EAST LONDON

THE CREATION AND DEVELOPMENT OF A FRONTIER COMMUNITY

1835 - 1873

Thesis

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by

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PREFACE

Although East London exists today as one of the major ports of South Africa, the city appears to have been forgotten by historians. Little has been done to chronicle its history. In 1932, Bruce Gordon set out to initiate this research and he investigated East London's history to the end of 1865.[1] However, Gordon's thesis, though accurate, is short and inadequate by today's standards. Furthermore, no-one continued from where Gordon left off. Several articles have been written over the previous six decades, each dealing with aspects of East London's past but these, on the whole, are inaccurate and misleading. The time is ripe, therefore, to begin again the research into the history of East London.

East London owed its foundation to the state of unrest which existed on the eastern frontier of the Cape of Good Hope between 1834 and 1847. Although the geographic and climatic conditions were in the port's favour, East London remained in a suppressed condition until about 1870. It is the purpose of this thesis to examine the factors which gave rise to this truncated growth. The thesis will examine first the wider perspective of imperial and colonial policy in which East London was conceived and in which it had its early existence. The implications of this policy for East London at the various levels of the port's development will be explored in subsequent chapters. British and Cape colonial policy, however, evolved in a chronological sequence and

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1. B.C. Gordon, "East London, Its Foundation and Early Development as a Port," (Unpublished M.A. Thesis, Rhodes, 1932).

so the examination of this policy likewise will tend to follow a chronological pattern within each chapter.

The establishment of Port Rex in November/December 1836 enters into East London's story in several ways: its political development, the creation and development of the harbour on the Buffalo River, the evolution of trade, the growth of the community and the status of the black population at the mouth of the Buffalo River. It has been found necessary, therefore, to refer often to this beginning of East London's history.

Although several theses have already been written which deal with topics related to British Kaffraria, none of these do more than allude to the creation and development of East London. Although, for example, the German Settlers played an important role in the growth of the port, Schnell's thesis hardly mentions the two communities at Panmure and Cambridge.[2]

The research for this thesis led me to two important and little known sources of early information, both in Cape Town. The first was the multiple volumed "Unsorted Archives" on East London[3] which consists of reports and letters to the Resident Magistrate. It is a treasure chest of information on East London's early years. The second source was

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2. E.L.G. Schnell, "German Immigration to the Cape with Special Reference to (a) the German Military Settlement of 1857; (b) the Settlement of the German Immigrants of 1858," (Unpublished Ph.D. Thesis, Rhodes, 1952).

3. Classified in the Cape Archives as 1/ELN.

G.M. Theal's newspapers, The Kaffrarian Recorder and East London Shipping Gazette and, later, The Kaffrarian, East London's second newspaper which was believed to have been lost until copies were discovered recently in the South African Library in Cape Town.[4] Theal, later prominent as a historian, had a clear insight into the problems which confronted the community at East London and the editorials of his newspaper make interesting reading.

East London's first newspaper is, unfortunately, still lost. It was the East London Times which had its first issue in January 1863, and lasted a mere two months. It consisted of half a sheet of foolscap printed on one side, the other side being left blank, the editor of the King William's Town Gazette wrote, "'for want of room' or from lack of matter."

> "It is evidently 'the day of small and feeble things' with our 'cherished' port," the editor wrote, "but let it not despair, neither despise 'small beginnings'. Better days are in store."5

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4. See Chapter 2, p. 61, footnote 85.

5. K.W.T. Gazette, 29 January 1863.

ACKNOWLEDGEMENTS

I am grateful to the many people who have not only made this thesis possible but have helped to make it a worthwhile experience.

I wish to single out Professor T.R.H. Davenport for sincere thanks for the warmth of friendship, advice and encouragement which he offered me at the beginning, when I was searching for a topic for this thesis. I am grateful to the staff of the history department at Rhodes University for their hospitality and support. Dr Ian Phillips was especially useful as a store of never-ending advice on the technicalities of writing and presenting a thesis.

I owe much to the staffs of the various libraries and the manuscript repositories for their willing advice and aid. My thanks to the staff of Cory Library, and especially to Mr Mike Berning, Mrs Sandra Fold, Mrs Sally Poole and Mr Zweliyanyikima Vena for their unflagging patience and willingness to find documents and obscure names and dates. Mrs Gwynneth Meyer of the Rhodes University Library at all times sought information for me in her gracious and friendly manner. Miss Judy Wengrowe and Miss Marietjie Niemand at the Cape Archives went overboard to give me help and to search for possible sources of information. Mr Peter Coates at the South African Library was a mine of knowledge on newspaper collections and, although he remains unacknowledged in the footnotes of this thesis, I am aware that several views which I have prsented probably originated from talks with him.

Mrs Dee Nash, historian at the Albany Museum, Grahamstown, saved me hours of research by making available to me her private notes on John Bailie at the mouth of the Buffalo River. Jane English at Syfret's Trust in Cape Town spent much time, unfortunately rather fruitlessly, in hunting for records on Edward Syfret, one of the first merchants at East London who later went on to found (indirectly) Syfret's Trust. I am greatly indebted to Rosemary Shambrook and her family who offered me so much hospitality when I was in Cape Town, and to George Hofmeyr who had much to share from his research into King William's Town history. My thanks, moreover, to Margaret Tierney who proofread the thesis at an awkward moment and to Rhodes University for making available a scholarship so as to ease the financial burden of the research.

I have held for last my supervisor, Professor K.S. Hunt, to whom my most heartfelt thanks must go. He was at all times ready with quiet advice, friendship and comfort and allowed me total freedom to channel the work as I saw fit, yet guided me with probing questions and useful pieces of information which made the research and the writing of this thesis the enjoyable experience that it has been.

