the Agent's concern,[2] though the Diary records numerous instances of property returned by the Chiefs where no claim had been made, or indeed was ever made.[3]

The figures extracted from the Diary show that an impressive amount of work was successfully executed by the Gaika Agent. This is an important fact when the effectiveness of the Colonial Agents, relative to the development of the Treaty Policy, is considered. It should show that the characteristic mechanism of the treaty system, for the mutual restitution of stolen property through the agency of a civil administration working through the Chiefs, did in fact function successfully. It is necessary, however, to establish whether the cases recorded in the Agent's Diary represent a true proportion of the reclaimable cases ascribable to the Gaikas. If the number of cases recorded by Stretch is appreciably less than the true amount, then the Diary loses its relevance. If, however, the evidence

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(1) Supra, p. 73-5.

(2) cf. Gaika Treaty, Arts. 24, 25. Appendix I.

(3) Diary, passim.

of the Diary is a comprehensive reflection of the Gaika depredations, then it is a legitimate means for assessing both the general liability of the Gaikas,[1] and the effectiveness of the Agent's mediation with the Chiefs of the most powerful tribe in Kaffirland.

Cases of depredations along the frontier, whether ascribed to Gaikas, Tambookies, TSlambies, Fingoes, or Congoes, were reported to the Agent-General in Grahamstown.[2] This official was thus able to provide a comprehensive list of the depredations which had occurred.[3] Other records exist, and in particular the statistics given in the British Parliamentary Papers,[4] those in the official Cape Government returns,[5] and those in a list prepared in 1844 by a colonist, John Centlivres Chase.[6] The latter sources, however, give figures which are noticeably at variance with those provided by the Agent-General. It must be considered how this came about and which of the various records can be accepted.

According to the Agent-General, the total of all losses, reclaimable and non-reclaimable, for the period September 1836 to December 1843, was 8775 cattle and 2171 horses. For a slightly shorter period, January 1837 to December 1843, the Parliamentary Paper of 1851 gives a greater loss, namely 9593 cattle, and 2160 horses. For the period September 1836 to December 1843, Chase puts the losses at 11,234 cattle, and

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(1) i.e. their liability for non-performance.

(2) Hougham Hudson was appointed to this post on 24 February 1836.

(3) cf Hudson Papers, Mss.931, 932, 933.

(4) P.P.424, 1851, pp 195-6.

(5) Published in the Govt. Gazette, from beginning of 1838, at Napier's instructions. cf. Cory III, pp 422, 439.

(6) Published in G.T.J., 25 July, 1844.

2,469 horses. That is, he records the loss of some 2,459 cattle and 198 horses not recorded by the Agent-General, and also a considerable number not recorded by the Parliamentary Paper.

Stockenstrom always maintained that the Agent-General's returns were the only reliable record of depredations.[1] On the other hand his critics preferred to quote other sources as authoratative. Chase's record in particular was invoked, and was used by both Bowker[2] and Godlonton.[3] As the "Government" returns also differed from those of the Agent-General, it is apparent that the officials concerned preferred also to accept evidence from other sources.

What sources existed, then, beyond those which the Agent-General used? Chase's statistics were based in the first instance on the Cape Government Returns, as published in the Government Gazette. These provided his information for the period January 1838 to December 1843. For the period September 1836 to December 1837, he used the reports of the local newspapers.[4] From this source he assessed that the losses for this initial period of sixteen months amounted to 2,403 cattle and 384 horses. The Agent-General's returns, covering an additional three months, put the losses at 914 cattle and 258 horses. If the newspaper reports can be accepted, there seems no to be no ground for rejecting Chase's figures for this period.

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(1) Duminy, "The Role of Sir Andries Stockenstrom in Cape Politics, 1848-56", p.45 and n.

(2) Bowker, "Speeches etc", p.119.

(3) Godlonton, R. "Case of the Colonists", p.106

(4) So Chase explained cf G.T.J., 25 July 1844.

The reliability of the "local press", however, and in particular the Grahamstown Journal, was highly questionable. Stockenstrom and the frontier officials were emphatic that its evidence of depredations could not be accepted.[1] The despatches of both Stockenstrom and Hare refer repeatedly to the erroneous and sometimes false reports which appeared in this quarter.[2] In Hare's opinion the reports of the Grahamstown press were "intended to mislead".[3] Frontier officials believed that a large number of depredations reported to have been committed by Kaffirs residing beyond the Frontier, were in fact ascribable to Kaffirs whom the Colonists, against the wish of the Government, encouraged to squat on their farms.[4] Yet the colonists and the colonial press made no apparent effort to distinguish between depredations committed by Kaffirs residing beyond the Colony, and those residing in the crowded squatter locations. For the initial period, September 1836 to December 1837 then, Chase's figures, based on this indiscriminate reporting, are not satisfactory, and the Agent-General's returns must be used.

For the period January 1838 to December 1843 Chase used the figures given in the Government Gazette.[5] According to this source some 8,831 cattle and 2085 horses were stolen in

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(1) Duminy, "The Role of Sir Andries Stockenstrom, in Cape Politics, 1848-56, p.45.

(2) cf G.H. 8/3, No. 173, Stockenstrom to D'Urban 26th April,1837
G.H. 8/1, No. 39, Stockenstrom to D'Urban, 3 November, 1836.
G.H. 8/2, No. 100, Stockenstrom to D'Urban, 15 February, 1837
Also, G.H. 8/2, No. 123; 8/3, Nos. 173, 195, 200; 8/5, Nos. 303, 350, 352.
GH 8/14, No. 2, Hare to Maitland, 10 January 1845: "I should not have thought it at all necessary or worthwhile to notice any statements coming from an unscrupulous press such as Grahamstown".
Also, G.H. 8/8, Nos. 32, 61; 8/9, No. 22.
In fra, pp

(3) G.H. 8/15, No. 17, Hare to Maitland, 16 February 1846.

(4) P.P. 424, 1851, p.202, No. 15, Napier to Stanley, 13 February, 1844. No. 43, Encl. 1, Hare to Napier, 13 November, 1843.
In fra p. 116.

(5) Supra, p. 88, n. 5

the above period. For the same period the Agent-General's returns showed the smaller amount of 7,961 cattle and 1913 horses.[1] Strangely the Parliamentary Paper of 1851 showed an even smaller amount, namely 7190 cattle, and 1776 horses.[2] These figures, the official compiler noted, were in accordance with the "Government returns", so that there was, apparently, a discrepancy between the "Government returns", and the figures published in the Government Gazette. This reflected the degree of accuracy with which Government compilers worked. The same "Government returns", published in the Parliamentary Paper, showed that no depredations had occurred in the duration of the D'Urban system i.e. from September 1835 to September 1836. The compiler comments vaguely that "whatever depredations took place, occurred only at the close of the D'Urban system". This conflicts, in the first instance, with Stockenstrom's evidence that depredations had never ceased since the war.[3] Further, for the period February to September 1836 the Agent-General's returns showed a loss of 514 cattle and 129 horses, which, reduced to an annual average, was evidence of an unprecedentedly high rate of depredations.[4] In view, then, of the contradictions and uncertainty of the Government returns, the Agent-General's must again be preferred.

It should be possible to use these latter returns as a check on the figures of depredations given in Stretch's Diary. The Gaikas, of course, were responsible only for a certain proportion of the losses recorded by the Agent-General.[5]

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(1) Supra, p. 88, n. 3.

(2) Supra, p. 88, n. 4.

(3) G.H. 8/1, No. 39, Stockenstrom to D'Urban, 3 November, 1836. Supra, p. 48.

(4) Hudson Papers, MS. 932.

(5) Supra, p. 76.

For the period January 1838 to December 1843, the latter returns showed reclaimable losses amounting to 2,529 head of cattle, and 442 horses. For the same period Stretch's Diary records the loss of 936 head of cattle and 150 horses. This is a proportion of $\frac{3}{8}$ of the cattle, and $\frac{1}{3}$ of the horses recorded as stolen, in the Agent-General's returns. Though other tribes were responsible for a considerable amount of the losses, the Gaikas were almost certainly responsible for a greater proportion than $\frac{3}{8}$ of the cattle and $\frac{1}{3}$ of the horses stolen.[1]

Nevertheless, it must be remembered that the treaty mechanism permitted recovery of stolen property to be effected without recourse to the Agents.[2] As an alternative course to making a statement to the Agent, and leaving the case in his hands, the plundered party was entitled to refer his case to the pakati situated on the boundary, and effect recovery with his aid. Disputed cases would of course come to the Agent's notice, but it is certain that numerous cases were handled without recourse to the Agent, before or after recovery. Many colonists in fact preferred to effect recovery with a minimum of outside interference. Methods of recovery became even more independent of official intervention, after Napier's amendments in 1840,[3] and the changes introduced by Maitland in 1844.[4]

It is certain, then, that a large, perhaps very large, number of cases was dealt with in this manner, without reference to the Agent. Such cases were reported by the pakati and policemen, or the owner, to the commander of the nearest military post, or to the local Field-Cornet or Justice of the Peace;[5] these officials in turn referred the reports to the

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(1) Supra, pp. 76, 66.

(2) Stockenstrom Treaty, Arts. 24, 25.
Vide Appendix I.

(3) Supra, pp. 54, 55

(4) Supra, pp. 56, 57.

(5) cf. Diary, p. 92

Agent-General. If such cases are taken into account, then, the losses recorded by Stretch, amounting to $\frac{2}{3}$ of all cattle stolen, and reclaimable, and $\frac{1}{3}$ of the horses,[1] may be accepted as representing with reasonable accuracy the due proportion of the total Gaika liability. And, since Stretch's Diary shows that almost all the losses reported to him as Agent were redeemed,[2] it is thus possible to accept the evidence of the Diary that the Gaika Chiefs made restitution in virtually all the cases of depredations which were referred to them by the Agent of the Colonial Government.

(1) Supra, p. 92.

(2) Supra, pp. 73-5

# CHAPTER V

## THE GLAMOUR AGAINST THE TREATY SYSTEM.

## CHAPTER V

It was Stretch's contention that, as far as depredations were concerned, the clamour of the colonists against the Kaffirs, and against the treaty system, had no justification.[1] His Diary is evidence that, as far as reclaimable cases were concerned, there could certainly have not been any substantial complaint against the Kaffirs for non-performance of their treaty obligations.[2] Of course, the colonists could, and did, point to unredeemed losses on the non-reclaimable list,[3] and certainly, apart from depredations, a number of aggressions were committed by Kaffirs in the ten years of the treaty administration, especially in the period immediately preceding the outbreak of the war which terminated the system.[4] Nevertheless, the establishment of an unprecedentedly close understanding with the Kaffir Chiefs, and the successful co-operation of Agents and Chiefs for the restoration of property satisfactorily proved to have been stolen, were factors which suggested strongly that the Chiefs were in good faith, and that the treaty policy was developing as its framers planned.[5]

The Glenelg treaty policy never aimed *per se* to set up a completely foolproof border system. It reckoned on the continued occurrence, in some degree of frontier depredations, recognising that such contingencies were to some extent unavoidable in a newly settled frontier area.[6] Nevertheless, the making of treaties of peace with the independent tribes aimed positively and firmly at the prevention of serious

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(1) *Diary*, p.342.
(2) *Supra*, pp. 73—5.
(3) *Supra*, pp. 77—8.
(4) *Infra*, pp. 138ff.
(5) *Supra*, pp 33—9. *Infra*, pp. 128, 129; 140ff.
(6) *Supra*, pp 39, 25. *Infra*, pp. 101, 129.

disturbances on the frontier;[1] and the treaties established permanent communication with the tribal heads, providing for joint action to counter-act depredations.[2]

Unless, therefore, this policy failed in either of its principal aims, the prevention of serious aggressions, or the settlement of duly authenticated claims in respect of stolen property, it is difficult to see that it was to blame for the eventual disruption of the frontier in 1846. Further, if the Kaffirs evinced a will to co-operate in the settlement of claims, and were not guilty of serious unprovoked aggression, then their obligations under the treaties were purely fulfilled the blame for the gradual deterioration of their relations with the colonists must rest elsewhere. Possibly, the colonial authorities antagonised the Kaffirs by concentrating on the security of colonial interests, to such an extent that considerations of policy, and due regard for the Kaffir point of view, were largely forgotten. The institution of the non-reclaimable list, the persistent nagging demands, the coercive measures and, finally, the all-pervading cry of the colonists that the Kaffirs were in bad faith, were factors which could not have failed to alarm and disillusion the Kaffirs. It is necessary, however, to examine more closely the grounds for the assumption that the Chiefs were in good faith, at least at the outset of the new system. Stretch wrote that depredations were fewest, and the Chiefs most willing to co-operate with the Colonial Government, at those times when the Chiefs were confident in the attitude of the Colonial authorities.[3] This was no facile generalisation. The supersession of the D'Urban system by the Glenelg-Stockenstrom system in 1836[4] was accompanied by a striking change in

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(1) Vide Appendix I, Gaika Treaty (5 December 1836), Arts 1, 28

(2) Vide Appendix I, Gaika Treaty (5 December 1836), Arts 10-26

(3) Memo, §6.

(4) Supra, pp 143-9.

the attitude of the Kaffir Chiefs. It is a well-attested fact that under the D'Urban system, before Glenelg's policy was announced, the Chiefs[1] had been intensely dissatisfied. Dr. Andrew Smith testified to the Commons Select Committee in 1851 that the Chiefs were"exceedingly dissatisfied touching the province of Queen Adelaide ... "They complained", he said, that "advantages were held out to them by persons who were sent to advise them to sue for peace, and that when peace was established they did not get those advantages and privileges, they were led to expect".[2] Early in 1836 the agents Bowker, Southey and Rawstorne had reported that the chiefs were restless.[3] Kaffirland was overcrowded, and the Chiefs were chafing under the restraint of colonial authority.[4] On 3 October 1836 Stockenstrom wrote to D'Urban, giving his opinion that"the whole tribe of Gaika backed by that of TSlambie would to a man join in a war for the country recovered by the Fingoes ..."[5]. The only retraining factor, he said, was the considerable colonial military force,[6] and the expectation among the Kaffirs of some change in the frontier system. It had not been possible to put a stop to depredations, which "Lieutenant-Colonel Somerset and all the Field-Cornets" attested had been incessant since the war.[7] Boyce in a letter to Stockenstrom on 10 October 1836 declared that the Government could not remove a Commanding Officer, or a Post, or order an enquiry without "emboldening those who are

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(1) Memo, §1. *Supra, pp 5-6.*

(2) Select Committee on Kaffir Tribes, 1851, §2200, 2204.

(3) Smuts, "The Lieutenant-Governorship of Andries Stockenstrom", p.76, Quoting Bowker to Hudson, 10 May 1836; Southey to Hudson, 28 March 1836; Rawstorne to Hudson, 12 April 1836.

(4) Smuts, "The Lieutenant-Governship of Andries Stockenstrom, p. 98.

(5) G.H. 8/1, No.19, Stockenstrom to D'Urban, 3 October 1836.

(6) Ibid.

(7) G.H. 8/1, No.19, Stockenstrom to D'Urban, 3 October 1836.

endeavouring to prepare the people for war".[1] On 11 October Stockenstrom reported that Somerset had brought to him the Chief Cobus Congo who stated that "it had been seriously intended to assassinate all the troops and other white people at the Cape meeting with Colonel Smith and myself at King Williamstown, and that the attempt was only prevented by Umhala refusing his assent".[2] This famous "Massacre plot" was reported also by Stretch, and officially recorded by Hare during his Lieutenant-Governorship.[3]

The situation changed radically when news came of the intended retrocession of Queen Adelaide. On 15 November, 1836, Stockenstrom was able to report to D'Urban that the Chiefs were "entirely satisfied with the views and intentions of His Majesty's Government".[4] The Chiefs had objected to their subjection to colonial law, but they now showed their entire willingness to enter into a well-defined agreement, to regulate their relations, as independent parties, with the British Government.[5] A spirit of the greatest confidence was evident after the signing of the new treaties.[6] In May 1837 the leading Gaika Chiefs, at Stretch's instigation, were persuaded to visit Grahamstown.[7] This was the first time they had ventured there since the war, and they went unarmed. To

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(1) G.H. 8/1, No.21, Stockenstrom to D'Urban, 11 October 1836, quoting letter from Rev. W. B. Boyce, dated 10 October 1836.