ABBREVIATIONS USED IN FOOTNOTES

Annex.		Annexures to Papers submitted to the Cape Colonial Parliament
C.A.		Collection of documents housed in the Cape Archives, Cape Town
	A 519	D'Urban Collection
	BK	British Kaffrarian Collection
	CCP	Publications of the Cape Colonial Parliament
	CCT	Documents of the Controller of Customs
	CEL	Documents of the Collector of Customs, East London
	CO	Colonial Office Documents
	DSGBK	Documents of the Deputy Surveyor General for British Kaffraria
	GH	Government House Documents
	H	Instructions and Letters Patent
	LG	Lieutenant Governor Collection
	SG	Documents of the Surveyor General
	1/ELN	Unsorted Archives, East London Collection
C.B.B.		Statistical Records commonly known as the Cape Blue Books
C.H.B.E.		Cambridge History of the British Empire
C.L.		Collections of documents housed in the Cory Library, Rhodes University
Dispatch		East London Dispatch
Encl.		Enclosure to
G.T.J.		Graham's Town Journal
Kaffrarian		The Kaffrarian Recorder and the Kaffrarian
K.W.T. Gazette		King William's Town Gazette
n.d.		no date
P.P.		Parliamentary Papers contained in the Imperial Blue Books
Sess.		Session

CHAPTER 1

A Survey of Imperial and Cape Colonial Policy Towards the Eastern Frontier, with Special Reference to the Province of Queen Adelaide and British Kaffraria

By a Government Proclamation of 22 April 1873, the two villages of East London and Panmure at the mouth of the Buffalo River united to form the Municipality of East London. The local inhabitants had hesitated at this option as they were more interested in the creation of a market, even though the suggestion of municipal status had been made by Governor Barkly[1] himself. Then, in June 1873, when one of the members of the new Board of Municipal Commissioners resigned without having taken up his seat, nobody came to the meeting which was called to elect a successor. Yet municipal status was long overdue, for reports on East London and Panmure were disparaging. East London had been described as a dirty village, often enshrouded in the stench of its appalling sanitary system. The water supply in both villages was inadequate and the streets were ineffectually maintained. Moreover, no provision had been made to form local management boards for the villages.

Gordon writes of East London's early years as romantic[2], but he was wrong. The port had led an uncertain existence, neglected first by the Cape and later by the British Kaffrarian Governments. Although the port's prospects in 1847 had been universally acclaimed as excellent, it was only about 1870 that East London became prosperous. Till then, the harbour improvements had been ineffectual, the Surf-Boat Establishment was inefficient and expensive, and much of the trade to British

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1. Sir Henry Barkly: High Commissioner and Governor of the Cape of Good Hope, December 1870 - March 1877.

2. B.C. Gordon, "East London, its Foundation and Early Development as a Port", (Unpublished M.A. Thesis, Rhodes, 1932), p. 82.

Kaffraria and beyond had passed through Port Elizabeth and Graham's Town rather than through East London. Yet, situated as it was on the south-east coast of southern Africa, East London was geographically and climatically suited as a harbour. There was a river mouth which offered protection to the surf-boats from both wind and surf while they landed or loaded cargo. The road to the interior, to King William's Town, Queen's Town, Aliwal North and the territories beyond the Orange River[3] was better watered and pastured, and was shorter, than the route from Port Elizabeth. Moreover, there were no mountain ranges or river valleys to act as barriers to the flow of traffic.

What then had gone wrong? The problem was complex but at its centre was the fact that East London was a political creation, established as part of a solution to a problem on the eastern frontier of the Cape Colony. This meant that the port became subservient to political and economic forces which were manifest in the British Empire generally, and especially in the Cape Colony and British Kaffraria. These forces were beyond the control of the local inhabitants.

The problem on the Eastern Cape frontier defied solution. The Xhosa had moved into the territory from the north-east and, during the latter half of the 18th century, had confronted the progress of the slow expansion of whites from the direction of the south-western Cape. Three

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3. The Cape of Good Hope Almanac described East London as the natural trade outlet for the Free State, the "Transvaal Territory", the Diamond Fields and British Basutoland. See Almanac, 1878, p. 329.

inconclusive frontier wars had been fought in the area between the Fish and Sundays Rivers before the British had occupied the Cape for the second time in 1806.

Opinions vary as to the cause of these wars. Legassick writes of the "unequal barter" and theft which characterised white trade with black tribes, which in turn culminated in organised commandos into Xhosa territory. On the Xhosa side, Legassick postulates, unfair trading and raiding by whites provoked reprisals and, since whites insisted on exclusive occupation of any land they claimed, they provoked resistance from peoples who were used to communal pasturage. "Trade and war," Legassick concludes, "were but two sides of the same coin: so-called co-operation and conflict both entered simultaneously."[4]

Peires, on the other hand, places the blame on both groups of people, and sees the conflict in relation to agriculture rather than to trade. Friction, Peires says, is endemic in frontier situations, and neither the Xhosa nor the colonists were wholly innocent or wholly culpable. Underlying specific grievances, he concludes, was the clash between two pastoral peoples for land and cattle.[5]

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4. M. Legassick, "The Frontier Tradition in South African Historiography" in S. Marks and A. Atmore (ed), Economy and Society in Pre-Industrial South Africa, p. 64.

5. J.B. Peires, The House of Phalo, p. 53.

At first the British employed a policy of segregation, as had been used by the Dutch. Later governors, however, found it necessary to act beyond the frontiers of the Cape Colony in order to preserve the security within. Yet various factors militated against a solution to the frontier problem. First, until 1836, attempts were made to solve the problem by military measures alone. In fact, Galbraith points out, a feature of the governorship of the Cape Colony during the first half of the 19th century was its military nature. All governors until 1854 were military men. This was regarded as a necessity, Galbraith argues, because of the Cape's position as a defence to the Indian trade route. Yet this, in turn, meant that a military solution was apt to be applied to the frontier.[6] On the other hand, up until 1834 the governor had a standing army of only 1 800 men at his disposal, which gave him insufficient power to maintain order. The governor, Galbraith concludes, had power only to retaliate and so invite war.[7] Moreover, since the governors up until 1846 had no authority to act beyond the frontiers of the Cape Colony, their solutions tended to be limited to military action.

The economic situation was a crucial factor. Galbraith argues that the Cape's chief value to Britain was in relation to the trade with the east, while the interior of the Colony was regarded as the "most sterile and worthless" in the Empire, with few commercial possibilities.[8] Yet,

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6. J.S. Galbraith, Reluctant Empire, p. 22.

7. ibid., p. 102.