(2) G.H. 8/1, No.21, Stockenstrom to D'Urban, 11 October, 1836.

(3) P.P.424, 1851, No.43, Hare to Napier, 13 November 1843, Encl. 1.

(4) G.H. 8/1, No.43, Stockenstrom to D'Urban, 15 November 1836.

(5) Ibid.

(6) cf. Memo, 3: "The chiefs designated the treaties as a "wall", "a great word", as affording protection to all innocent people, and that no military party or patrol would on the mere "ipse dixit" of a farmer be permitted to disturb the tranquillity of the country upon false evidence as in times past, and whenever the colonial war-cry reached their ears they appealed to "Stockenstrom's words", the treaties".

(7) G.H. 8/3, No.181, Stockenstrom to D'Urban, 5 May 1837.

the Lieutenant-Governor the Chiefs expressed "their entire confidence, and solemnly (renewed) their promise of faithfully adhering to the treaties".[1] Similar expressions of confidence were forthcoming from the other tribes. At a meeting with the Lieutenant-Governor in December 1837, Umhala swore in the name of the TSlambies that his people solemnly intended to keep the peace, and, with the colonial government, to fight for its preservation.[2] The Gongo Chief Pato even applied for permission to buy a farm in the Colony.[3] At the end of 1838 the Gaikas, TSlambies and Gongoes, still freely expressed their perfect contentment with the frontier settlement.[4]

That depredations had occurred, was undeniable; but nine months after the signing of the Stockenstrom treaties, Stretch was able to report that the Gaikas had restored all cattle stolen by their followers, and had sentenced every Kaffir found guilty of theft to a severe punishment.[5] The Colonial authorities recognised the good sense of the Chiefs' observation that some thieving was bound to continue. "Thieves there would be, both black and white,"[6] the Chiefs said, but "you must not get tired of us".[7] It was their abiding fear that

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(1) G.H. 8/3, No. 181, Stockenstrom to D'Urban, 5 May 1837.

(2) G.H. 8/5, No.352, Stockenstrom to D'Urban, 28 December 1837
G.H. 8/6, No.374, Stockenstrom to D'Urban, 7 February 1838

(3) G.H. 8/5, No.352, Stockenstrom to D'Urban, 28 December 1837

(4) G.H. 8/7, No. 1, Hare to Napier, 10 October 1838. cf. "this frontier, with reference to the Kaffir tribes, was never more tranquil than it is at present, contentment seems to prevail throughout and I am happy to say there are marks of improving industry". N.B. Stockenstrom was only dismissed nine months later.

(5) L.G. 124, Stretch to Hudson, 29 August 1837. Quoted by Smuts, "The Lieutenant Governship of Andries Stockenstrom, p.93.

(6) G.H.8/2, No.137, Stockenstrom to D'Urban, 30 March 1837. "The Chiefs cared not so much for the thefts, for thieves there would be both black and white ... but they deprecated the handle which would be made of such occurrences by those who still hankered after the grass and waters of the Buffalo and the Kei".

(7) G.H. 8/5, No.352, Stockenstrom to D'Urban, 28 December 1837, Quoting Umhala.

propagandists would capitalise on the occurrence of thieving to discredit them, and eventually engineer their expulsion from their land.[1]

Between the Colonial Government and the Chiefs, however, good-will and good faith had been evident in a degree unprecedented. There had, admittedly, been some incidents to disturb the smooth running of the new administration, but none was so serious as to constitute a significant infringement of treaty obligations. In August 1837 the frontier districts were agog with the news of an attack by a group of Gaika and TSlambie Kaffirs on the Fingoes at Fort Peddie.[2] The attack, led by the TSlambie Chief Seyolo, had resulted in the death of ten Fingoes and one British soldier, and the carrying off of a large number of Fingo cattle. It was widely rumoured than an attack on the Colony would soon follow.[3] On 8 August 1837 D'Urban declared to Glenelg that this was "the commencement of the evil consequences he had predicted"; on 9 October he wrote that this had been "but the first step to a succession of meditated enterprises, ... intended to feel the way and ascertain ... what they have to apprehend in those which are designed to follow ..."[4]. Stockenstrom, however, pointed to the exemplary conduct of the Gaikas Macomo and Tyali in repudiating the whole affair,[5] and on 22 September he reported to D'Urban that the guilty Seyolo had been "repudiated by every Chief in Kaffirland".[6] Further, he deplored the malicious

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(1) G.H. 8/2, No. 137, Stockenstrom to D'Urban, 30 March 1837

(2) P.P. 424, 1851, pp 15 ff, D'Urban to Glenelg, 12 August 1837

(3) G.H. 8/4, No.291, Stockenstrom to D'Urban, 22 September 1837

(4) P.P. 424, 1851, D'Urban to Glenelg, 9 October 1837

(5) G.H. 8/4, No. 280, Stockenstrom to D'Urban, 31 August 1837

(6) G.H. 8/4, No. 291, Stockenstrom to D'Urban, 3 August 1837

reports which had predicted war "because it was desired", and above all, he deplored "the atrocious design with which it was attempted to impose upon Your Excellency ... the infamous report that Eno had immediately directed the attack upon the Fingoes."[1] Glenelg approved of Stockenstrom's "more authentic communication",[2] and commented that such outrages were occasionally to be expected in the vicinity of barbarous peoples. He also referred to the "unnecessary embarrassment" of the Colony's self-imposed guardianship of the Fingoes, though he recognised that it was too late to do anything to alter the existing situation of these people.

Perhaps the most notable aspect of this incident was the evident susceptibility of the colonists to rumours of the wildest nature. Two more alarms disturbed the frontier before the end of Stockenstrom's administration. The first arose from a mutiny in the Cape Corps in February 1838, in which the TSlambie Chief Umkai was proved to have been implicated.[3] Most sensational, however, was the report that "the Gaika and other tribes (were) assembled ready for attack". Stockenstrom had immediately conferred with the Agents and the Chiefs, and reported on 25 February that the colony had no hostile movement to fear from the Kaffirs. Umkai's action was certainly compromising to himself, though Stockenstrom showed that his motive was the simple one of hoping to take advantage of the confusion to make an attack on the hated Fingoes.

Early in March 1838 Bowker, the resident agent at Fort Peddie reported that the TSlambies were threatening to attack the neighbouring Congoes. Stockenstrom, however, soon

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(1) G.H. 8/4, No. 291, Stockenstrom to D'Urban, 3 August 1837
Eno: a Gaika Chief.

(2) P.P. 424, 1851, No. 4, Glenelg to Napier, 2 December 1837

(3) G.H. 8/6, No. 389, Stockenstrom to Napier, 25 February 1838
cf. Bowker, "Speeches, etc", pp. 68 ff.

ascertained that Bowker's report was unfounded, for, returning hurriedly to Grahamstown, he found Pato and Umrkai, leading Chiefs of the two tribes, "living harmoniously at his house".[1] When reporting the affair to Napier, he apologised for troubling His Excellency with this "trifling false alarm", but stressed the necessity for Napier to be shown all sides of the question, since there would be "desparate attempts made at agitation, in consequence of Your Excellency's arrival... ".[2]

"Desparate attempts at agitation" seem to have surrounded each of the three incidents here described. These incidents, which represent the most serious threats to the peace during the eighteen months of Stockenstrom's direct administration of the treaty policy, may hardly be seen as damning to the treaty policy, as so many critics asserted they were.[3] It is observable that the Gaikas were involved in only one case, the Seyolo-Fingo affair, and in that case the accusations made against the Gaika Chief Eno were found to be quite unwarranted. Moreover, the acts of Seyolo, and of Umkai in the mutiny case, were repudiated by TSlambies, Gaikas and Congoes alike.

The prestige of the Colonial Government, and of the Treaty System, was soon to suffer an unfortunate setback. On 31 August, 1839 Stockenstrom was dismissed,[4] and his dismissal was felt by the Kaffirs as a grievous blow to the system which he had introduced. Stockenstrom had been removed because of his unpopularity with a section of the colonists, and this fact was obvious to all.[5] To the Kaffirs this step meant that

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(1) P.P. 424, 1851, pp 28 ff, Napier to Glenelg, 18 March 1838 Encl. No. 7.

(2) Napier arrived 22 January 1838.

(3) cf. Bowker, "Speeches, etc", pp 26-36, 51, 67, 68 ff. This was the point of all the alarms. Vide infra, pp.

(4) P.P. 424, 1851, Normanby to Napier, 31 August 1839.

(5) ibid.

a new policy, or something worse, was intended. Shortly after his dismissal it was rumoured in Kaffirland that the Colonial Government was inspired by hostile feelings towards the Kaffirs, and, having as a preparatory step removed Stockenstrom from office, was about to remove Stretch from his situation with them.[1] At a meeting with the Lieutenant-Governor on 16 January 1840 the Gaika Chiefs declared that if Stretch was removed they would not receive any one in his place. It was necessary for Hare to tell them formally that the Government did not intend to remove Stretch, and to deny "in the most positive terms that Government entertained a thought hostile to them...."

Though the Chiefs had remonstrated, they accepted Hare's assurances,[3] and, the crisis over, continued as before to observe the requirements of the treaty policy. For nearly five years to come they continued to co-operate with the colonial authorities in all major issues. Though the non-reclaimable list grew,[4] their performance in other cases was praiseworthy, as the small number of arrear reclaimable cases showed.[5] By the end of 1844, however, there were ominous signs of an impending clash. Maitland had made important changes in the treaty system, and the Gaikas, distrustful of his attitude, became increasingly loth to meet the demands of the Colonial Government.[6] As early as March 1845 it became apparent that a war-party was gaining ascendancy among these clans.[7]

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(1) P.P. 424, 1851, No. 18, Napier to Russell, 17 February, 1840. Encl. (no. 1) No. 1, H.F. Fynn to H. Hudson, "I have the honour to inform you....that I have learned from the Tambookies that a rumour of an injurious tendency is in circulation among the Gaika tribes, which is, that it is the intention of Government to remove the agent for the Gaika tribes, in whose office another agent is to be appointed for the express purpose of bringing about a war between the colony and the Kaffir tribes....." (My emphasis, G.B.C.)

(2) P.P. 424, 1851, No. 15, Napier to Russell, 17 February, 1840; Encl. No. 4, Hare to Napier, 30 January 1840. Stretch to Hudson, 6 January 1840.

(3) Ibid.

(4) Infra, p.111

(5) Supra, pp. 73-5.

(6) Infra, pp. 134 ff.

(7) G.H. 8/14, No.5, Hare to Maitland, 14 March 1845; Encl. Stretch to Hare 6 March 1845. Infra, p.

How, then, did this estrangement come about? Was it the suspicious and perfidious nature of the Kaffirs which stultified the efforts of the colonial officials, or was some other cause discernible? It was said that the Kaffirs only adhered to the treaties as long as it suited them; that, as soon as seemed to them to be in their interest to do so, they ignored the treaties.[1] But the position was surely more complex than that. It was clear that under Stockenstrom's administration the chiefs had fully redeemed their liability in reclaimable cases.[2] After Stockenstrom's departure they continued to fulfil their obligations in reclaimable cases, despite the institution of the non-reclaimable list,[3] and amendments of the treaties in favour of the colonists.[4] Were the Chiefs, then, failing in some other respect? Did they provoke the anger of the Colonial authorities by a series of aggression acts? Was the restoration of reclaimable property a merely nominal act, and was their failure to make good non-reclaimable losses a blatant evasion of responsibility?

If the co-operation of the Chiefs was merely nominal, then the concessions which they continued to make towards the colony were truly amazing.[5] The Seyolo-Fingo affairs had demonstrated a firm intention among the Chiefs to uphold the treaties. "Under what system ever", Stockenstrom asked "were Caffer chiefs brought to behave in such a manner as Macomo and Tyali are represented to have done spontaneously....

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(1) Supra, p. 69.

(2) Supra, p. 73–5. Hudson Papers, MSS. 931, 932, 933.

(3) Supra, pp. 79ff. Infra, pp. 129, 130.

(4) Supra, pp. 54–7 Infra, pp. 130–2, 134–5.

(5) Supra, pp. 100 – 101.

...who is there amongst us can give better proof of understanding the treaties and a determination of abiding by them.....?"[1] Soon Stockenstrom himself was removed; but eventually the chiefs acquiesced inthis. Eighteen months later they accepted Napier's amendments to the treaties.[2] Since these amendments favoured the colonists, this represented a considerable concession by the Kaffirs.[3] Frontier critics were agreed that any proposal to alter Stockenstrom's treaties was likely to incur the grave distrust of the Kaffirs, while a unilateral repudiation of even some of the terms would almost certainly have led to war.[4] The amendments were proposed at a time of great tranquillity on the frontier, when the Chiefs had been exerting themselves to the utmost to put a stop to cattle-stealing, and had of their own accord returned large numbers of non-reclaimable cattle.[5] Napier decided that this was a good moment to effect the alterations he proposed. Nevertheless, without the mediation of so influential a person as Stretch, it is doubtful in the extreme whether the Chiefs would have consented to any alteration in the original Stockenstrom treaty. Napier afterwards admitted that without Stretch's assistance the task might have proved of "insurmountable difficulty".[6]

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(1) G.H. 8/4, No. 280, Stockenstrom to D'Urban, 31 August, 1837.

(2) Supra, pp. 544.

(3) Memo, § 9.

(4) Infra, pp. 130, 131.

(5) P.P. 424, 1851, No. 20, Napier to Russell, 6 November 1840

(6) P.P. 424, 1851, No. 21, Napier to Russell, 11 December 1840: "It would be an act of injustice on my part, my Lord, were I not to state to your Lordship my approval of the diplomatic agent, Mr Stretch, whose great influence with the Gaika chiefs and tribes has been sincerely and fully exerted in every way to assist me in this duty, and I have no hesitation in stating that had I not received from that functionary the assistance he has afforded, it might have rendered the task of far greater, if not insurmountable difficulty".

Until April 1842 the prompt performance by the Chiefs left few reclaimable cases for settlement at the Quarterly meetings.[1] In August 1842 the Lieutenant-Governor presented to the Chiefs a list of 2000 cattle and 250 horses, said to have been stolen in the past quarter.[2] Hare explained that more than half of these had been recovered by the agents and by patrols, but payment for the remainder was due, and if not given, drastic steps would be taken. At the following Quarterly meeting, however, the Lieutenant-Governor reported that "all claims for reclaimable cases of stolen horses and cattle were satisfactorily settled".[3]

The frontier remained tranquil until March 1843, few depredations being reported;[4] but in the following quarter depredations increased to such an extent that the Colonial Government determined to take steps to evict the Chief Tola, the "most troublesome" of the thieves.[5] Napier noted that "the other Chiefs do not seem eager to espouse (Tola's) cause",[6] and at the end of May Napier decided to authorise Hare to drive Tola out of the Chumie area. This was to be done "in presence of and with the assistance of the Chiefs".[7] Indeed the active co-operation of the Chiefs in this affair not only ensured the success of the Lieutenant-Governor's measures,

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(1) G.H. 8/9, Nos 33, 41. 8/10, Nos. 4, 28.

(2) G.H. 8/10, No. 55, Hare to Napier, 6 August 1842.

(3) G.H. 8/10, No. 75, Hare to Napier, 20 October 1842.

(4) P.P. 424, 1851, No. 38, Napier to Stanley, 5 June, 1843: "during the period (quarters ending 31 December 1843 and 5 June 1843) when the frontier was almost unprotected by troops, and when the Kaffirs were suffering from starvation owing to the failure of their crops, the number of depredations were, comparatively speaking, very inconsiderable.

(5) Ibid.

(6) P.P. 424, 1851, No. 38, Napier to Stanley, 5 June 1843.

(7) G.H. 8/11, No. 52, Hare to Napier, 26 May 1843. Hare quoted Napier's instructions.

but also pointed to a sense of responsibl.ty on the part of the Kaffirs which was surely remarkable in people of their situation. Chiefs of the Gaika, TSlambie, Gongo and Fingo tribes gave their assistance.[1] It had been Sandile's request that Hare should execute the eviction "of whom the Lieutenant-Governor shall decide is most troublesome".[2] Later Stretch remarked at the exemplary conduct of the other Gaika Chiefs, Macomo, Eno and Xoxo.[3] It is not necessary to enter into the details of this operation, except to note that it was carried out successfully, apart from an unfortunate clash between Sandile and Shepstone. It was reported that Sandile had conducted himself in a violent and threatening manner towards the Diplomatic Agent, but, while it is evident that an incident of some sort did in fact occur,[4] it would appear that Sandile's conduct was deliberately misrepresented. A version of the incident highly unfavourable to Sandile was accepted by Hare and Napier, but Stretch for one objected strongly to the malicious and distorted reports which, he asserted, had been spread in order to discredit Sandile.[5]

When the Tola affair was over the frontier again became quiet. In December 1843 Napier noted the continual beneficial operation of the treaty system, and referred to the good work done by missionaries in Kaffirland.[6] To increase the incentive of the Chiefs to give their fullest co-operation with the colonial authorities, he now proposed the granting

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(1) G.H. 8/11, No. 52, Hare to Napier, 26 May, 1843.

(2) Ibid.

(3) P.P. 424, 1851, No. 39, Napier to Stanley, 30 June 1843.

(4) Ibid

(5) Memo. §18.
Sandile had not only invited the Colonial forces to enter Kaffirland, but actually provided some 400-500 of his warriors to assist the colonial authorities. Vide P.P. 424, 1851, p.161, No. 39, Napier to Stanley, 30 June 1843.

(6) P.P. 424, 1851, No. 43, Napier to Stanley, 4 December 1843.

of an annual salary to them;[1] but before anything was done to implement this proposal, Napier left the Cape.[2]

To this point the Chiefs had repeatedly evinced a firm intent to uphold the treaties and even to meet the demands of the Colony for changes in the original treaty structure. They had restored all property stolen and properly reclaimable; they had accepted Stockenstrom's dismissal, albeit with misgivings; they had accepted Napier's amendments to the Stockenstrom treaties; finally, when one of their fellows had become troublesome, they had assisted the Colonial Government in its measure to punish him. After the introduction of the Maitland treaties in 1844 and 1845,[3] however, there was a marked change in the attitude of the Chiefs; but before studying Maitland's action, and its consequences, it is necessary to consider the effect of two further factors on the position of the Chiefs. The latter had given account for reclaimable losses, and had co-operated responsibly with the Colonial Government on several notable occasions;[4] but, during the years, a number of minor aggressions had been committed by the Kaffirs against the Colony; and, secondly, the non-reclaimable list in 1844 was evidence against the Kaffirs of an unredeemed "liability" for nearly 3,000 cattle and 1000 horses.[5] It may be argued that the cumulative effect of these factors justified Maitland's action in 1844, and further, exculpated the Colonial Government from the blame for the events which ensued.

Critics of the treaty system repeatedly asserted, or insinuated, that the Kaffirs were guilty of "infringements" of

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(1) P.P. 424, 1851, No. 43, Napier to Stanley, 4 December 1843

(2) 18 March 1844.

(3) Supra, pp. 55 ff. Infra, pp. 134 ff.

(4) Supra, p. 104 ff.

(5) Hudson Papers, Mss, 931, 932, 933.

the treaties during these years.[1] Incidents had occurred during the Stockenstrom administration, and continued to occur after his departure. Those which occurred in the period during which Stockenstrom was Lieutenant-Governor, could only in a narrow view be seen as "infringements of the treaties, and could hardly be seen as threatening to the treaty policy.[2] After 1839 reports of "incidents" continued to feature in the official correspondence from the frontier. In January 1839 there was a cattle dispute between Eno and Pato.[3] In June 1839 a detachment of troops was fired on by a party of unknown Kaffirs;[4] a similar incident occurred in August 1841 when a group of Boers was fired on.[5] From time to time Macomo became rebellious[6] under the insistent pressure for payment of cattle, and in October 1841, angered by the theft of some of his cattle by the Fingoes, he was with some difficulty restrained from taking revenge against them.[7] In April 1842 Macomo entered the colony without permission and grazed cattle in Tyali's former lands in the Mancazana.[8]

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(1) G.H. 8/12, No. 123, Hare to Napier, 24 November 1843. Hare repudiated the assertions of the colonists that the treaties were infringed in the Tola affair.
Infra, p.
P.P. 424, 1851, pp. 92-5.

(2) Supra, pp. 100-3.
Select Committee on the Kaffir Tribes, 1851, Evidence of Sir A. Stockenstrom, 1960, "Depredations were taking place constantly; I am not aware of any breaches of the treaty". 1961: "It was an infringement of the treaty?- An infringement it could not be, unless the Government had demanded satisfaction in consequence of the articles of the treaty and the Kafirs had refused to give it".

(3) G.H. 8/7, No. 5, Hare to Napier, 25 January 1839.
P.P. 424, 1851, No. 13, Napier to Glenelg, 1 February 1839

(4) G.H. 8/8, No. 38, Hare to Napier, 28 June 1839.

(5) G.H. 8/9, No. 34, Hare to Napier, 19 August 1841.

(6) G.H. 8/8, No. 38, Hare to Napier, 28 June 1839.

(7) G.H. 8/9, No. 39, Hare to Napier, 11 October 1841.

(8) G.H. 8/10, No. 32, Hare Oto Napier, 21 April 1842.
P.P. 424, 1851, Napier to Stanley, 29 April 1842.

Then, in April 1842 the death of Tyali and the threatened murder of Sutu threw Kaffirland into a great excitement, emulated by simultaneous wild alarms in the Colony of an impending attack by the Kaffirs.[1] Finally, in July 1844, the murder of a Colonist, De Lange, by some Kaffirs threw the Colony into great alarm, and the cry went up for a war to punish the Kaffirs.[2]

Most of these incidents were too petty really to be of concern here. It is interesting to note that the majority of these cases were peacefully settled, by the intervention of the Lieutenant-Governor, and usually with the assistance of the Chiefs. Hare's ruling was accepted in the Eno-Pato cattle dispute,[3] and Macomo likewise accepted the Lieutenant-Governor's ruling in his quarrel with the Fingoes who stole his cattle.[4] Again, he obeyed the Lieutenant-Governors injunction to abandon the Mancazana lands, having made it clear that his previous act had been unaccompanied by any hostile feelings against the Colony.[5] In the two cases where Kaffirs had fired on Colonists, it was apparent to the Lieutenant-Governor that the Chiefs had no previous knowledge of these circumstances.[6] In the case of the wounding of a boer in a skirmish with Kaffirs, Hare stated that he could only "do (the Chiefs) justice in saying that they all seemed greatly displeased at the occurrence".[7] The Sutu affair was settled quietly by the timely intervention of Stretch, and by a formal

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(1) G.H. 8/10, No. 37, Hare to Napier, 20 May 1842. Supra, pp.

(2) G.H. 8/13, No. 32, Hare to Maitland, 31 July 1844. Memo, §8.

(3) Supra, p. 109 n. 3

(4) Supra, p. 109 n. 7.

(5) Supra, p. 109 n. 8

(6) Supra, p. 109 n. 4,5.

(7) Supra, p. 109 n. 5.

military demonstration on the frontier by Hare. It was stated emphatically by Hare that no attack had been meditated by the Kaffirs, despite all rumours to the contrary, and that the measures he had conducted were merely precautionary.[1] The most noteworthy case was probably the De Lange murder in July 1844, in which Macomo's son and Pakati were involved.[2] In an attempt to apprehend the murderers a detachment of 250 soldiers was sent into Kaffirland and Hare reported on 15 August that the "Chiefs throughout Kafirland are now in active pursuit of the murderers". By 22 August he was able to report that the country was "perfectly tranquil". Perhaps the most remarkable aspect of the affair was the reaction of the colonists who, on account of this single act, urged that a retributive war should be carried into Kaffirland. The impolicy of such a measure was no doubt obvious to the authorities, yet the colonial outcry can only have been ominous and disillusioning to the Kaffirs, and ruinous to good relations on the frontier.

In the sphere of policy the various incidents which occurred need not have been regarded as infringements of the treaties. There was a further factor, however, which seemed to many on the colonial side, to weigh against the Kaffirs. The non-reclaimable list never seemed to diminish, and many pointed to it as the only accurate measure of the working of

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(1) Supra, p. 110 n. / Infra, p. 123.

cf. P.P. 424, 1851, No. 37, Encl. (A) (No. 40). Hare to Napier, 27 April 1843: Hare, referring to a dispute between Umhala and Gazella, whereafter the Chiefs pledged they would refer all disputes to the Lieutenant Governor: "The Gaikas have ever done so, and nothing happens among the Chiefs of that tribe that is not reported instantly to the Diplomatic Agent for my information ...".

(2) Supra, p. 110 n. 2.

the treaty system.[1] It has been shown, however, that the non-reclaimable" debt presented considerable difficulties to the Chiefs,[2] and it seems to some critics that the nagging demands on this score were more than anything else, the undoing of the good-will that had been built up since the inauguration of the Glenelg-Stockenstrom treaty system.[3]

Stretch criticised the foolish procedure of imposing upon the Chiefs claims which, often of doubtful validity, were in any case, beyond the ability of the Chiefs to settle.[4] The actual competence of the Chiefs in this respect has often been called in question. Napier and Hare both vacillated in their opinions. In a despatch to Russell dated 6 November 1840[5] Napier testified to the sincere wish of the Chiefs to prevent depredations, but he noted that "their power is now so much more limited than formerly". This theme was reiterated in a later despatch, dated 1 June 1841, in which Napier proposed "timely and judicious concessions" as opposed to the constant assertion of the strict principles of our treaties.[6] In November 1842, however, he declared to Hare that the Chiefs were not so much lacking in power, as afraid of unpopularity.[7] Hare, the advocate of coercion, likewise held that the Chiefs were able, if they wished, to prevent depredations. In a despatch to Napier dated 8 September 1842 he pointed to the

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(1) P.P. 424, 1851, p.184, Encl. Hare to Napier, 13 November, 1843: The non-reclaimable list was "the farmers principal cause for grievance". p. 85, Napier to Russell, 1 June 1841, "These returns (reclaimable and non-reclaimable) are the only means which the Government possesses of testing the efficiency of the treaties".

(2) Supra, pp. 794

(3) Supra, pp. 984
MacMillan, "Bantu, Boer and Briton", pp.231-2.

(4) Memo, §18.

(5) P.P. 424, 1851, No. 20.

(6) P.P. 424, 1851, No. 20, Napier to Russell, 1 June, 1841.

(7) P.P. 424, 1851, No. 38, Napier to Stanley, 7 November 1842

success of the Gongo Chiefs in putting a stop to thieving by their followers, and explained that in his opinion the other Chiefs should be able to establish a police force which would exercise adequate control over their peoples.[1] Yet he observed in his despatches, with no apparent sense of inconsistency, that the power of the Chiefs was in fact declining.[2] It was Maitland's contention that the position of the Kaffir Kraals in relation to one another made it impossible for the Chiefs to be unaware of the movements of thieving parties, and he held that Kaffir authorities must be at least "tacit assenters" to the depredations which were committed.[3]

On the tother hand there is a school which maintains that, not only were the Kaffirs perfectly unable to comply with the constant demand made upon them, but that the Colonial Government was conspicuously failing in its duty to provide an adequate police force for the purpose of tracing stolen property.[4] The Kaffirs frequently appealed to the Colony for help in managing those of their subjects who proved uncontrollable. This occurred in a number of cases.

It was reported in November 1838 that a group of armed Kaffirs had entered the Colony, and Stretch and Colonel Grieve promptly investigated the situation.[5] The Kaffirs, it appeared were of the followers of Tyali and Botman, and these Chiefs, when questioned did not deny the circumstance; but they stressed the difficulty of controlling the Kaffirs in this respect, and categorically requested the Colonial

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(1) P.P. 424, 1851, No. 68, Hare to Napier, 8 September 1842

(2) G.H. 8/8, No. 43, Hare to Napier, 21 August 1839.

(3) P.P. 424, 1851, p.237, No. 50, Maitland to Stanley, 7 December 1844.

(4) Supra, pp. 82-4.

(5) G.H. 8/7, No. 20, Hare to Napier, 8 November 1838.

Government to shoot on sight any Kaffirs who thus entered the Colony.[1]

At a meeting with the Lieutenant-Governor in the latter part of 1840, Sandile declared that he would give the word that all Chiefs should in the future co-operate with the Colonial Government and generally exert themselves to the utmost for the apprehension of thieves and robbers.[2] Nevertheless, he pointed to the difficulty of apprehending murderers in Kaffirland, where a murderer might escape the followers of one chief by placing himself under the protection of another chief. In July 1841 a message from the Chiefs was sent to Alexander Campbell Edgar, who was temporarily stationed at Blockdrift in Stretch's absence, explaining that they had a long time since given orders that "all Kaffirs who committed great crimes in the colony were to be put to death", nevertheless, they had been unable to check the "great number of Kaffirs (who) take up their abode in the thickets of the Kat, Koonap and Fish rivers, over whom we have no control, and who are not subject to our laws. These people cannot live but by robbery and murder in the colony".[3] In a despatch to Maitland dated 22 August 1844 Hare stated that Sandile had on several occasions requested the help of Government in sending out of his country "a gang of notorious thieves", whose constant plundering of the Colony, he feared, would "end in calamity to his nation".[4] It is surprising that action was not immediately taken when this request was made.

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(1) G.H. 8/7, No. 20, Hare to Napier, 8 November 1838

(2) P.P. 424, 1851, No. 21, Napier to Russell, 11 December 1840.

(3) P.P. 424, 1851, No. 24, Napier to Russell, 10 July 1841; Encl.(No. 4), in Encl. 3.

(4) G.H. 8/13, No. 36, Hare to Maitland, 22 August 1844.

The presence of force, as Stockenstrom maintained, was essential in the case of the treaty system, as in all international agreements, to ensure that due performance, if not given, could be compelled.[1] Napier it is true had supplemented the Cape garrison by obtaining, with considerable difficulty, an additional British regiment,[2] and on the occasion when Hare decided to adopt coercive measures against the Kaffirs,[3] he was not hampered by lack of adequate military strength. For the prevention of thieving and the tracing of stolen property, however, a different kind of force was required. Soldiers were not "cattle-herds",[4] and Hare observed that three times the military force then in the colony "would be found insufficient to put a stop to (the Kaffirs') thieving".[5] An efficient civil administration, equipped with an adequate police force, was essential for the successful implementation of the treaties. But the civil administration on the frontier during the treaty system was notoriously underendowed. From the start Stretch complained about the inadequacy of the police force, and the lack of means for controlling the entry of Kaffirs into the Colony.[6] The inadequacy of the police force, he said, was the greatest weakness of the treaty system.[7] The immense

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(1) Supra, pp. 24, 38.
Select Committee on Kaffir Tribes, 1851, §2009, 2013.

(2) Muller, C. F. J., "Die Britse Owerheid en die Groot Trek", p.102.

(3) cf P.P. 424, 1851, No. 14, Napier to Glenelg, 7 May 1839.
Supra, pp. 110, 111, 106, 107.

(4) P.P. 424, 1851, No. 35, Encl. (C) (No.73), Napier to Hare, 25 August 1842.

(5) G.H. 8/8, No. 43, Hare to Napier, 21 August, 1839.

(6) Stretch to Hudson, 18 June 1838; 27 June 1838 (L.G.148)
Cited by Smuts, "The Lieutenant-Governorship of Andries Stockenstrom", p.99.
MacMillan, "Bantu, Boer and Briton", p.230, n(2).

(7) Memo, §19, 2.

amount of work which fell to the frontier police is readily apparent from the account in Stretch's Diary of the measures for the recovery of stolen property.[1] Only by substantially increasing the police force could all cases of theft along the frontier have been properly dealt with. A tribal police agency would have been ineffective against those Kaffirs who entered the colony without authority and, from points in the over-size squatter locations, conducted thieving raids on colonial property.[2] This was the proper concern of the colonial frontier police.[3]

Yet the Colonial Government was content to maintain an incredibly small force of sixty policemen.[4] These, moreover, were underpaid,[5] and in a letter dated 28 September 1839 Stretch put this forcibly to the Governor's secretary.[6] His efforts were unavailing. The Government was in fact considering whether it should reduce the pay of the police, or, alternatively reduce their number.[7] By December 1844 the police force had been reduced to forty men,[8] and was eventually abolished by Maitland in favour of an "agency employed by the native chiefs".[9] Maitland had previously approved of a plan submitted by Stretch, for the establishment of a rural police force in the frontier districts, but

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(1) Diary, passim.

(2) Supra, pp. 90; 113, 114
P.P. 424, 1851, pp 61, 85, 186, 196, 202, 267.