8. ibid., pp. 26 - 27.

once the British Government had allowed the settlement of British people on the frontier, it was obliged to protect them.

This obligation proved to be a two-edged sword. The Colonial Office had the opinion that the Graham's Town merchants thrived on warfare and were not averse to magnifying minor events into a war. The more soldiers involved in fighting a war on the frontier, the argument went, the greater the profit to the Graham's Town merchants through their trade to the army. The only cost in this enterprise was to the British Treasury.[9] Peires, on the other hand, claims that it was improbable that the frontier merchants would have provoked a war deliberately, because a war would have disrupted the Xhosa trade in which many of them were deeply involved. It also created personal danger to these merchants.[10] On the other hand, Peires postulates, although the merchants did not want a war, they did want a large military establishment which would offer them protection, would raise the value of their property and would bring a new source of income to the territory. Because of this, there were continual calls to stengthen the frontier forces, and the merchants' claims were substantiated by allogations of possible attacks on the

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9. G.T.J., 26 June 1852. Molesworth's Address to the House of Commons.

10. Although Peires refers specifically to the 6th Frontier War, it is true that the trade between the Graham's Town merchants and British Kaffraria was disrupted during the Mlanjeni War of 1850 - 1853. See Chapter 4, p. 100.

Colony. The chiefs, Peires concludes, were aware of this war-mongering and this, in turn, made them nervous.[11]

Unlike India, which paid for its own conquest, the Cape was a drain on the British Treasury. Galbraith states, however, that British policy during the first three-quarters of the 19th century was dominated by men of business, who prided themselves on devotion to sound economic principles. Their religion was what Galbraith calls "Martial Progress" and they believed the Empire was an expensive relic of a by-gone day. Although few were disposed to sever the ties between Britain and the colonies, Galbraith says, they all believed that the colonies had to be made to pay their own way.[12]

The slow system of communication, moreover, placed a heavy burden of responsibility on the governor. Sailing vessels took up to three months to make the journey between Britain and Cape Town and, until they began to be replaced by steam vessels in the 1850's, six months could elapse before a reply was received to a Governor's despatch. The power of the governor had to be as wide as possible, and his responsibility great.[13]

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11. J.B. Peires, The House of Phalo, p. 124.

12. J.S. Galbraith, "The 'Turbulent Frontier' as a Factor in British Expansion" in Comparative Studies in Society and History, Vol. II, 1959 - 1960, p. 150.

13. J.S. Galbraith, Reluctant Empire, pp. 21 - 22.

When D'Urban arrived as governor in January 1834[14], he brought with him instructions to implement a new frontier policy which would abolish the commando system and inaugurate a series of alliances whereby the chiefs themselves, in return for annual gifts, would be recognised as responsible for the conduct of their subjects. D'Urban began with a treaty with the Griqua chief, Waterboer. Then, in August 1834, Dr Philip[15] visited various chiefs on the eastern frontier to inform them of the new policy.[16] Lancaster points out that the governor himself was unable to journey to the frontier, despite Dr Philip's requests that he do so, because of other pressing engagements in Cape Town.[17] At the end of December 1834, however, the Xhosa tribes under the chiefs Maqoma and Tyhali invaded the Colony over a wide front.[18] By April 1835, the invaders had been repelled and by the beginning of May the chief Hintsa, who was held responsible for the war, was dead. On 10 May 1835, D'Urban laid down his terms of peace. The eastern boundary of the Colony was extended to the Kei River and the newly annexed territory was to be known as the Province of Queen Adelaide. The hostile tribes were to be "forever expelled and....treated as enemies" if found within the annexed territory.[19]

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14. Major-General Sir Benjamin D'Urban: Governor of the Cape of Good Hope, January 1834 - January 1838.

15. Dr John Philip: Superintendent of the London Missionary Society in South Africa, 1819 - 1847.

16. Glenelg later claimed that Philip had in no way made communications with the chiefs. P.P. 1836, XXXIX (279), p. 63. Glenelg to D'Urban, 26 December 1835.

17. Until January 1835, D'Urban was involved with the progress of the Apprenticed Labourers Ordinance through the Legislative Council. See J.C.S. Lancaster, "A Reappraisal of the Governorship of Sir Benjamin D'Urban at the Cape of Good Hope, 1834 - 1838", (Unpublished M.A. Thesis, Rhodes, 1980), p. 187.

18. For the causes of this war, see J.B. Peires, The House of Phalo, pp. 89 - 94.

19. P.P. 1836, XXXIX (279), p. 41. Proclamation of 10 May 1835.

Shortly thereafter, Lieutenant-Colonel Smith[20] led an expedition to the mouth of the Buffalo River to investigate the possibility of establishing a port to serve the new province. Reports were satisfactory and at the end of 1836 a temporary post was established there while supplies were landed from the brig Knysna.[21] The existence of the port was shortlived, however, because by that time the Colonial Office had already determined that the Province of Queen Adelaide was to be abandoned.

D'Urban had overstepped himself when he created the Province of Queen Adelaide. First, he did not have the power in terms of his instructions to take this step. Secondly, he did not have the economic resources either to conduct a lengthy war or to control the new territory effectively. Thirdly, the brutality of the campaign was condemned by both the missionaries and the Colonial Office.

Lancaster blames the economic situation as the primary factor in D'Urban's failure. The governor was compelled to undertake a short and decisive war. This, in turn, was responsible for the brutality which characterised the campaign.[22] Yet, Lancaster argues, the establishment of the Kei River as the boundary of the new province did not square with the policy of retrenchment, for it added another 7 000 square miles of territory and a population of more than 72 000 to the colonial responsi-

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20. Lieutenant-Colonel Henry George Wakelyn Smith: Officer next in rank to the Governor. He was later better known as Major-General Sir Harry Smith, High Commissioner and Governor of the Cape of Good Hope, December 1847 - March 1852.