(3) Memo, §19.
Supra, pp. 82–4.

(4) G.H. 8/9, No. 6, Hare to Napier, 12 February 1840.

(5) ibid.

(6) MacMillan, "Bantu, Boer, and Briton", p.230.

(7) G.H. 8/9, No. 6, Hare to Napier, 20 Mar.1840.

(8) P.P.424, 1851, No. 50, Maitland to Stanley, 7 December 1844

(9) P.P. 1847, No. 1, Maitland to Stanley, 17 November 1845.
Colonial police were left only in the Gaika area.

no steps were taken to carry this out.[1] Throughout the treaty system a starved frontier administration remained "virtually without a police force".[2] The inevitable result was that far too much responsibility fell on the Chiefs, and Stretch in November 1844 noted pointedly that in the past five years, "not a thief was caught in the Colony by either the civil or military authorities, all being demanded from the unfortunate Caffre chiefs".[3]

Clearly there was a failure, on the colonial side, to supply an essential need of the frontier administration.[4] Nevertheless, the colonists were unwilling to give the Kaffirs credit for their actual performance in virtually all cases where they were liable under the treaties. Colonial opinion seemed to notice only the non-reclaimable list and the various Kaffir aggressions,[5] and expressed itself constantly and vehemently against the Kaffirs.

A series of "highly charged"[6] petitions emanated from the frontier districts in the years 1840, 1841, 1843 and 1845. Petitions referred to the "atrocity of the outrages

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(1) Memo, § 19.
Stretch, "Correspondence", No. 2, Stretch to Brownlow Maitland, 6 Jan., 1847.

(2) MacMillan, "Bantu, Boer and Briton", p.230.

(3) Ibid, p.249.

(4) Ibid. The weakness of the new order like that of the old, was due as much to the deficiencies of administration on the colonial side as to the sins of the Kaffirs ...".

(5) P.P. 1847, No. 1, Maitland to Stanley, 17 November 1845, Encl. 1, Speech by Porter in the Legislative Council, 7 October 1845.

(6) Ibid, Encl. 1, speech by Montagu in the Legislative Council, 7 October 1845.

of our Kaffir neighbours"[1], the "almost continual aggressions",[2] "continued and increasing outrages",[3] "the audacious impudence of the Kaffirs".[4] The Kaffirs were "crafty and treacherous and not to be believed".[5] A resolution passed in Grahamstown on 29 June 1841 declared that "the frequent and audacious inroads committed by the Kaffirs are to be attributed to the defective principles of the existing treaties",[6] and a memorial from the Fish R., Koonap and Winterberg area, in September 1840 asked "has the Government done what they declared they would do in the event of the Kaffir Chiefs not complying with their own treaties?"[7] An air of hyteria surrounds the allegation that "the operation of those treaties .... has been most disastrous to the interests of the border inhabitants and destructive alike to their property and tranquillity, and the fruitful cause of much bloodshed".[8] Most of the petitioners felt that "the

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(1) P.P. 424, 1851, No.76, Napier to Russell, 6 November 1840; Encl.20, Address of the inhabitants of Port Elizabeth and neighbourhood to his Excellency Major-General Sir George Napier.

(2) P.P. 424, 1851, No.43, Napier to Stanley, 4 December 1843; Encl. 2, Petition of the Inhabitants of Lower Albany to the Queen.

(3) P.P.424, 1851, No.43, Napier to Stanley, 4 December 1843; Encl.2, Petition from Port Elizabeth to the Queen.

(4) Bowker, "Speeches etc", P.143, Petition of the Kaga farmers to the Governor and Legislative Council, 5 September 1845.

(5) Bowker, "Speeches, etc", p.191, Petition of the Farmers of Upper Albany and Lower Somerset.

(6) P.P.424, 1851, No. 24, Encl.1, Resolutions passed at a Public Meeting in Grahamstown, 21 June 1841.

(7) P.P.424, 1851, No.18, Napier to Russell, 21 September 1840; Encl.No.4.

(8) Bell and Morrell, "Select Documents on British Colonial Policy", pp 499-500, Petition of the Municipal Commissioners of Grahamstown, 16 August, 1843.

present melancholy and threatening state of affairs" could have been avoided had D'Urban's policy never been abandoned, and that a return to the "salutary and humane operation"[1] of that system would set everything right. Of course this would involve the expulsion of the Kaffirs from the Ceded Territory, but "they (had) forfeited every claim to further indulgence".[2]

Such declarations could not have failed to alarm the much harassed Chiefs, who were especially sensitive to any reference to the land they occupied. They believed that the clamour about depredations was inspired by land-hungry colonists who desired their land in the Ceded Territory and even that beyond the Keiskamma.[3]

Frontier alarms were to be the bane not only of the Kaffirs, but also of the frontier officials. As MacMillan has said, Stockenstrom's main difficulties apart from the 1836 unco-operative attitude of D'Urban, was the Albany opposition,[4] a party which went to almost any length to prove that the treaty system was unsatisfactory. Napier told Stretch, on the occasion of his visit to the frontier in 1840, that he had come "disposed to proclaim martial law and get Stretch hanged".[5] Afterwards he was more wary of frontier scares. Lieutenant-Governor Hare, on receiving a petition from Grahamstown of 21 June 1841, complaining of the "alarming

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(1) Bell and Morrell, "Select Documents on British Colonial Policy", pp 499-500, Petition of the Municipal Commissioners of Grahamstown, 16 August 1843.

(2) Bowker, Speeches etc", p.191, Petition from Upper Albany and Lower Somerset.

(3) Infra, pp. 126, 127.

(4) MacMillan, "Bantu, Boer and Briton", p.240.

(5) Memo §9.
MacMillan, "Bantu, Boer and Briton", p.230.

state of the frontier", declared that the frontier had "at no time been in so perfect a state of tranquillity",[1] and he could show that depredations in the preceding eight months had been very few indeed.[2] Hare's quarrels with the Grahamstown scare-mongers were frequent and he expressed his feelings to Maitland in January 1845 when he wrote "I should not have thought it at all necessary or worthwhile to notice any statements coming from an unscrupulous press such as that of Grahamstown".[3] Even Maitland was at pains to play down rumours of the hostile intentions of the Kaffirs.[4] Smith wrote later that "Grahamstown ought to be called 'Necessity' for it is mother of invention".[5]

The unanimity of these officials suggests that theirs was not merely an irritable reaction to the pressure of public opinion. Henry Fynn wrote in a subsequent memorandum that "the general feeling against the original treaty was such that no colonist appeared desirous of informing himself of its principles, beyond what appeared to operate against himself".[6] Fairbairn in August 1838 attested to "the unwearied efforts publicly made to embarrass (Stockenstrom's) administration, to deprecate all his measure, and to check the

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(1) P.P.424, 1851, No.24.

(2) ibid.

(3) G.H.8/14, No.2, Hare to Maitland, 10 January 1845.

(4) P.P.1847, No.1, Maitland to Stanley, 17 November 1845.

(5) Smith, Autobiography, p.725, Quoted by Walker, "History of Southern Africa", p.188.

(6) H. Fynn, Memo., (C.O.1011).

growth of anything resembling confidence in the new system on both sides of the frontier".[1] The official despatches show many instances of unfounded alarms, which in many cases had the effect of throwing the frontier into dangerous confusion.

Stockenstrom's despatches contain descriptions of numerous alarms of this nature, some of them malicious, and many of them likely to result in the most serious consequences to the public peace. Twice it was rumoured that armed bands of Kaffirs were on the point of attacking the Colonists;[2] twice Stockenstrom found the reports to be absolutely groundless, but not before the frontiersmen had been seriously scared.[3] When, in October 1837, it was rumoured that Kaffirs, permitted to graze herds in the Colony, were taking advantage of their position to maraud colonial farms, Stockenstrom produced documentary evidence showing that the allegation was quite false.[4] This case, Stockenstrom felt, was "a specimen of the machinations by which it has been attempted to keep this Frontier in a permanent state of ferment".[5] How long, he asked, would "the Kaffirs resist the baits held out to them by those eternal agitations?".[6] Though men stared at each other with astonishment at the state of peace on the frontier yet they were made to "hate and fear and fly from the Government which

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(1) S.A.C.A., 26 August 1837; quoted by Smuts, "The Lieutenant-Governorship of Andries Stockenstrom", p.103.

(2) G.H.8/3, No.173, Stockenstrom to D'Urban, 26 April 1837.
G.H.8/5, No.352, Stockenstrom to D'Urban, 28 December 1837.

(3) Ibid.

(4) G.H.8/5, No.303, Stockenstrom to D'Urban, 11 October 1837

(5) Ibid.

(6) G.H.8/3, No.200, Stockenstrom to D'Urban, 25 May 1837.

protects them and hurry into destruction by a regular system of debusion."[1] A Field-Cornet testified to Stockenstrom his astonishment at the "scandalous falsehoods" which were continually disturbing the peace.[2] The District Surgeon of Grahamstown, who in his professional visits had witnessed the effects of this false propaganda, thought that the alarmists could not be too severely punished. He gave his opinion to Stockenstrom that positive measures should be taken against the culprits.[3]

When Stockenstrom left the frontier the alarms by no means ceased. The effect of continual unfounded alarms in creating fear and unrest on the frontier was a recurring theme of Hare's despatches. When the excitement surrounding Stockenstrom's dismissal had been allayed[4] reports of threatened inroads began again to unsettle the frontier, and to vex the new Lieutenant-Governor. On 28 April 1838 Hare described to Napier a report in the Grahamstown Journal that Macomo had entered the Colony at the head of a large body of armed Kaffirs. Not only had this report proved entirely erroneous, but it had been discovered that it was purely fraudulent.[5]

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(1) G.H.8/2, No.123, Stockenstrom to D'Urban, 9 March 1837.

(2) G.H.8/3, No.181, Stockenstrom to D'Urban, 5 May 1837, Encl.1.

(3) G.H.8/3, No.195, Stockenstrom to D'Urban, 18 May 1837.

(4) Supra, p. 103

(5) G.H.8/8, No.32, Hare to Napier, 28 April 1839. No.36, Hare to Napier, 28 May 1839: Confession of Geo.Devenish: "I was requested by D.M. McMaster Sen. to sign a document setting forth that a letter which he had caused to be inserted in the G.T.J. relative to the Chief Maqomo ... was the truth ... although I had never seen the letter in question, I knew if I had refused to sign it, he would dispossess me of the farm which belongs to McMaster".

N.B. G.T.J for a refutation.

Hare soon complained that the frequent excitements among credulous colonists was having the effect of disturbing the Kaffirs, who on perceiving the tumult in the colony, naturally supposed that something was intended against them. This effect was clearly apparent in the general war-scare surrounding the death of Tyali in April 1842.[1] Hare wrote on 22 May that it was his belief that the Kaffirs had never contemplated a general irruption into the Colony.[2] Nevertheless rumours of intended invasion struck panic into the colonists, and Stretch brought it urgently to the attention of the Agent-General that the reports of war reaching the Kaffirs from the Colony were "doing an immense deal of mischief in Caffraria".[3] Unless these alarms were suppressed, he said, he could not be held responsible for the consequences. Sandile declared that "many strange words of war have been delivered at my kraal, that it was the intention of the Government to invade my country with a commando and destroy my people ...". By the end of May 1842 the frontier was quieter and the immediate fear of war had disappeared; but Napier concluded on a perplexed note, not knowing what measures to take to counter-act "the alarms and panics to which (the colonists) are continually abandoning themselves, upon the slightest, and generally speaking, the most unfounded reports."[4]

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(1) P.P.424, 1851, No.32, Napier to Stanley, 30 May 1842. No.30, Napier to Stanley, 22 April 1842.

(2) Ibid.

(3) Ibid.

(4) P.P.424, 1851, No.32, Napier to Stanley, 30 May 1842.

Nothing, apparently, could be done to put a stop to these alarms, which continued to menace the successful operation of the frontier system. A report in November 1842 that Sandile and Umhala intended to invade the Colony was proved totally false.[1]

In November 1845 Hare wrote to Maitland stating that he had reason to believe that some of the expatriated Boers had attempted to stir up the Kaffirs, and had urged Macomo "to make a diversion in favour of the boors by entering the Colony". Once again he referred to the unfortunate effect on the Kaffirs of the continual agitations in the Colony.[2] Shortly before the outbreak of war in 1846 Hare declared that he was "not acquainted with any act of the Caffer nation which could justify my carrying War into their Country ...".[3] In response to petitions expressing fear at the intentions of the Kaffirs he explained that "instead of meditating aggressions upon the Colony, (the Kaffirs) were themselves thrown into a state of great alarm from the state of excitement into which the colonists had thrown themselves".[4]

Many frontier observers believed and stated unreservedly that most of the alarms were engineered by persons deliberately intent on provoking war. The motives of such persons were conceivably twofold: to profit in the confusion of a resultant war, and to obtain the lands occupied by the Kaffirs

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(1) G.H.8/12, Hare to Napier, 13 November 1842.

(2) P.P.1847, Encl.in No.1, Maitland to Stanley, 17 November, 1845. cf.Hare: "By such means my plans are continually hindered in their operation ...".

(3) G.H. 8/15, No.24, Hare to Maitland, 9 March 1846.

(4) ibid.
P.P.1847, No.1, Encl.1, Montagu, in Legislative Council 7 October 1845: "... it appears to me that the language used upon the occasions referred to is almost sufficient to invite an inroad into the colony".

in the Ceded Territory and beyond the Keiskamma.[1] Fairbairn had described the campaign against Stockenstrom as a "criminal conspiracy ... organised by a pack of gun-runners and war-profiteers on the eastern frontier",[2] though MacMillan notes with less severity that the alarms and attacks on the frontier system arose out of "the strong feeling of resentment at the policy of 'abandonment' intensified by war losses...".[3] Nevertheless, after the war-scare surrounding the Sutu affair in 1842, even Boyce was of the opinion that the rumours had been spread by a War-Party among the Europeans on the frontier. "A war and nothing but a war will satisfy these people," he declared to Philip.[4] In February 1846 Hare concluded, in similar vein, that the "mischievous rumours" which had continued to unsettle the frontier were "circulated by men of desperate fortunes, who desire War for the Sake of plunder ....".[5]

Whatever the precise motives or design behind the alarms which never really ceased from the timeof the retrocession of Queen Adelaide to the outbreak of war in 1846, it is quite clear that their effect on the Kaffirs was decidedly inimical to the success of the treaty policy. Hare had shown how colonial agitations produced a reciprocal state of unrest in Kaffirland,[6] and the result of the Grahamstown clamour was

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(1) Supra, p. 85.
G.H.8/5, No.350, Stockenstrom to D'Urban, 18 December 1837
MacMillan, "Bantu, Boer and Briton", pp.143, 164, 236, 251.
Smuts, "The Lieutenant-Governorship of Andries Stockenstrom
pp.102 ff

(2) Urie, p.12.

(3) MacMillan, "Bantu, Boer and Briton", p.164.

(4) Ibid, p.244.

(5) G.H.8/15, No.12, Hare to Maitland, 10 February 1846.

(6) Supra p.110, n.2.

inevitably to persuade the Kaffirs that some design was meditated against them. The Kaffirs, as MacMillan writes, were eventually led to regard the treaty system as "only a temporary and suspicious lull in European aggression".[1]

Basically, the Kaffirs were fearful for their land. As Sandile protested to Sir George Grey "the patrimony of a chief is not cattle. It is land and men".[2] And Tambookie and TSlambie Chiefs agreed that they must "stand by the House of Gaika, lest we be broken up as the Hottentots were".[3] Gaikas, TSlambies and Gongoes had been admitted into the Ceded Territory by the treaties of December 1836, but a resentment still remained among the Gaikas at their expulsion from the Kat and Mancazana R. valleys. This grievance was frequently raised by the Chiefs, especially Macomo, in their meetings with the Colonial Government.[4] Macomo, of course, on one occasion took the law into his own hands and drove his herds over the boundary into the Mancazana valley.[5] This action, however wrong, indicated the strong feelings of the Kaffirs on the question of land. As MacMillan notes, people were prone to forget how short a time it was since the clearing of the Zuurveld.[6]

Considering the susceptibilities of the Kaffirs on this point, it is not surprising that they were fearful at the continued colonial agitation. Stretch recorded that the

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(1) MacMillan, "Bantu, Boer and Briton", p.240.

(2) MacMillan, "Bantu, Boer and Briton", p.237.