21. See Chapter 3, pp. 64 - 67.

22. Lancaster, however, believes that much of this was exaggerated in the reports which D'Urban wrote. J.C.S. Lancaster, "A Reappraisal of the Governorship of Sir Benjamin Durban", p. 190.

bility.[23] Glenelg[24] indeed questioned D'Urban's logic that the Kei River was a more defensible boundary than the Keiskamma. It merely created a larger area to defend, he said, and ultimately it brought the Colony into contact with "new tribes of uncivilized men".[25] Galbraith points out, moreover, that D'Urban did not have the power either to exterminate the Xhosa or to expel them across the Kei River.[26]

D'Urban soon realised that he needed to revise his plans for the Province of Queen Adelaide and he turned to peace on more humanitarian grounds. In September 1835 he drew up new treaties with the chiefs which gave them reserves in the annexed territory, recognised them as British subjects under Colonial Law with agents and missionaries among them as representatives of the government. For the first time, Du Toit says, the Xhosa became regarded as part of the frontier population under the protection of the government and the chiefs were recognised as magistrates.[27]

D'Urban was a poor correspondent. This proved the undoing of his plans. In June 1835 he sent a despatch to Glenelg in which he announced the May annexation, together with all the necessary documentation.[28] His second despatch, which contained the modified September proposals,

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23. J.C.S. Lancaster, "A Reappraisal of the Governorship of Sir Benjamin D'Urban", pp. 188 - 198.

24. Lord Glenelg: Secretary of State for War and Colonies, April 1835 - February 1839.

25. P.P. 1836, XXXIX (279), p. 69. Glenelg to D'Urban, 26 December 1835.

26. J.S.Galbraith, Reluctant Empire, p. 116.

27. A.E. du Toit, "The Cape Frontier: A Study of Native Policy with Special Reference to the Years 1847 - 1866", in A.Y.B., 1954, I, p.10.

28. P.P. 1836, XXXIX (279), pp. 15 - 23. D'Urban to Glenelg, 19 June 1835.

was sent in November and reached Glenelg in January 1836, by which time the Secretary of State had already decided to abandon the territory.[29] Because he had received so little information from the governor, Glenelg was more inclined to be influenced by Dr Philip, who was keeping him informed through the London Missionary Society in London, and by Stockenström's evidence to the Aborigines' Committee.[30]

Lancaster points out that it was the language of D'Urban's June despatch which especially angered Glenelg. He was disturbed by references to the Xhosa as "irreclaimable savages" and "wolves", and by the description of the number of huts burnt, and food and livestock destroyed.[31] D'Urban was instructed to surrender the Province of Queen Adelaide by the end of 1836, which gave him time for the gradual withdrawal of military personnel from the territory.[32] However, because King William IV would not sanction the abandonment of the territory until D'Urban had been given the opportunity to defend himself, Glenelg offered the governor the chance to justify his actions.[33] D'Urban misunderstood the instructions as he believed that he had already justified himself. He therefore continued with his plans and, at the same time, painstakingly gathered his defence, which he compiled in a despatch of June 1836[34] but which was sent only in December, to reach the Colonial Office in March 1837, fourteen months after his previous despatch and

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29. P.P. 1836, XXXIX (279), pp. 86 - 90. D'Urban to Glenelg, 7 November 1835.

30. A.E. du Toit, "The Cape Frontier", p. 10.

31. J.C.S. Lancaster, "A Reappraisal of the Governorship of Sir Benjamin D'Urban", pp. 216 - 218.

32. P.P. 1836, XXXIX (279), p. 69. Glenelg to D'Urban, 26 December 1835.

33. J.C.S. Lancaster, "A Reappraisal of the Governorship of Sir Benjamin D'Urban", p. 221.

34. P.P. 1837, XLIII (503), pp. 54 - 71. D'Urban to Glenelg, 9 June 1836.

three months after the Province of Queen Adelaide had been abandoned.[35]

By August 1836, Stockenström[36] had been appointed Lieutenant-Governor of the Eastern Districts, with instructions to dismantle the Province of Queen Adelaide and create a new treaty system. On 18 August D'Urban lifted Martial Law and by October he ordered the evacuation of the military personnel from the territory. On 5 December Stockenström renounced British dominion over the Province and entered into new treaties with the chiefs "consistent with the commands of His Majesty's Secretary of State".[37] At the mouth of the Buffalo River, the first attempt to create a port to serve the area between the Kei and Keiskamma Rivers was abandoned as soon as the Knysna set sail.[38]

Stockenström's treaties restored the Keiskamma River as the boundary of the Cape Colony but gave the chiefs rights in the Ceded Territory while Britain retained the right to station troops and build forts there. There would, however, be no patrolling or scouring of the land by the troops.[39] Colonial interests would be represented by agents with diplomatic authority, who would be resident near the principal chiefs. All traffic to and from Kaffraria had to be done by means of passes.

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35. A.E. du Toit,"The Cape Frontier", p. 10.

36. Lieutenant-Governor Andries Stockenström, July 1836 - August 1839.

37. C.A., LG 616, No. 56. Stockenström to D'Urban, 8 December 1836.

38. See Chapter 3, p. 67.

39. C.A., LG 602. Treaty between Stockenström and the "Tribes of Congo", 5 December 1836.

Any Xhosa cattle thief caught in the Colony would be dealt with under Colonial Law but if caught in Xhosa territory, the chief's law would prevail.[40]

The treaty system was not given a fair trial. Stretch[41], in his memorandum on the Stockenström Treaty System, stated that the treaties were "imperfectly worked" during Stockenström's administration because so much of the Lieutenant-Governor's time had to be given to "clamour, lawsuits, and enquiries". Moreover, Stretch said, the treaties were not understood correctly or maintained by the officer who succeeded Stockenström.[42] Peires argues that Napier[43] was in favour of the treaty system as the only alternative to war but nevertheless failed to see the full relevance of the treaties. He tended, says Peires, to assess them purely in terms of their success in returning stolen cattle.[44] Macmillan points out that the colonists were blind to the Xhosa needs and were deeply disappointed that their hopes of new farms in the Province of Queen Adelaide had been frustrated. They were afraid, moreover, that cattle stealing would escalate although, Macmillan says, they were prepared to take that risk if the boundary had been extended to the Kei River.[45]

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40. W.M. Macmillan, Bantu, Boer, and Briton, p. 263.

41. Charles Lennox Stretch: Resident Agent among the Ngqika, 1835 - 1846.

42. C.L. Stretch, "Memorandum on the Stockenström Treaty System" in G.B. Crankshaw, "The Diary of C.L. Stretch - A Critical Edition and Appraisal", (Unpublished M.A. Thesis, Rhodes, 1960), no pagination.

43. Major-General Sir George Thomas Napier: Governor of the Cape of Good Hope, January 1838 - March 1844.

44. J.B. Peires, The House of Phalo, p. 146.

45. W.M. Macmillan, Bantu, Boer,and Briton, pp. 262 - 263.

The treaties maintained an uneasy existence until September 1844 when Maitland[46] bowed to pressure from within the Colony and abrogated them, to replace them with new treaties. Under the new dispensation, stock-thieves would be tried within the Colony even if caught in tribal territory, and military patrols were resumed.[47] Conditions on the frontier deteriorated rapidly and another frontier war broke out in April 1846.[48]

The war lasted twenty-one months, much longer than any of its predecessors, and was a heavy drain on the British Treasury. Walker says that the protracted length of the war was due to better Xhosa military organisation and to Maitland's mishandling of the campaign. His supply routes were extended to the utmost, his transport system proved expensive and defective and the whole adventure was marred by conflicts within the ranks of the military.[49]

When the war began, Captain Biddulph suggested to Maitland that the mouth of the Buffalo River be re-established as a port.[50] The Governor, however, chose to ignore this suggestion and, instead, shipped his supplies to Algoa Bay, from where they were taken by ox-wagon to Fort Peddie via the mouth of the Fish River. Drought, together with sickness

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46. Lieutenant-General Sir Peregrine Maitland: Governor of the Cape of Good Hope, March 1844 - January 1847.

47. T.R.H. Davenport, South Africa, p. 100.

48. This was the 7th Frontier War, commonly known as "The War of the Axe". For the causes of this war, see J.B. Peires, The House of Phalo, pp. 127 - 134.

49. C.H.B.E., viii, p. 344.

50. Captain Biddulph had been the Commanding Officer of the post at the mouth of the Buffalo River in November-December 1836. For his suggestions, see Chapter 3, p. 68.

among the oxen, made it impossible to continue to use this lengthy route. Maitland then decided to land his supplies at Waterloo Bay, about a mile east of the mouth of the Fish River.[51]

The decision to use Waterloo Bay instead of the mouth of the Buffalo River was short-sighted. Maitland had established an advanced camp "facing the Poorts of the Buffalo"[52], which was considered a strategic point from which to attack both Phato's tribe and the Ngqika. This camp would have been better served by a port at the mouth of the Buffalo, which was a few miles away. Instead, Maitland again faced a lengthy supply route and, because of the drought, had to abandon the advanced post and fall back on Waterloo Bay. Rough weather, moreover, played havoc with the landing of supplies since the anchorage in the roadstead at Waterloo Bay was rocky and unsafe in poor weather. For a time, Maitland reported, his depot was "threatened with exhaustion".[53]

By 1846 a substantial change had taken place in both the Colonial Office and southern Africa. In the decade which had followed D'Urban's recall, the humanitarian sentiment had lost ground, to be replaced by a more pragmatic approach. The Colonial Office became more inclined to ratify a governor's decision provided that he was able to justify it and guarantee that no further expense would be incurred. In 1846, moreover,

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51. P.P. 1847, XXXVIII [786], p. 154. Maitland to Gladstone, 18 September 1846.

52. Probably the "Goolah Heights" or what later became Fort Grey, named after Earl Grey, the Secretary of State for War and Colonies, July 1846 - February 1852.

53. P.P. 1847, XXXVIII [786], pp. 181 - 182. Maitland to Earl Grey, 14 October 1846.

the Whigs had come to power in Britain and were faced with the war in the Cape Colony which was to cost more than £1 million. In southern Africa, the Great Trek had placed a substantial group of the Dutch-speaking population outside of the colonial borders. A new colonial policy was seen as necessary to accommodate the altered circumstances.

Benyon points out that both Earl Grey and Russell[54] had played a part in the reversal of D'Urban's plans for the Province of Queen Adelaide, yet they now combined to implement the plan in a modified form. The scheme was partly formulated by Sir Henry Pottinger[55], who had had experience of the system of indirect rule in India. The idea involved the creation of a form of protectorate over Kaffraria in which the chiefs and their tribes would acknowledge the Queen as their protector and would recognise their subordination in civil and military affairs to a British military commander, resident in Kaffraria. This system, Benyon says, would establish imperial control with a simple, though arbitrary, form of government which would retain those tribal customs which would enhance the imperial authority.

Stephen[56], Benyon explains, preferred the term "Protectorate" to the creation of full sovereignty as it would avoid legal complications.

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54. Lord John Russell: First Lord of the Treasury and British Premier, 1846.

55. Major-General Sir Henry Eldred Pottinger: High Commissioner and Governor of the Cape of Good Hope, January - December 1847.

56. Sir James Stephen: Permanent Under-Secretary of State for the Colonies, 1836 - 1847.

Ultimately, however, even this word was dropped in the final version of Pottinger's instructions which, Benyon says, were left deliberately vague. Benyon outlines three basic elements to the plan. It would create imperial control without typically colonial institutions and establish an uncomplicated pattern of rule which the people who were being governed could easily understand. Tribal authority and customs would be retained so as to reinforce imperial control.[57]

Orpen[58] pointed out, moreover, that eventually taxation would be brought in so that the protectorate would become self-supporting and would not become "an undue burden on colonial or imperial resources." In the meantime, however, the British Government would bear the whole cost and troops would be held in readiness to support authority until stability could be accomplished.[59]

Galbraith observes that Pottinger was considered the ideal person to implement the new system because of his experience in India and because he was in Britain at the time, with no immediate assignment. Pottinger, however, preferred to return to India and his acceptance of the post was conditional to its being a claim to a higher position in India as soon as one became available.[60] Benyon argues, moreover,

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57. J. Benyon, Proconsul and Paramountcy in South Africa, pp. 20 - 23.

58. Joseph Millerd Orpen: Chairman of a Select Committee on Native Affairs which produced Earl Grey's instructions to Pottinger in November 1846.