(3) MacMillan, "Bantu, Boer and Briton", p.237.

(4) cf. P.P.424.1851, Napier to Glenelg, 25 May 1838: "The Chiefs Macomo, Tyali, Eno and Botman, of the Gaika nation, in our conference made great complaints respecting the boundaries of the Colony not being removed further back than the Kat River, which they consider as wrongfully taken from them".

(5) Supra, p. 110.

(6) MacMillan, "Bantu, Boer and Briton", p.230.

Kaffirs from time to time expressed their fears to the Colonial officials;[1] if the alarmists were not suppressed, he said, war would result, "for the Kaffirs generally believe that it is the desire of the colonists to possess their country".[2] Calderwood, in a letter to Philip dated 18 January 1846, observed that the Kaffirs were "exceedingly disposed to mix up the land question with every other between them and the Government ...". Unfortunately, the Colonial Government, in all its interviews with the Kaffirs, had done much to foster the suspicions of the Kaffirs "by always threatening the expulsion of the Kaffers".[3]

The attitude of the Colonists, and of the officials who followed Stockenstrom, must, to say the least, have seemed ironical to the Kaffirs. Unprecedented demonstrations of goodwill had been made by the Kaffirs at the inauguration of the treaty system.[4] Then, they had shown good faith in restoring reclaimable property, and, further, they had co-operated responsibly with the Colonial Government in most of those cases which the colonists pointed to as infringements of the treaties.[5] When one of the Chiefs was at fault, his colleagues showed their solidarity with the Colonial Government and their faith in the treaty system, by repudiating this wrong action, and assisting in his punishment.[6]

It is clear that in these years the Kaffirs were subjected to provocation, which was often very great. Frontier alarms

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(1) P.P.424, 1861, No.31, Napier to Stanley, 29 April 1842; Encl.Stretch to Hudson, 16 April 1842: "The chiefs often commented on this state of things to his Honor's predecessor, and they have noticed it repeatedly since ....".

(2) Ibid

(3) MacMillan, "Bantu, Boer and Briton", pp 254 ff. Memo, §16.

(4) Supra. pp. 98 ff.

(5) Supra, pp. 100-3, 110-2.

(6) Supra, pp. 106-7.

alone were a grave threat to confidence, and were often repudiated in the strongest terms by the authorities. But the Kaffirs found much in the conduct of the authorities themselves which was provocative and, they felt, contrary to the treaties. The institution of the non-reclaimable list was probably the most important single factor in this respect. Though the Colonial Government was unwilling to supply an adequate police force, it expected the Chiefs both to fulfil their treaty obligations, and, in addition, to execute what the European Government was either unwilling or unable to carry out.[1] MacMillan described the process which began after Stockenstrom's dismissal of "tightening up the treaties by changes that invariably threw more responsibility on the chiefs".[2] The incessant nagging inevitably shook the prestige of the Chiefs. In Stretch's opinion, none of the officials who followed Stockenstrom understood the policy which it was their duty to carry out.[3] These officials seem to have concentrated on security to the virtual exclusion of policy. Certainly, neither Napier, nor Hare, nor Maitland, was able to engender the confidence which had been the conspicuous feature of Stockenstrom's administration.[4] Stretch alone, of the officials who remained, emulated the personal prestige with the tribes which Stockenstrom had enjoyed.[5] Stretch, who was in the best position to know the feelings of the Kaffirs, wrote that after 1842 only his personal solicitation with the Chiefs prevented matters moving rapidly to a crisis;[6] after

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(1) Supra, pp. 82—4.

(2) MacMillan, "Bantu, Boer and Briton", p.241.

(3) Memo, Preamble, §7.

(4) Supra, pp. 98ff.

(5) Supra, pp. 9—12.

(6) Memo, §7.

Maitland's "treaty" in 1844, he said, the tribes were completely disillusioned, and the treaty policy lost all practical meaning.[1]

It seems unfortunate that men such as Stockenstrom and Stretch did not have more influence in Government and colonial circles, and that Stockenstrom was not permitted to fulfil the policy which he had inaugurated. Neither Stockenstrom nor Stretch viewed the treaty system as a permanent solution. To them it was, in a certain sense, an admittedly temporary expedient, which would induce the tribes, by increasing their intercourse with the colony, to become increasingly sensible of the advantages of civilisation, until of their own accord they accepted incorporation in the colony.[2] The success of the treaty policy should have been judged, not by depredations, or other minor aggressions, which were bound to occurr in some degree, but by the success of the Colonial representatives in winning the confidence of the tribes. In this respect Stockenstrom and Stretch were undeniably successful.

Stockenstrom's successors, however, in their alterations to the original system, seemed to give little heed to the likely effect of their measures on the confidence acquired after so much pain, in the relations between the Colony and the Kaffirs. Stockenstrom's dismissal had been a severe enough

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(1) Memo, § 10, 12.

(2) Supra, pp. 23, 24; 37-9.
cf. Stretch, in a letter, dated 10 August 1842, addressed probably to Rev. John Cumming (Cory, Lib., 6174): ... "it is ... certain that if in the present defenceless state of our Border the Caffer chiefs had been groaning under Compulsion, British domination, or the horrors of the old System, they would upon the first report of the Check of our troops at Natal have done with Albany Somerset and Cradock all that the most inveterate and desperate of the insurgent Boers could wish - In short "those Villainous Treaties" are our only anchor which keeps us from destitution under the Divine Controul of our affairs. I hope however the day will come when all will be British South of the tropic but by means beyond the Comprehension of M. Boyce and his friends ...".
Du Toit, "Cape Frontier", p.27.

blow[1]. The institution of the non-reclaimable list, which soon followed, was to the Chiefs an intense provocation.[2] It placed an intolerable burden upon them, and convinced them that the Colonial Government was attempting to discredit them as a prior step to claiming their land.[3] The Gaika Botman, on hearing of the plan, declared, "this is news of war!"[4] He stressed that the terms of the treaties should not be changed, and he read in this move the threat of a return to the arbitrary practices, so completely condemned by the Colonial Office, of the years before the war of 1834-5. As Stretch pointed out, this plan hit at the treaties' basic provision against unjust claims.[5] Nevertheless, Napier put the non-reclaimable list into operation in 1839.[6] — 1838.

A year later, Napier, under pressure from the colonists better to secure their interests,[7] introduced important amendments to the treaties.[8] Again a narrow sense of some need for security seemed to be dominant. He had previously consulted the agents and obtained their comments.[9] Shepstone, who had replaced Bowker at Fort Peddie, thought that some modification was "perhaps necessary"; but he felt that any step, however just, to modify the treaties, would, if it was to be successful, at least have to be supported by a powerful military force. He warned, too, that coercion of the Kaffirs in respect of depredations would provoke resistance, and

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(1) Supra, pp. 103 ff.

(2) Supra, pp. 77 ff.

(3) Memo, §9, 10.

(4) G.H.8/8, No.47, Hare to Napier, 19 September 1839.

(5) Diary, p.(iv).

(6) Supra, pp. 79 ff.

(7) P.P.424, 1851, No.20, Napier to Russell, 6 November 1840
MacMillan, "Bantu, Boer and Briton", pp 231 ff.

(8) Supra, pp. 54 ff, 105.

(9) G.H.8/8, No.60, Hare to Napier, 22 November 1839.
cf Memo, §9.

possibly war.[1] The Agent-General Hudson thought that the disturbance of the treaties in any important respect might "lead to greater evils than the present".[2] Likewise, Stretch thought any alteration of the existing Border Policy a grave subject, and stated his opinion that "it cannot be done without great inconvenience and danger to the colony".[3] Napier, however, remained determined to alter the treaties, and Stretch seemed ultimately to decide that it was his best course to obtain the fullest co-operation of the tribes. The Chiefs accepted Napier's proposals, and the Governor declared that he acted with their full confidence.[4] He noted, however, that but for Stretch's mediation, the difficulties which existed might have proved insurmountable.[5] Napier seems, in the early years of his Governorship, to have fallen into the mistake of his predecessors, and of his successor Maitland, of regarding the Kaffirs as first and foremost a military problem.[6] He had written of continual and daring depredations, and had noted the "ruinous losses" of the frontiersmen.[7] His early despatches were full of defence plans, plans for increased patrol activity along the frontier and preparations for war which would come "at a moment's notice".[8] Doubtless these plans were, from a military point of view, soundly conceived and well executed. He even contrived to obtain from the Home Government an additional

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(1) G.H.8/8, No.60, Hare to Napier, 22 November 1839.

(2) Ibid.

(3) Ibid.

(4) P.P.424, 1851, No.21, Napier to Russell, 11 December 1840

(5) Ibid.

(6) cf. Du Toit, "Cape Frontier", p.30.
In spite of contact with philanthropic circles in England cf Van Biljon, "Grensbakens Tussen Blank en Swart in Suid Afrika", p.183.

(7) P.P.424, 1851, No.18, Napier to Russell, 21 September 1840

(8) P.P.424, 1851, pp 26 ff; No.9, Napier to Glenelg, 12 July 1838.

regiment for the Cape garrison.[1] But his action was less praiseworthy, and certainly not politic, when, almost at the very outset, he threatened to send armed parties into Kaffirland if restitution was not promptly given.[2]

After his visit to the frontier, however, the tenour of his communications to the Secretary of State changed markedly. His initial emphasis on security began to give way to a more subtle approach, which aimed at maintaining good relations with the Kaffirs, even at the expense of "judicious concessions".[3] When Hare spoke too freely of coercing the Kaffirs, Napier disapproved strongly.[4] He opposed any suggestion for the expansion of colonial territory at the expense of the Kaffirs, holding that a return to the D'Urban system could only be effected at the cost of a bloody and expensive war.[5] The expulsion of the Kaffirs from the Ceded Territory was no solution to the problem of depredations he argued. This had been tried without success by Somerset. And the extension of the colonial boundary to the Kei would only create an additional burden of defence, and by no means cause depredations to decrease.

He seemed blind, however, to the effect of one aspect of his policy, for he apparently did not appreciate that the

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(1) Supra, p.115.

(2) P.P.424, 1851, p.31, Napier to Glenelg, 25 May 1838. No.10, Napier to Glenelg, 1 September 1838. His intention to impress upon the tribes that "the consequence of their non-compliance with every article of these treaties will be war".

(3) P.P.424, 1851, No.23, Napier to Russell, 1 June 1841

(4) P.P.424, 1851, No.43, Npaier to Stanley, 4 December 1843.

(5) P.P.424, 1851, No.123, Napier to Stanley, 26 July 1842: "... no considerable change could be effected without the risk of another war, nor has any plan of frontier policy ever been suggested to me which is likely to be more efficient than the present one, with all its admitted deficiencies".

demands for non-reclaimable property were intolerable to the Chiefs. Nor, though he on one occasion expressed strong disapproval of Hare's attitude, did he do enough to modify the policy of his Lieutenant-Governor. Hare's talk of coercion was not confined to his official correspondence.[1]

He threatened the Chiefs from the very start that he would drive them beyond the Umzimvubu,[2] and similar threats regularly accompanied his demands on the Chiefs for non-reclaimable property.[3] His arbitrary manner no where demonstrated itself more unfortunately than at the Quarterly Meeting in August 1842.[4]

It was sharply disillusioning to the Chiefs that the burden of the non-reclaimable list should be arbitrarily imposed upon them, while the Colonial Government conspicuously failed to meet its own administrative liability.[5] The colonists cried out that their losses were ruinous, but the Colonial Government did not even provide an adequate frontier police force, and the burden was inevitably thrown upon the Chiefs.

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(1) P.P.424, 1851, No.35, Encl.(F)(No.33), Hare to Napier, 8 September 1842: "I do not see ... objections .... to the system of coercive measures".
G.H.8/10, No.68, Hare to Napier, 8 September 1842: He saw "power humanely and judiciously exercised" as the only remedy.
G.H. 8/11, No.49, Hare to Napier, 19 May, 1843.

(2) Memo, §16.
P.P.424, 1851, p.189.

(3) Memo §7: the "customary bitter accusations" which were "expressed towards them by Col.Hare".
P.P.424, 1851, No.43, Napier to Stanley, 4 December, 1851

(4) Memo, §7. Supra, pp. 80, 81.

(5) Supra, pp. 82-4; 115-7.

Matters went from bad to worse under the administration of Sir Peregrine Maitland, who succeeded Napier in March 1844. Maitland declared that there were two schools of thought on the frontier: by the one, "the arrangements commonly known as Sir Andries Stockenstrom's, were denounced in every part"; by the other, less numerous party, it was contended that the "border system could not be amended, and would if properly carried out, leave no just cause for complaint".[1] Declaring that he sided with neither party, he announced his decision to introduce "certain modifications and improvements",[2] to the treaties, and he set about in his own manner to achieve them. His manner, unfortunately, seemed calculated to offend.

He had resolved that retribution in some form should be meted out to the Gaikas, who, he said, had been the Colony's most "perfidious neighbours".[3] He therefore excluded them from the initial meeting at which the other, lesser tribes were informed that the Stockenstrom treaties were to be abolished, and new treaties made. After some weeks had lapsed, during which time he hoped the Gaikas would become sensible of his displeasure, he consented to meet Sandile and his fellow chiefs, and then he merely informed them of what he had already decided to do.[4] In due course the treaties were signed. The treaty with the Gaikas was identical with that presented to the other tribes, save that it ommitted the clause providing for the annual payment of salaries to the Chiefs. "The Gaikas", Maitland wrote, "are not yet in

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(1) P.P.424, 1851, No.5, p.227, Maitland to Stanley, 7 December 1844.

(2) ibid.

(3) ibid.

(4) Memo §10.

a position to put a value on such pecuniary inducements to honesty as we can present them".[1] Further, the Gaikas refused to accept Maitland's proposal for the formation of a tribunal, which would exclude the agents, to hear appeals in disputed cases of theft. Consequently, Art.18 which provided for the tribunal was excluded from the Gaika treaty.[2]

Maitland could not point to any serious infringements of the treaties to explain the treatment he thus meted out to the most powerful tribe in Kaffirland. Depredations, he agreed were likely to remain a feature of frontier life under any system.[3] He spoke merely of the "bad conduct" of the Gaikas towards the Colony, and said they had "retrograded exceedingly" since the revival of judicial murders. Coercive measures were required, he said, to subdue "their haughty and faithless spirit". When they agreed to the new treaty, he declared, "they had no charge to make against the colonists, but fully admitted their own delinquencies, and placed themselves at the disposal of Government".[4]

It is difficult to know whether Maitland thought far beyond the immediate objective of inflicting retribution on the tribe whose liability for depredations was greatest. Though he did not think that treaties were in themselves effective to "repress the marauding habits of the Kaffirs",[5] he nevertheless made new ones, and stated afterwards that he believed the Kaffirs would not attack the Colony, at least while a sizeable military force was maintained near the

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(1) P.P.424, 1851, No.5, p.227, Maitland to Stanley, 7 December 1844.

(2) P.P.424, 1851, No.52, Maitland to Stanley, 1 December 1845

(3) P.P., February 1847, No.1, Maitland to Stanley, 17 November 1845.

(4) P.P.424, 1851, No.5, p.227, Maitland to Stanley, 7 December 1844.

(5) P.P., February 1847, No.1, Maitland to Stanley, 17 December 1845.

frontier.[1] He thus refused to accept Stretch's warning in March 1845 that the Kaffirs, under the provocation of Maitland's treatment of them, had begun to organise for war.[2]

Stretch, and later Stockenstrom, expressed a far more serious view of Maitland's action, than the latter himself was apparently willing to entertain. Stretch declared that after this event the treaty system ceased to function;[3] Stockenstrom put it to the Commons Select Committee of 1851 that Maitland violated the treaties, since it was by virtually unilateral action that he abrogated the old treaties and made new ones, and that this violation of the original treaties was the chief cause of the war of 1846-7.[4] Maitland's transactions with the Gaikas were recorded in revealing detail by Stretch.[5] At the first news of Maitland's abolition of the Stockenstrom treaties, the Gaikas were thrown into consternation, and began to prepare themselves to resist any attempt to expel them from their lands. Maitland, on being informed of their reaction, said he "would see them", and on 4 October Stretch accompanied the Chiefs and their pakati to Fort Beaufort. The Seventh Dragoon Guards had been drawn up on the parade square, and it was with considerable difficulty that Stretch induced the Chiefs to cross the boundary into the town, as they had been ordered to do. The Governor informed them of the new treaties, and told them he would send treaties for their approval. The Chiefs said "yes" to everything and thanked the Governor

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(1) P.P.February 1847, No.1, Maitland to Stanley, 17 December 1845.

(2) Infra, p. 137.

(3) Memo, §12.

(4) Select Committee on Kaffir Tribes 1851, §1905-8, 1956-7, 3301.

(5) Memo, §10, 12, 13, 14.

for the interview, which was then concluded. The treaties were read at Victoria in December 1844. Colonel Sutherland, who was present, attested to the folly of "first inviting the Chiefs to meet the Lieutenant-Governor, and then ordering the Cape Mounted Riflementto chase them out of the place". On 20 January 1846 the treaties were signed but Macomo declared before making his cross, "I sign for the Stockenstrom treaties".

The Chiefs felt the whole proceeding as insulting and unfair. They declared that the crisis had been produced by the non-reclaimable list, and they felt now that there was little to hope for from "a man of war" such as Maitland. On 6 March 1845 Stretch reported that Sandile had come under the severe censure of a powerful group in Kaffirland for having acquiesced in the new treaties.[1] Sandile had remained firm for some time, consenting to the establishment of Post Victoria in the Ceded Territory. Four months after the Governor's visit, however, the pressure of opinion against him had grown to such an extent that he "tendered his resignation and country to the British Government". This offer was rejected and he was told to keep proper control of his people.[3] Meanwhile Stretch received reports that the Kaffirs war-party was looking to Macomo for guidance, and that, if his concurrence were obtained they would not hesitate to take up arms against the colony.[5]

Stretch's warning was not taken, however,[4] During 1845

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(1) G.H.8/14, No.5, Hare to Maitland, 14 March 1845; Encl. Stretch to Hare, 6 March 1845.

(2) Memo, §10.

(3) G.H.8/14, No.5, Hare to Maitland, 14 March 1845; Encl. Stretch to Hare, 6 March 1845.

(4) Memo, §20.
Walker, "History of Southern Africa", p.227.

the strength of the war party grew, and a series of incidents, involving the Chiefs themselves, hinted ominously at the growing estrangement. Depredations increased in the latter half of 1845,[1] and on 4 December Hare reported the murder of a German missionary named Scholz.[2] The Xongo Chief Pato was suspected of involvement in the case, and it did not improve matters when it was revealed that Scholz had been killed in mistake for the diplomatic agent Shepstone.[3]

Maitland had irritated the Kaffirs, and he now began to irritate his own officials. He was soon at variance with Hare who protested at Maitland's insinuations of his "mismanagement, inconsistency and misrepresentation". The Lieutenant-Governor declared he could only conceive that it was Maitland's "intention to take over the management of the Eastern Districts into your own hands", and he accordingly offered his resignation.[5] He thought the Governor too prone to listen to frontier rumours of war, and he begged him not to be influenced by the frontier press, for information from that source was "calculated to mislead".[6]

Tension was increasing, however; On 24 January 1846 Stretch reported increasing depredations, and recorded that Sandile had been responsible for a number of hostile acts against Europeans in his territory. He had remonstrated with Sandile, but the Chief had replied in violent and

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(1) P.P., February 1847, No.3, Maitland to Gladstone, 21 March 1846.

(2) G.H.8/14, No.46, Hare to Maitland, 4 December 1845.

(3) ibid.

(4) G.H.8/15, No.9, Hare to Maitland, 31 January 1846.

(5) G.H.8/15, No.21, Hare to Maitland, 24 February 1846. He remained in office, however.

(6) G.H.8/15, No.17, Hare to Maitland, 16 February 1846.

threatening language, which left no doubt in Stretch's mind "that the hostile party have completely gained him over to their views".[1] Sandile's penitence was compelled when Hare moved a military force to Blockdrift;[2] but the Chief now demanded that Victoria Post be removed, and refused to hear of the erection of a fort at Blockdrift.[3] Then came the well-nigh disastrous act of a group of Government surveyors, sent to survey a site at Blockdrift, who mistakenly surveyed the land on Sandile's side of the boundary. Sandile immediately remonstrated, and the survey was abandoned. This was a dangerous moment, and Hare commented that Sandile "would have had an unquestionable right to drive us out by force of arms."[4] Finally there occurred the famous incident of the murder of a Hottentot under colonial police escort, in an attempt by a group of Tola's followers to rescue one of their fellows who was being sent to Fort Beaufort for the stealing of an axe. War was now unavoidable, Hare declared, and the time had come "to act with promptness for the safety of the inhabitants of these districts".[5] On 26 March 1846 Colonial forces invaded Kaffirland.[6]

In the events leading up to the war, Napier, Maitland and their Lieutenant-Governor Hare had been the dominant personalities on the colonial side. When Stockenstrom left, Stretch was the one firm supporter of his ideas who remained

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(1) G.H. 8/15, No.8, Hare to Maitland, 27 January 1846.

(2) G.H. 8/15, No.9, Hare to Maitland, 27 January 1846.

(3) ibid.

(4) P.P. February 1847, No.3, Maitland to Gladstone, 21 March 1846, pp 20 ff.

(5) G.H. 8/15, No.30, Hare to Maitland, 21 March 1846. Cory, IV, pp 422 ff.

(6) Cory, IV, pp. 408 ff. Memo, §10, 20.

in an important post in the frontier administration. As it happened, Stretch was able to exert little influence on the officials who controlled frontier policy after 1839, though it seems that he was the one representative of the Colonial Government who continued to enjoy the confidence of the Kaffirs in an appreciable degree.[1] Napier, Maitland and Hare, far from cultivating the confidence of the Kaffirs, were responsible for acts which seemed calculated to destroy the confidence which existed. The Chiefs had stated that they anticipated that thieving would continue for some time to come;[2] and this was admitted by Maitland himself to be a virtually inevitable factor in frontier life.[3] Unfortunately, neither Maitland nor Napier showed sufficient appreciation of the Chiefs' apprehension that the fact of depredations would be used against them by colonial propagandists.[4] When the Colonists complained that their losses were ruinous, Napier pointed to the rising value of property on the frontier;[5] but in the institution of the non-reclaimable list, he showed that he had permitted himself to be swayed by the clamour to adopt the colonists' own criteria, and judge the treaty system by the depredations which occurred. Maitland,[6] like Hare,[7]

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(1) The other agents, it is true, had considerable influence with the tribes. Bowker, whomMacomo thoroughly disliked, (Bowker, "Speeches, etc", p.11) had been removed for misconduct in February 1839 (G.H.8/7, No.7, Hare to Napier, 8 February 1839) and had been succeeded by the more popular Shepstone. but the Kaffirs resented the attitude adopted by the agents at the time of Maitland's visit to the frontier in 1844, when Stretch alone showed sympathy for their point of view, cf. Memo, §10.

(2) Supra, p. 99.

(3) Supra, p. 135.

(4) Supra, pp. 126, 127.

(5) P.P.424, 1851, No.24, Napier to Russell, 10 July 1841. Memo, §17.

(6) P.P., February 1847, No.3, Maitland to Gladstone, 21 March 1846.

(7) G.H.8/15, No.24, Hare to Maitland, 9 March 1846. Supra, p. 110—2.

did not see cause for war in the various incidents which had occurred, though the murder committed by Tola's followers was the immediate reason for the colonial authorities' decision to commence hostilities. He thought that instances such as the near-crisis at Blockdrift were indicative of "deeper causes of their alienation from us", and now (21 March 1846) he stressed the influence of the war-party in Kaffirland.[1] But he did not recognise that, as Stretch insisted, the seeds of discontent had been sown by the Colonial Government in its continual arbitrary impositions upon the Kaffirs.[2]

In many ways, there had been little consideration of the interests of the Kaffirs. Their remarkable exertions in the recovery of reclaimable property were apparently forgotten in the imposition upon them of a further debt for non-reclaimable property, that was impossibly heavy, and had certainly not been contemplated in the treaty policy as originally conceived.[3]

Arbitrary demands, and eventually coercive measures superseded a policy of confident co-operation. By threats and blustering, Maitland hoped, the tribes would be overawed into obedience.[4] It could not have mattered to him whether his treaties rested on proper consent or not.[5] To justify his

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(1) P.P., February 1847, No.3, Maitland to Gladstone, 21 March 1846.

(2) Supra, pp. 77 ff.

(3) Supra, pp. 33—4.

(4) P.P. February 1847, No.1, Maitland to Stanley, 17 November 1845: "... what I have to do is, to act on the fear and sense of interest of the chiefs; to overawe them into keeping good faith with the Government for their own sakes". Du Toit, "Cape Frontier", p.30: "The criticism that Maitland, like all his military predecessors saw in the tribes nothing but a military danger, does not seem unwarranted".

(5) The Gaikas did sign the treaties, but their formal signatures could hardly have been said to represent consent. cf. Memo, §10, 14. In any case Maitland had said, soon after he had informed them of his intention to make new treaties, that "coercive measures" must be employed against these tribes (P.P.424, 1851, No.5, p.227, Maitland to Stanley, 7 December 1844).
Supra, pp. 134 ff.
Du Toit, "Cape Frontier", p.30.

action it seemed sufficient to adopt the stand of the Colonists and show that depredations had been committed, and not redeemed.

Ironically, a true judgement of the treaty system in terms of depredations must lead to a conclusion different from that reflected by the measures adopted by Napier and Maitland. The treaty policy was never considered likely to put a stop to depredations altogether. It did, however, make special provision for the recovery of stolen property, and aimed to free this process from the abuses, which had been manifest in the past. The mechanism for the recovery of reclaimable property by the Agents in connection with the Chiefs was undeniably effective, and the Diary of the Gaika Agent is sound documentary evidence of this fact.[1] Here was a positive result, representing a considerable advance in relations between the Colony and the tribes. The agents at least, had fulfilled their essential role effectively and Stretch's case exemplified the very great prestige which a European agent was able to attain with the tribes. There were criticisms of Stretch and Hare maintained that he identified himself with the tribes at the expense of his impartiality.[2] This is a criticism which is certainly not suggested by the severe attitude towards the Kaffirs which Stretch evinced on several notable occasions,[3] or by his accurate intelligence of the war-preparations in Kaffirland in 1845.[4] What was surely

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(1) Supra, pp 73–5.

(2) P.P.424, 1851, No.43, Napier to Stanley, 4 December 1843; Encl.1, Hare to Napier, 13 November 1843.

(3) Supra, pp. 110, 111.
G.H.8/10, No.55, Hare to Napier, 6 August 1842.

(4) In the Sutu affair in April-May 1842, Stretch told the Kaffirs that he would resign immediately if they did not abandon their plot against Sutu (P.P.424, 1851, No.30, Napier to Stanley, 22 April, 1842; No.32, Napier to Stanley, 30 May 1842. Supra, pp. ).

(4) Supra, pp. 136, 137.

most striking was his actual ability to exercise a consistent influence with them. It was unfortunate that his influence was not greater with colonial officialdom. There "clamour was triumphant".[1]

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(1) Memo, §10.

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## APPENDIX I.

TREATY entered into between Andries Stockenstrom, Esquire, Lieutenant-governor of the Eastern Division of the Colony of the Cape of Good Hope, on the part of His Britannic Majesty, and the Kafir Chiefs of the Tribe of Gaika, viz., Sandili (represented by his Mother Sutu), Macomo, Tyali, Botma and Enno, for themselves and the said Tribe; when, after several preliminary discussions on various occasions, and the fullest explanations, by means of the official Interpreter, Mr. Theophilus Shepstone, assisted by Interpreters of the said Chiefs' own choosing, the following Articles of Convention were fully agreed upon, in the presence of Hougham Hudson, Esquire, Agent-general, and Charles Lennox Stretch, Esquire, John Mitford Bowker, and Richard Southey, Esquires, Resident Agents for the Kafir Tribes, as also several Kafir Chiefs and Councillors, subject, nevertheless, to the ratification by or on behalf of his said Majesty.

Article 1. - There shall be peace and amity for ever between his said Britannic Majesty, his subjects (particularly those of the said colony) and the Kafir nation; and both parties shall honestly and faithfully use their utmost endeavours to prevent a rupture of the same; to remove every cause for disagreement which may occur, and scrupulously to abide by the engagements contained in this treaty.

Article 2. - The boundary between the said colony and the territory restored to the Kafirs by proclamation of this day, is and shall be understood to be that which was agreed upon between the then governor, Lord Charles Somerset, and the Kafir chief Gaika, in the year 1819; viz. - The Keiskama River, from its mouth up to its junction with the Chumie River, thence the latter river up to where it touches a ridge of high land which is connected with the Kat berg, and which separates the waters which fall into the Chumie from those which fall into the Kat River; thence the said ridge to its junction with the Kat Berg; thence the Kat Berg itself, and the high ground and ridges which connect it with the Luheri, or Gaika's Peak, and the great chain of the Winterberg up to the Winterberg's highest point; thus including within the colony all the branches of the Kat and Gonappe rivers up to their extreme sources, and including in Kaffraria all the branches of the Chumie. And in order to prevent all doubt or dispute for the future as to the said ridge from the Kat Berg to the Chumie, the said contracting parties have on the 28th and 29th ultimo, gone over the ground together; and in the presence of Lieutenant Williams, of the Royal Engineers, who will carefully mark the said boundary on the map, as also in the presence of the resident agent, Stretch, and several Kafir chiefs, who will cause conspicuous beacons to be erected on the spot where the said ridges touchesthe Chumie, as also where the western boundary of the Ceded Territory referred to in Article 8 of this treaty joins the said ridge; and in more minutely defining the said line, the highest part of the said ridge shall be taken, from which the waters take their natural course, either into the Chumie above said first-mentioned beacon, or into the Kat River.

Article 3. - The said contracting chiefs do for themselves, their tribe, and their heirs and successors, acknowledge the right of full sovereignty of his said Britannic Majesty, over the territory to the west of the said line, renouncing for ever all claim, which they, the said chiefs or tribe, may ever have had, or supposed to have had, to the same or any part thereof.

/Article 4. ...

Article 4. - The said contracting chiefs, therefore, accept as a special mark of his said Majesty's grace and favour any part of the territory between the Keiskama and the Kat River, as a loan, to be by them, or their tribe, or any part thereof held upon such terms, and to such extent as shall be laid down by or on the part of his said Majesty, which terms shall be incorporated in this treaty; they, the said chiefs, promising at no period ever to lay claim to the possession or occupation of any other part of the territory known by the name of the Ceded Territory, except such part as shall be allotted to them in the manner hereinabove stated.

Article 5. - The said Lieutenant-governor doth hereby, in the name of his said Majesty, grant unto the said chiefs and their tribe, that part of the said territory called the Ceded Territory, to be specified at the foot of this treaty, according to a map to be formed by a competent officer, and to be hereunto annexed, which territory shall be held by the said chiefs and tribe, their heirs and successors in perpetuity, never to be reclaimed by or on behalf of his said Majesty, except in case of hostility committed, or a war provoked by the said chiefs or tribe, or in case of a breach of this treaty, or any part thereof, and for which breach satisfaction or redress shall not be otherwise given or obtained.

Article 6. - The said contracting chiefs and their tribe shall, in the said territory so granted unto them, enjoy the full and entire right to adopt or adhere to the Kafir laws, or any other law which they may see fit to substitute, as also to expel or exclude from the same any person whom they do not think proper to admit or retain; and, with the exception of the contingencies of hostility, war, or breach of these treaties, specified in the foregoing Article 5, the right of his said Majesty to the dominion over the said territory shall in no way be exercised therein, any more than in any part of Kaffraria itself, subject, however, to the restrictions and conditions specified in the following article.

Article 7. - His Majesty reserves his right of stationing troops and building forts in the said territory, and availing himself for that purpose of all the facilities and materials within the same, as also to appropriate a certain necessary space round said forts, to be regularly marked out for the use thereof; also to keep open the communication with and between said forts, and to send supplies to the same; but no patrolling through or scouring of the said territory is to be permitted to the said troops, who are not to deviate from the said lines of communication, or in any way to molest, disturb or interfere with the inhabitants.