59. J.M. Orpen, Reminiscences of Life in South Africa, p. 5.

60. J.S. Galbraith, Reluctant Empire, p. 214.

that Pottinger complicated the issue when he saw the possibility of enhancing his salary by the implementation of the new system. He began to exalt his future role into something extraordinary and, in doing so, won the support of Russell. Earl Grey, Benyon says, had no objection to whatever title Pottinger desired provided that he was indeed a Governor and was paid as such. In this way, the High Commissionership was born, although Stephen saw in it the danger that the title of Governor would be dropped in favour of High Commissioner.[61]

Pottinger was not able to implement the new system. Maitland had led the Colonial Office to believe that the war was nearly over but, when Pottinger arrived in Cape Town in January 1847, he found that this was not so. He wrote to Earl Grey that he believed Maitland's abolition of martial law and his measures to disband the army were "altogether premature" and were likely to add to the "perplexity and difficulty" of the task awaiting him.[62] Pottinger's task, therefore, had to be devoted to ending the war. At first he considered the possibility of advancing the colonial frontier to the Buffalo River, which would give the Cape Colony possession of both King William's Town and a strong position at the mouth of the Buffalo River.[63] In October, however, he decided that the Keiskamma River would be the colonial frontier, while the land between the Keiskamma and Kei Rivers would become the British Protectorate under

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61. J. Benyon, Proconsul and Paramountcy in South Africa, pp. 23 - 24.

62. P.P. 1847-8, XLIII [912], p. 27. Pottinger to Earl Grey, 20 February 1847.

63. P.P. 1847-8, XLIII [912], p. 39. Pottinger to Earl Grey, 13 March 1847.

the title of "British Kaffraria". The continued war prevented him from accomplishing this as he believed it would not be wise or dignified to make such an annexation till the war was over.[64] This task was ultimately performed by the next Governor, Sir Harry Smith.

In April 1847, Pottinger redirected the war effort by re-establishing a port at the mouth of the Buffalo River. Because the creation of British Kaffraria had Colonial Office blessing, the port was now established as a permanent post and East London was born, although it would take until January 1848 to be given its final name.

Soon after his arrival in Cape Town in December 1847, Smith set out for the frontier and, in quick succession, proclaimed the extension of the northern boundary of the Colony to the Orange River, declared the Keiskamma River to be the eastern boundary[65] and, at a meeting of the "Cis-keian" chiefs and councellors[66], he announced the annexation of British Kaffraria. This territory would now be held by the chiefs and people under mandate of the Crown, under such rules and regulations as were promulgated by the High Commissioner, or his representative, as the "Great Chief" of the territory.[67] Smith then appointed special commissioners to reside at or near each village of the"great Kafir families".[68]

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64. P.P. 1847-8, XLIII [912], p. 138. Pottinger to Earl Grey, 14 October 1847.

65. P.P. 1847-8, XLIII [969], p. 22. Proclamation: 17 December 1847.

66. Smith himself used the term "Cis-keian", although the title did not become generally used until much later.

67. P.P. 1847-8, XLIII [969], pp. 25 - 26. Proclamation: 23 December 1847.

68. P.P. 1847-8, XLIII [969], pp. 26 - 27. Government Notice, 23 December 1847.

Lieutenant George Mackinnon became Commandant and Chief Commissioner of British Kaffraria, with King William's Town as his head-quarters.[69]

Benyon points out that, when Smith had set sail from Britain, his instructions for the settlement of the frontier, the same as those issued to Pottinger, had not yet reached him. Rather than await their arrival, he decided to settle the frontier in terms of the authority vested in him as High Commissioner. By using this authority to establish British Kaffraria, Benyon argues, Smith had created a precedent, for the system he proclaimed was now grounded upon the powers of the High Commissionership. This form of rule was a revival of D'Urban's policy of September 1835, of which Smith himself had been the Chief Administrator. In practice, Benyon concluded, Smith had distinctly altered Earl Grey's scheme, for instead of the loose control that Grey had envisaged, Smith had created a semi-magisterial system.[70]

Once he had established his authority in British Kaffraria, Smith turned his attention to the port at the mouth of the Buffalo, which he called "London".[71] The Governor realised that, by creating a port in

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69. P.P. 1847-8, XLIII [969], p. 28. General Orders, 24 December 1947.

70. J. Benyon, Proconsul and Paramountcy in South Africa, pp. 53 - 54.

71. P.P. 1847-8, XLIII [969], pp. 44 - 45. Government Notice, 25 December 1847. Smith noted that the shape of British Kaffraria looked not unlike that of England and, for this reason, when he divided British Kaffraria into counties, he named each county and chief's place after a county or town in England.

CHIEF	CHIEF'S PLACE	COUNTY
Sandile	York	Yorkshire
Stokwe	Lincoln	
Siwani	Newark	Lincolnshire
Tabais	Grantham	
Phato	Bedford	Bedfordshire
Mhala	Cambridge	Cambridgeshire
Toyise	Goodwood	Sussex
Tembu Tribe		Northumberland

Port at the Buffalo Mouth - London

British Kaffraria, import difficulties would arise which a military government was not equipped to handle. Rather than allow smuggling to develop, Smith decided to annex the port, together with a two mile rayon, as part of the Cape Colony, under the title of "The Port of East London."[72]

The period of peace lasted only until December 1850, when the Mlanjeni War began. Smith was convinced that the main reason for the renewed frontier unrest was the drought and "the mischievous 'rain-makers' or 'sorcerers'".[73] Benyon, however, suggests that the primary reason was Smith's system of government and the degrading of the status of the chiefs, without real compensation.[74] The last straw was the deposition and arrest of Sandile in December 1850, which became the signal for a general uprising.

Although Smith believed that the situation would be different to the previous wars, because of the military establishment already in British Kaffraria and the use of the port at East London[75], the Mlanjeni War was a disaster for the Governor. The unforeseen duration of the war was caused partly by the reduction in the number of imperial troops prior to the outbreak of hostilities, defections from the ranks of the Kaffir Police and Cape Mounted Rifles, and the Khoi Rebellion in the Kat

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72. See Chapter 2, pp. 42 - 44.

73. P.P. 1851, XXXVIII [1334], p. 15. Smith to Earl Grey, 8 October 1850.

74. J. Benyon, Proconsul and Paramountcy in South Africa, p. 57.

75. P.P. 1851, XXXVIII [1334], p. 20. Smith to Mackinnon, 10 October 1850.

River Settlement.[76] In June 1851, there was the further embarrassment when Major Warden was defeated by the Basuto at Viervoet in the Orange River Sovereignty. Smith lost the confidence of the Colonial Office and was recalled in January 1852.[77]

A change of governor, however, did not have the immediate effect of reducing the war, which was now widespread. In December 1852, the British forces suffered another defeat against the Basuto at Berea Mountain, which was a strong factor in the decision to abandon the Sovereignty. However, it was only in February 1853 that Cathcart[78] concluded peace with Sarhili and brought an end to a war which had cost the British Treasury nearly £3 million.

Morrell states that Cathcart's settlement of the frontier was essentially his own idea, as Pakington[79] favoured a withdrawal from British Kaffraria. The Governor, however, saw this as a dangerous option, especially in view of the fact that there were now white settlers in King William's Town. Furthermore, Cathcart pointed out, it would enable the Xhosa to recover their independence and revive their hopes of defeating the whites.[80] On the other hand, Walker says, the Governor knew that it would have been disastrous to dispossess the Xhosa of their

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76. J. Benyon, Proconsul and Paramountcy in South Africa, pp. 57 - 58.

77. P.P. 1852, XXXIII [1428], pp. 253 - 256. Earl Grey to Smith, 14 January 1852.

78. Lieutenant General the Honourable George Cathcart: High Commissioner and Governor of the Cape of Good Hope, March 1852 - May 1854.

79. Sir John Somerset Pakington: Secretary of State for War and Colonies, February - December 1852.

80. W.P. Morrell, British Colonial Policy in the Mid-Victorian Age, p. 43.

land. Cathcart therefore decided to keep British Kaffraria intact as a tribal reserve, where white influence would be restricted to the military occupation, with its small circle of traders.[81] However, since the Xhosa had used the Amatola Mountains to such advantage during the war, Cathcart decided to expel them from that region and create there a Crown Reserve.[82]

Van Otten points out that, although there was a move towards Representative Government for the Cape Colony before the Mlanjeni War, the war nevertheless crystalized the need. The Secretary of State for Colonies believed that the colonists thrived on war because of the extra trade that this brought, whereas Representative Government, it was believed, would make the colonists more responsible for the policy on the frontier.[83] At the same time as Cathcart was appointed as Governor, therefore, Charles Darling became Lieutenant Governor for the whole Colony, with the immediate task to create the new constitution which would introduce Representative Government. The new constitution became a reality in 1853 and the Cape Parliament opened in June 1854.[84]

An important issue in the development of British Kaffraria, and especially of East London, was the complication of the Letters Patent.

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81. C.H.B.E., viii, p. 403.

82. E.L.G. Schnell, "German Immigration to the Cape with Special Reference to (a) the German Military Settlement of 1857; (b) the Settlement of the German Immigrants of 1858, (Unpublished Ph.D. Thesis, Rhodes, 1952), p. 45. The Ngqika tribe was resettled between the Amatola Mountains and the Kei River.

83. D.A. van Otten, "Sir Philip E. Wodehouse: The Definition and Defence of British Imperial Interests in South Africa, 1861 to 1870", (Unpublished Ph.D. Thesis, Oregon, 1971), p. 42.

84. E.A. Walker, A History of Southern Africa, p. 243.

In December 1850, Letters Patent were issued which constituted British Kaffraria a "distinct and separate Government", to be administered by the Governor and Commander-in-Chief of the Cape Colony. Allowance was made for the appointment of a Lieutenant Governor.[85] When these Letters Patent arrived in Cape Town, the Mlanjeni War had erupted and Smith was already on the frontier. As a result, the Letters Patent were not published. Cathcart became aware of the existence of these Letters Patent only in February 1853 and, because they had been held in abeyance for two years, he was confused as to how to act. Although he admitted that there was no logical reason to prevent their immediate implementation, nevertheless the fact that Smith had not done so gave cause for doubt. Cathcart turned to the Colonial Office for guidance.[86] The Colonial Office responded by drawing up new Letters Patent.[87] These, in turn, reached Cathcart on 5 May 1854, just one week before he was due to leave the Colony at the end of his term of office. He decided not to promulgate them immediately, but left them in the care of Sir George Clerk[88] who had no authority to implement them.[89] When Grey[90] arrived as Governor in December 1854, he held the Letters Patent in abeyance until 1860[91] in order to implement his own plans for British Kaffraria.

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85. C.A., H 26. Letters Patent Constituting British Kaffraria a Separate Dependency of Great Britain and Providing for the Government thereof, 14 December 1850. See Appendix 2, p. 227.

86. P.P. 1852-3, LXVI [1635], pp. 217 - 218. Cathcart to Secretary of State, 11 February 1853.

87. C.A., H 34. Letters Patent Providing for the Government of British Kaffraria and Appointing the Governor of the Cape Colony to be the Governor of British Kaffraria, 7 March 1854. See Appendix 3, p. 230.

88. Sir George Clerk: Special Commissioner north of the Orange River.

89. J. Benyon, Proconsul and Paramountcy in South Africa, p. 59.

90. Sir George Grey: High Commissioner and Governor of the Cape of Good Hope, December 1854 - August 1861.

91. The Letters Patent were eventually promulgated on 26 October 1860.

Grey believed in the necessity for a totally new policy for British Kaffraria. He desired the construction of public works, which would open up the territory and create employment for the inhabitants. He, moreover, wished to establish schools, hospitals and other institutions "of a civil character" so as to convert the Xhosa to civilization and Christianity.[92] To achieve this, Benyon argues, Grey did not wish to be bound by the "legal formalities" which publication of the Letters Patent would create. He therefore kept the Letters in abeyance so as to hold the constitutional status of British Kaffraria undefined.[93] Grey estimated that the scheme would cost £45 000 per annum and he persuaded the British Government to contribute £40 000 of this sum, although the figure could be reduced, the Governor promised, after three years.[94]

By March 1855, Grey had decided upon a plan to settle military pensioners and their families in British Kaffraria. The pensioners whom he envisaged were to be middle-aged and married. He hoped to bring stability to the region for, as soldiers, the pensioners would increase the military strength in the territory and, as settlers, they would stimulate trade and agriculture, and create employment for the Xhosa. Moreover, the increase in the white population would cause a cultural assimilation among the Xhosa. Grey wanted an initial settlement of about a thousand pensioner families, a total which would be increased ultimately to five thousand.[95]

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92. P.P. 1854-5, XXXVIII [1969], p. 38. Grey to Grey, 22 December 1854.