Article 8. - The country to be occupied and inhabited by British subjects will be bounded on the Kafir side by the chain of mountains and ridge of high land particularized in the 2d Article of this treaty, from the highest point of the Winterberg to where said ridge approaches nearest to Fort Beaufort, on the spot marked by the beacon, as specified in Article 2 of this treaty, and to be laid down in the map as there agreed; from this spot, along a ridge which divides the waters which fall into the Kat River above Fort Beaufort from those which fall into the said river below the said fort, keeping this ridge until it joins the first rivulet below the said fort, as marked in the said map, and thence the said rivulet itself to its junction with the said Kat River, and thence the course of the Kat River to its junction with the Great Fish River, and thence the latter river to its mouth.

Article 9. - No Kafir, armed or unarmed, single or in number, male or female, shall be allowed to cross the boundary line particularized in the foregoing Article 8, westward; and no British subject

/armed or unarmed...

armed or unarmed, single or in number, shall be allowed to cross the same, eastward, except with permission, and under the restriction hereinafter to be specified in Articles 14 and 21, save and except the military parties or escorts communicating with and between the posts mentioned in Article 7 of this treaty.

Article 10. - The said contracting chiefs shall, when called upon by the said Lieutenant-governor, and previous to the occupation of any part of the territory thus granted to them, with the concurrence of the said Lieutenant-governor, or person appointed by him, fix upon certain points in their said territory, as near to the said boundary line particularized in Article 8, and to each other as convenient, at each of which they shall station a chief or responsible man of the tribe, to be called, for the sake of distinction, "Pakati", to reside there, and to act as a guard.

It shall be the duty of such amapakati to keep a good and constant understanding with the commanding officer of the military post on the colonial side of the said boundary, which shall be nearest to their said residences, and to do everything in their power to prevent inroads or aggressions, either on the part of the colonists against the Kafirs, or of the Kafirs against the colonists.

The amapakati who shall be so stationed must, by the said contracting chiefs, be made known by name to the officer commanding the military post nearest to such station, and any change, either of person or station, which may take place with reference to the said amapakati, must be previously communicated to the said officer.

The amapakati shall be responsible to their own chiefs, who will see the necessity of selecting for such stations trustworthy men, and to punish every neglect, fraud and deception which they may commit, as the said contracting chiefs hereby pledge themselves to do.

Article 11. - The said Lieutenant-governor engages, on the part of his said Majesty, to place one or more agent or agents to reside in convenient situations near the residence of some of the principal chiefs, which agents shall act solely in a diplomatic capacity; and the said contracting chiefs bind themselves to respect such agents as the representatives of the British Government, and to protect their persons, families and property, to the utmost of their power, and to leave them full liberty of ingress and egress through their (the chiefs') territory, or across the boundary into the colony, at all times, without the least molestation or hindrance.

Article 12. - All representations, complaints or applications, which may be made on the part of the colonists, or their government, to or against the Kafirs, or on the part of the Kafirs, to or against the colonists, or their government, shall be made through the said diplomatic agent or agents, who shall be bound to observe the strictest impartiality and justice, and exert their utmost abilities to promote the peace and prosperity of the colonists, as well as of the Kafirs, to maintain the rights of both parties inviolate, and to cause the provisions of this treaty to be strictly observed.

Article 13. - The said contracting chiefs bind themselves to afford free access to the said agents, to all persons from the

/colony ...

colony, provided with such passes as shall be hereinafter specified. They also agree, that Kafirs may be engaged by the Colonial Government, and stationed at the military posts as policemen, and pledge themselves that they or any others employed as such policemen shall have free access into their territory, either with messages, or in tracing out, with the assistance of the amapakati, depredators, or such criminals as shall have committed crimes in, and have escaped from, the colony, promising also to give them, and cause them to receive in their said territory, every assistance and protection.

Article 14. - Any British subject desirous of crossing the boundary into the territory inhabited by the Kafirs, with the view of communicating with one of the agents, shall be bound to obtain a pass from the officer commanding the post nearest to the spot where he wishes to cross the boundary; the officer shall send a messenger with him to the pakati, who may be stationed nearest to the said spot, according to the provisions in the 10th Article of this treaty, which pakati shall be bound to cause such persons to be safely conducted to the station of the resident agent, with whom he intends to communicate; but no person, so entering such territory, shall be at liberty to go with fire-arms, or other weapons of offence or defence, except with the consent of the said amapakati, or of a chief.

Article 15. - From the provisions of the foregoing Article 14, are to be excluded all those who shall belong to any of the military posts, or to the escorts conducting the supplies, or keeping open the communication, as mentioned in Article 7 of this treaty; all which persons shall be strictly under military control, and on no account be allowed to do that which any soldier of such escort would not be allowed to do: Provided also, that the free communication between the Kat and and Konappe Rivers, and the Tambookie country, or the Shiloh missionary institution through the now uninhabited country, west and north-west of the Luheri, continue uninterrupted as hitherto.

Article 16. - Any British subject entering the said territory under any other circumstances than those mentioned in the two foregoing Articles, can do so only with the consent of the Kafirs themselves, and at their own risk. And the said contracting chiefs, and those acting under their authority, shall be fully authorized to send out of the said territory those who shall so enter the same without their consent; and it is hereby clearly understood that all persons who shall enter the said territory (save and except such as are expected in the foregoing 15th Article) shall be and are considered to be subject to the laws of the Kafirs as long as they remain in the said territory.

Article 17. - Such British subjects as shall obtain licences to trade beyond the said boundary shall not be allowed to enter the said territory, without the consent of the said contracting chiefs, who, however, pledge themselves and promise to encourage trade and commerce to the utmost of their power, and to protect and encourage those traders whom they shall permit to enter their territory, as long as they conduct themselves orderly and lawfully, with all their means and authority, to cause their persons, families and property to be respected and inviolate; never to allow any of them, or any other British subject in their said territory to be prosecuted, fined, or in any way made to suffer by any proceeding or custom connected with witchcraft, but on the contrary to give such British subjects at all times free access to the British agents, and to pay due attention to the representations of such agents, as well as to give satisfaction or redress upon their just remonstrances or complaints; but the said

/agents ...

agents shall not be bound or permitted to extend their interference or protection in case of any seizure, to whatever extent, made upon the property of any British trader, or other person among the Kafirs, who shall be proved to them to have imported into the territory occupied by the Kafirs such articles as are by the laws of the colony forbidden to be carried for sale across the frontier.

Article 18. - The said contracting chiefs do also promise and agree to allow free access to all British vessels to any harbour or port on the coast, not only for the purposes of trade, but also for the landing of military stores or supplies, and for the conducting and conveying of the same to any military post on the frontier, accompanied, if necessary, by military escorts, without however conceding the right of constructing forts, or other military works, or maintaining a garrison at such harbour or port; and the said chiefs do also promise, in case of any shipwreck on the said coast, to give full protection and safe conduct to the nearest military post, to all persons and property saved, as also to give every assistance towards such saving of life and property.

Article 19. - Every British subject who shall be charged with any crime or misdemeanor in the said territory shall have the right to demand that, previous to his trial, notice of such trial shall be given to the nearest of the said agents, who shall be at liberty, if he see fit, to attend at such trial, and to speak or plead in behalf of the accused, if he shall find cause to do so, and due weight shall be given to the opinion of such agent, as promised and agreed on in the 17th Article of this treaty.

Article 20. - If any British subject commit a crime or misdemeanor in the said territory of the said contracting chiefs, and escape out of the same across the said boundary, the said agents shall exert themselves to obtain satisfaction for the aggrieved party by means of the British courts, and in every respect exert themselves with as much zeal for the Kafir who may thus be wronged by a British subject, as he is bound to do in behalf of the British subject who may be aggrieved by a Kafir.

Article 21. - Any Kafir, or other native residing among the Kafirs, who shall be desirous of crossing the boundary into the territory inhabited by the colonists, shall beobliged to do so unarmed, and shall be bound to obtain a pass from one of the British agents residing among the Kafirs; such pass shall be explicit, in the English and Dutch languages, specifying the name of the applicant, the place of his destination, the object of his visit, the number of days he may be absent, and the date when granted.

No pass shall be so granted except at the request of, or upon the production of an understood token of a respectable chief, who will engage to be responsible for the conduct of the applicant during his stay in the colony; and it must be clearly explained to such applicant, that such pass will not protect him if he deviate from the road to the place of his destination, or go armed, or skulk in retired places, or exceed the period specified in the pass, or travel with others of his nation who are not provided with passes, in either of which cases he shall be dealt with as if he had no such pass. The agent shall grant no pass if he has the least suspicion of the motives of the applicant's visit to the colony, nor unless he has reasonable cause for such a visit.

Visits on the part of idlers are, for the sake of the colony as well as the Kafirs, to be by no means encouraged; the

/agent shall refuse ...

agent shall refuse them, and he shall also keep an accurate register of such passes as he shall grant, of the names of the chiefs at whose request they are granted, which names must also be stated upon the passes.

All Kafirs, or others actually in the employ of agents, missionaries, or traders, will however be allowed to enter the colony with passes from such employers, provided such passes clearly state the names of such servants, their destination, and the time for how long they are to be in the colony.

Article 22. - All Kafirs found without such passes to the westward of the said boundary shall, for the first time, be immediately sent across the frontier, and delivered over to the nearest of the amapakati, mentioned in Article 10 of this treaty, who shall be bound to punish them, or cause them to be sent to the chiefs, who hereby pledge themselves to use every endeavour, and to cause laws and punishments to be established for the purpose of preventing such encroachments upon the colonial territory; and any Kafir found so offending for the second time, shall be punished according to the laws already established, or to be hereafter established, for the punishment of such offences.

Article 23. - Any Kafir found in the act of committing any crime or depredation within the said boundary, shall be dealt with according to the laws of the colony; and it is to be clearly understood, that in case of resistance, or attempt at flight on the part ofssuch criminals and depredators, it is perfectly legal to fire upon them, or otherwise to disable or kill them if they cannot in any other way be secured, or prevented from completing such crime; but if such criminals or depredators, being persued upon the spoor, be not overtaken before they shall have crossed the line occupied by the said amapakati, the course agreed upon in the following Article shall be adopted for the apprehension of such criminals or depredators, or the recovery of property carried off by them; and on no occasion whatever shall any patrol, or armed party of any description, be allowed to cross the said line so occupied for the said purpose.

Article 24. - If any person being in the pursuit of criminals or depredators, or property stolen by them, shall not overtake or recover the same before he shall reach the said line (provided he can make oath that he traced the said criminals, depredators, or property, across a particular spot on the said line; that the property when stolen was properly guarded, and in case of cattle, horses, or the like, that they were so guarded by an armed herdsman; that the pursuit was commenced immediately after such property was stolen; that if the robbery was committed during the night, the property had been, when stolen, properly secured in kraals, stables, or the like, and that the pursuit in that case was commenced, at latest, early next morning), such person shall be at liberty to proceed direct to the pakati living nearest the spot where he can swear such traces to have crossed the said line, which pakati shall be bound at once to receive the statement, examine the traces, and, if the statement appear well founded, use his utmost endeavour to recover the stolen property, as well as the perpetrators pursued; and it will be at the option of the party pursuing to continue the search at once, under the guidance of the said pakati, provided he do not go armed, or accompanied by armed British subjects, or assist in any violence of any kind within the said territory. If the party pursuing shall thus, with the assistance of the said pakati, or with that of the police, to be hereafter named, recover the

/property ...

property pursued, he shall be at liberty to proceed with the same either to one of the said agents or to one of the military posts most convenient to himself, in order to make before such agent or officer commanding such post a statement of his proceedings, and the quantity and nature of the property recovered, which statement he shall be liable at all times to be called upon to make oath to; after making which statement he shall be at liberty to carry off the said property, leaving the said pakati or police to pursue the criminal, and to recover compensation for their exertions by means of the Kafir chiefs and their councils, according to the Kafir usage; and the said contracting chiefs do hereby hind themselves in all such cases to exert themselves to the utmost to cause the criminals to be apprehended and punished, as well as on all occasions to cause the said chiefs and policemen to be equitably rewarded for their exertions.

Article 25. - If, however, a party pursuing stolen property and depredators in the manner specified in the foregoing article shall deem it more safe, convenient, or expeditious to proceed to the nearest military post, he shall be at liberty to do so. The officer commanding such post shall provide such party (after he shall have stated himself prepared to make oath required in the said foregoing article) with a policeman, who shall accompany such pursuing party to the spot where the said traces cross the said line, and examine the same, with the assistance of the said pakati, whose presence must be obtained. He the said pursuer shall then, if he do not think fit or safe to follow the spoor further, or having so followed the same, prove unsuccessful, proceed to the resident agent for the chiefs into whose territory the criminals and property were traced, and before the said agent lodge his complaint upon oath; and, in case of lost property, swear particularly to the circumstances stated in the said foregoing article, and also the exact value of the property stolen and not recovered; unless this affidavit be made, the agent shall take no further notice of the case; but as soon as such affidvait shall be made, the agent shall, if he have no reason to discredit the same, (he being at all times at liberty to demand further proof, and it being at all times the bounden duty of the party complaining to produce good and sufficient proof), to lay the case before the chiefs of the territory into which the criminals and property were traced. And the said chiefs do hereby engage to call a council, and to enter into the strictest investigation; to cause the stolen property to be recovered if possible, and the perpetrators punished. And the said chiefs do further pledge themselves and engage, that if at the end of one month after the case shall have been laid before them, the said perpetrators or property shall not have been discovered, and if it shall nevertheless have been clearly proved before them and their said council by the evidence of the said pursuer, pakati, and policeman, or other proof, that the property was traced into their territory, they the said chiefs shall at once indemnify the person robbed to the full value of the property lost, and no more, and compensate the said pakati and police for their exertions.

Article 26. - With the exception of indemnification obtained through the said chiefs and council in the manner specified in the foregoing article, no person pursuing stolen property shall be allowed to take any but his own property, or the identical property he is in pursuit of, even if tendered to him, on pain of having to restore the property so taken, and losing all further claim to the property actually lost.

Article 27. - The said contracting chiefs do agree, promise, and

/pledge ...

pledge themselves to encourage and protect by every means in their power the propagation of the Christian religion throughout their territories, as also to protect in their persons, families and property, the teachers and ministers of the said religion, and all British subjects, of whatever description, who may sojourn in or enter into the said territory, with their consent or according to the terms of this treaty, as long as they conduct themselves with propriety and submission to the law; and never under any circumstances to allow them to be molested or subjected to any prosecutions or penalties, upon the plea or pretence of the laws and usages connected with or instituted against witchcraft; as also to leave them free access to and communication with the colony.

Article 28. - The said contracting chiefs do also agree, promise, and pledge themselves to abstain, and cause their tribe to abstain, from any way molesting or interfering with the Fingoes who are or will be located in the said Ceded Territory, but to consider them as under British protection; to leave them in full enjoyment of their property, laws, or customs, and in no way to avenge any grievance or dispute which may heretofore have existed between the Kafirs and the said Fingoes.

The said contracting chiefs also promise to remain at peace with the other tribes of Kafirs; cautiously to abstain from reviving any difference or jealousy which may heretofore have existed among them, and particularly those which may have been caused by any proceeding of any party during the late war. And the said chiefs also promise solemnly to live at peace with the Tambookies, and to do everything in their power to promote the tranquility of the several tribes of their own nation and all other bordering tribes, as well as of the colonists.

Article 29. - The said contracting chiefs do solemnly agree to allow the Fingoes located on the western or right bank of the River Chumie, beyond the boundary of the Ceded Territory, to continue in their present situations with their property, in the full enjoyment of their own laws and customs, and to give them every protection and encouragement, until the crops which they now have growing shall be ripe and reaped; and then to let those of the said Fingoes, who choose so to do, depart with their property of every description whenever they shall think fit; as also to permit the occupation of Fort Thompson by his Majesty's troops, for the protection of the said Fingoes, until they shall have so reaped their said crops.

Thus done and agreed, sealed and signed, at King William's Town, this 5th day of December 1836.

(signed) H. Hudson.
C. Lennox Stretch.
John Mitford Bowker.
R. Southey.

(signed) A.Stockenstrom L.S
Mark of X Sutu.
X Macomo.
X Tyalie.
X Botma.
X Enno.

Marks of Kafir Witnesses:

X Ganga.
X Anta.
X Fili.
X Molo.

Provisionally ratified in Council.

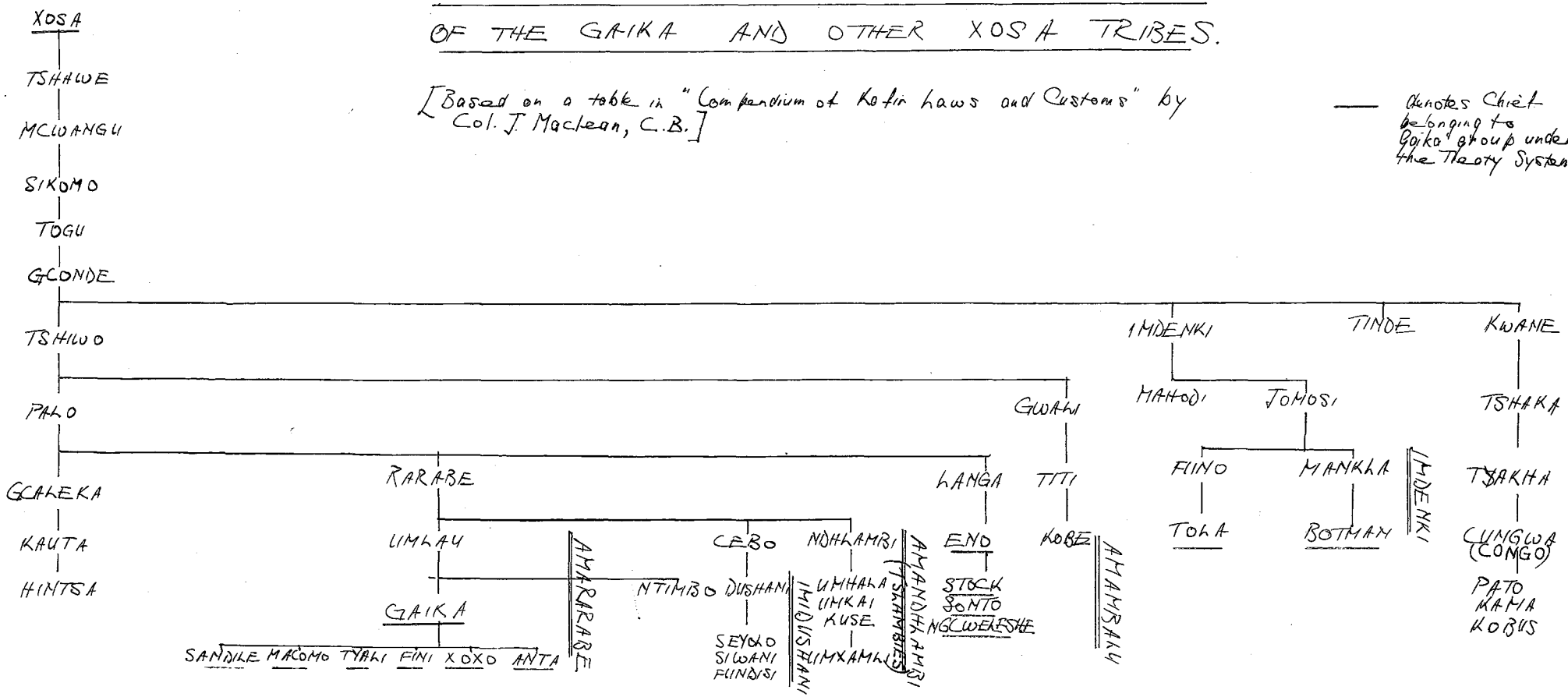
(signed) B. D'Urban.
Governor.

Cape Town, 1 June 1837.

# GENEALOGICAL TABLE SHOWING THE STRUCTURE OF THE GAIKA AND OTHER XOSA TRIBES.

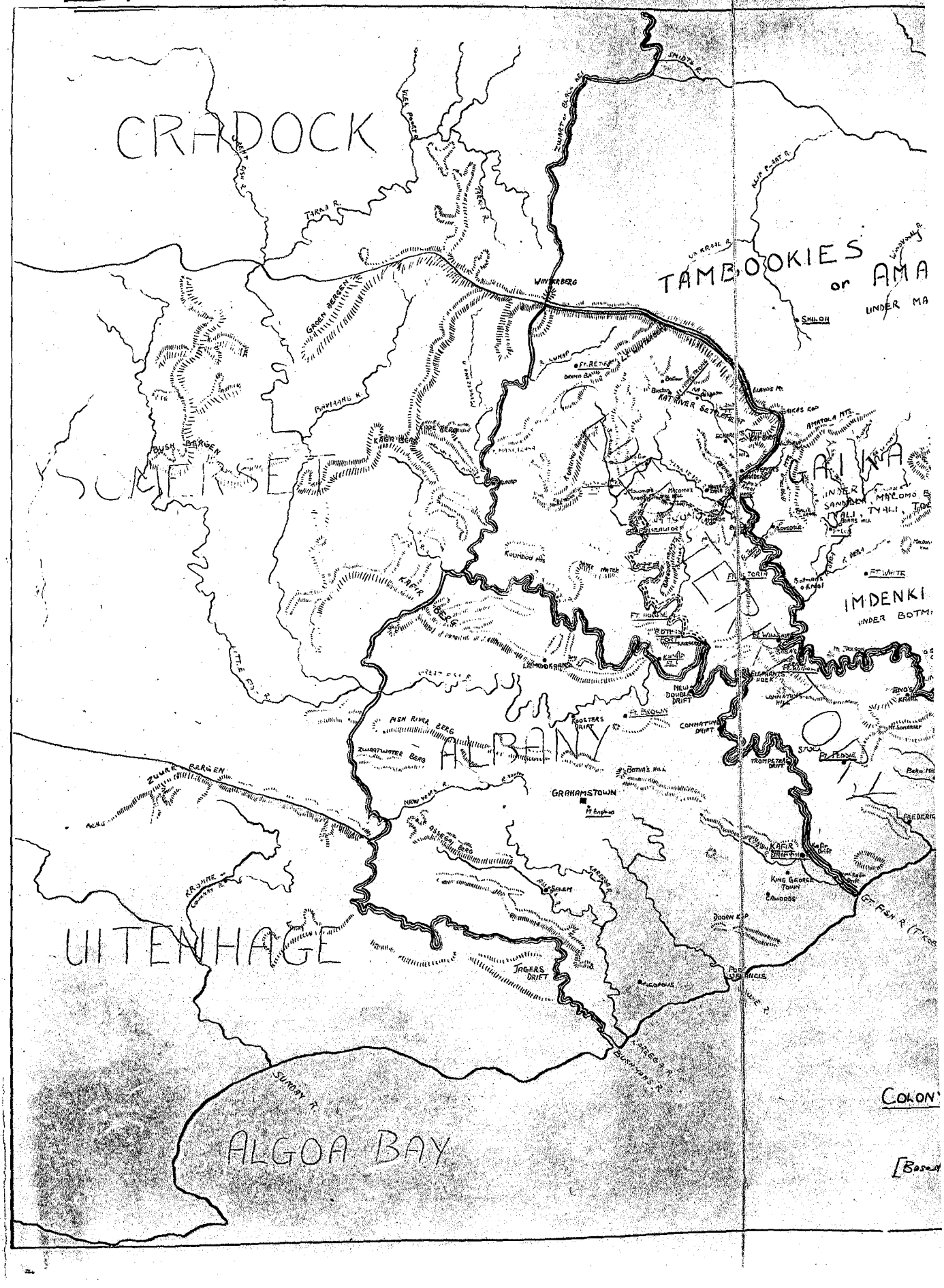
[Based on a table in "Compendium of Kafir laws and Customs" by Col. J. Maclean, C.B.]

— denotes Chief belonging to Gaika group under the Theory System.

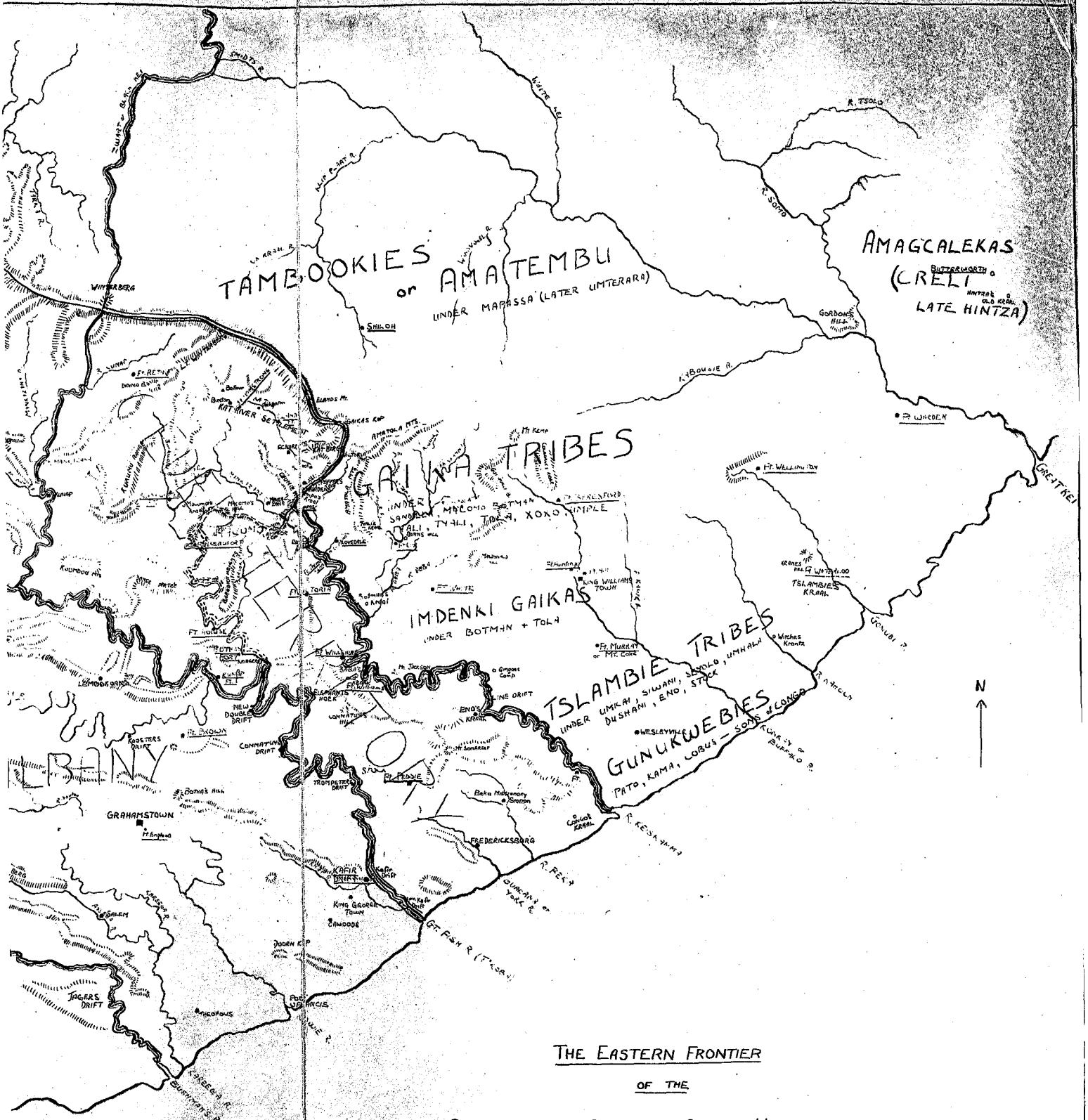



APPENDIX E

III X 3-19A


CRADOCK
TAMBOOKIES
or AMA
UNDER MA
SMITHS R.
KEIA FOREST
GREAT FISH R.
TARKA R.
WINTERBERG
GREEN BERGEN
KAT RIVER SETTLEMENT
AMATOLA MTS.
KAFIR BERG
LITTLE FISH R.
GREAT FISH R.
FISH RIVER BERG
ZUURBERGEN
ZUURWATER BERG
ALBANY
GRAHAMSTOWN
KARIEGA R.
KOWIE R.
UITENHAGE
ALGOA BAY
SUNDAY R.
BUSHMANS R.
COLON
IMDENKI
UNDER BOTM

APPENDIX III




THE EASTERN FRONTIER

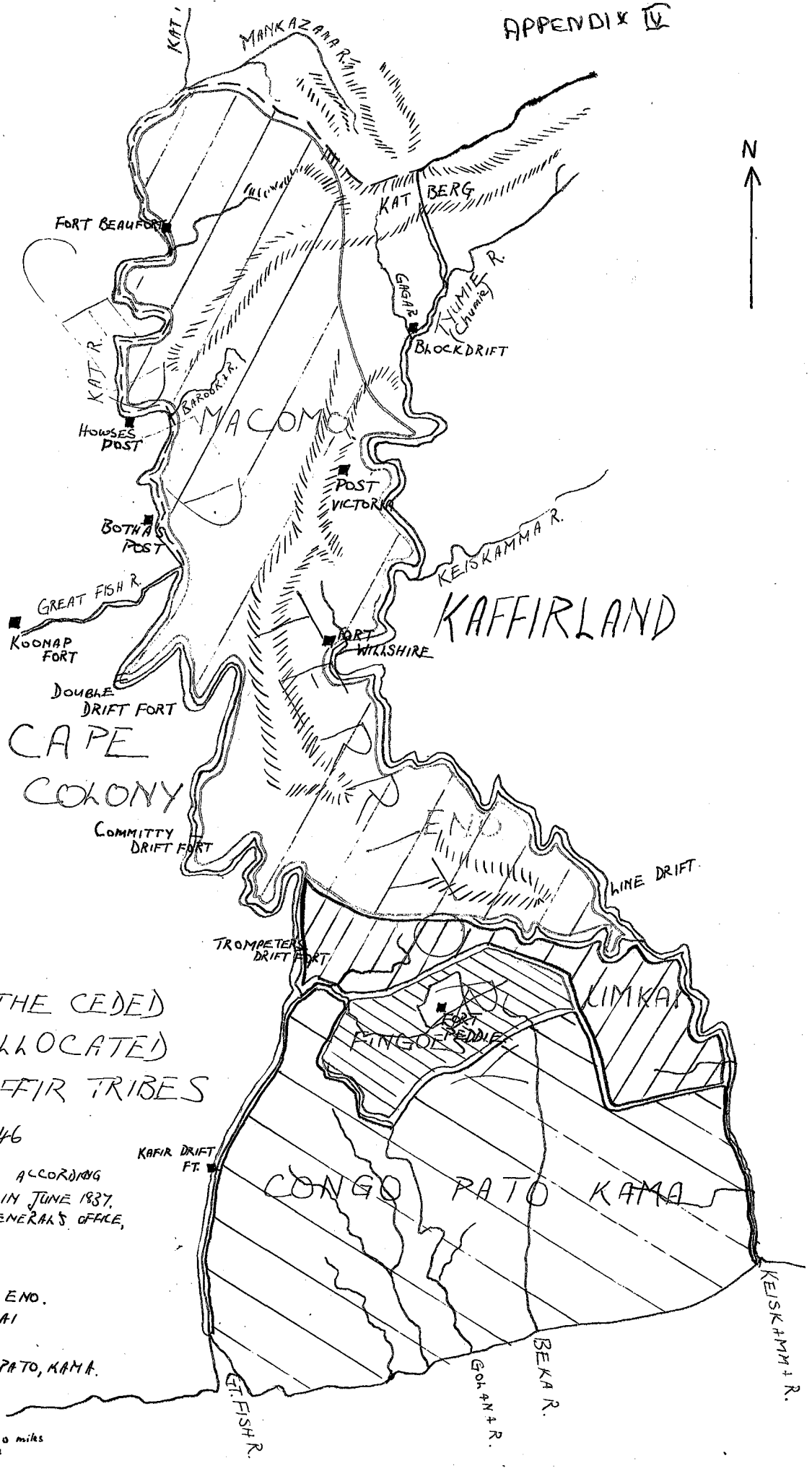
OF THE

COLONY OF THE CAPE OF GOOD HOPE AND PART OF

KAFFRARIA

[Based on a map in the Imperial Blue Book of February 1847 (No. 786)]

APPENDIX IV




# PORTION OF THE CEDED TERRITORY ALLOCATED TO THE KAFFIR TRIBES DECEMBER 1836 — 1846

[BASED ON A MAP EXECUTED ACCORDING TO ORDER OF GOVERNMENT IN JUNE 1837. (MAP 773 (1), SURVEYOR-GENERAL'S OFFICE, CAPE ARCHIVES)]

— GAIKAS — MACOMO, ENO.
— TSLAMBIES — UMKAI
— FINGOES
— CONGOES — CONGO, PATO, KAMA.