93. J. Benyon, Proconsul and Paramountcy in South Africa, p. 66.

94. P.P. 1854-5, XXXVIII [1969], p. 38. Grey to Grey, 22 December 1854.

95. P.P. 1854-5, XXXVIII [1969], pp. 54 - 55. Grey to Grey, 7 March 1855.

The Colonial Office accepted Grey's proposal but, when only 107 volunteers responded to the offer, Molesworth[96] unilaterally cancelled the scheme.[97] New plans, however, were soon advanced. Early in 1856, as the Crimean War was ending, a problem arose as regards the disbanding of the British German Legion which had been recruited for the war. Lord Panmure[98] suggested that they be sent to the Cape as settlers. Grey and the Cape Parliament accepted this plan. Schnell says that it was the "urgent representations" which Grey had made for colonists which had motivated Panmure's offer.[99] Yet the immigration of these military settlers was not in accord with Grey's original plans. Few of the Legionaires were married. Furthermore, they were, on average, much younger than the pensioners whom Grey had envisaged and were men who had joined the Legion to make money from conflict and not from farming. When, in 1858, the Indian Mutiny broke out, more than half of the Legionaires volunteered to join the Indian army and were accepted.[100]

Lord Panmure attempted to remedy the fact that the majority of the Legionaires were unmarried by encouraging them to marry before they left Britain. Free berths were offered for wives and fiances. The mass marriages which then took place made a farce of the episode. Schnell argues

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96. Sir William Molesworth: Secretary of State for Colonies, July to November 1855.

97. P.P. 1856, XLII (2096), p. 43. Molesworth to Grey, 12 August 1855.

98. Lord Panmure: Secretary for War, 1855 - 1858.

99. E.L.G. Schnell, "German Immigration to the Cape", p. 66.

100. See J.F. Schwär and R.W. Jardine, The Journal of Gustav Steinbart, p. 13.

that the class of women who would accept such a marriage was hardly the sort to fulfill Grey's plans for British Kaffraria.[101]

The military settler scheme was generally a failure. Of the original 2 362 men who arrived in British Kaffraria early in 1857, only 981 were left by the end of 1858. Schnell lists four basic reasons for this: deaths, desertions, transfer to other military bodies and enlistment for service in India.[102] The Legion, however, did have a major effect on East London, for two new villages were created on the east bank of the Buffalo River: Panmure[103] and Cambridge.[104] Even though few of the Legionaires remained as permanent settlers[105], nevertheless their plots were taken over by the German peasant settlers of 1858.

Before the German Legion had left Britain in 1856, the idea had been suggested that German peasant families be sent out to accompany the military men.[106] Panmure was impressed with the suggestion but Labouchere[107] was against the plan because of its financial implications.[108] Grey

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101. E.L.G. Schnell, "German Immigration to the Cape", pp. 92 - 93.

102. ibid., p. 175.

103. Named after Lord Panmure.

104. Named after the Duke of Cambridge, Commander-in-Chief of the British forces in 1856.

105. See Population Statistics in Chapter 5, p. 131.

106. For details of this suggestion, see E.L.G. Schnell, "German Immigration to the Cape", pp. 206 - 208.

107. Henry Labouchere: Secretary of State for Colonies, November 1855 - February 1858.

108. E.L.G. Schnell, "German Immigration to the Cape", pp. 206 - 209.

attempted to persuade Labouchere to change his mind. He argued that the Legionaire scheme did not accord with the original plans for the settlement of British Kaffraria and that the lack of females would be disastrous to the whole community as it would cause "great immorality....and great expense." The settlers, Grey said, would roam the country in search of females, would probably "be frequently murdered by the native population" and would be "quite useless" as a defence for the colony.[109]

Labouchere, however, was not prepared to budge. He believed that the first priority was to send out a large group of single females rather than promote further German immigration. He accordingly arranged that over two hundred Irish girls be sent to British Kaffraria aboard the Lady Kennaway.[110] The girls landed at East London in November 1857, whereupon the majority were transported to King William's Town where employment had been arranged for them.[111]

Grey remained dissatisfied with these arrangements as he believed it was shortsighted economy.[112] Since he could not persuade the Colonial Office to alter its decision, he decided that the Cape would have to see to its own immigration and, in August 1857, he entered into a contract with a Hamburg firm, Godeffroy and Son, by which 2 000 German peasants

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109. P.P. 1857-8, XL (389), p. 11. Grey to Labouchere, 25 March 1857.

110. P.P. 1857-8, XL (389), pp. 6 - 7. Labouchere to Grey, 5 June 1857.

111. E.L.G. Schnell, "German Immigration to the Cape", p. 212. On 25 November 1857, two days after her arrival, the Lady Kennaway parted from her anchors and was wrecked at the entrance to the Buffalo River.

112. P.P. 1857-8, XL (389), pp. 14 - 15. Grey to Labouchere, 26 December 1857.

would be shipped to British Kaffraria during the 1858 shipping season.[113]

Grey informed the Colonial Office of his actions only in December 1857 and was reprimanded by Lord Stanley[114] for entering into such a contract without the permission and contrary to the wishes of the Colonial Office. Stanley saw Grey's action as questionable as it would not supply women for the German military settlers. He moreover disputed Grey's claim that the British Government would not be subjected to additional expenditure. Grey was advised that the scheme had been discontinued by the instructions of the Colonial Office.[115] However, because Godeffroy had already entered into signed contracts, Stanley agreed to allow 1 600 adults to be sent out and a sum of £5 000, to be deducted from the British Kaffrarian grant, was paid to Godeffroy to cancel the contract.[116] These German settlers, however, proved a more stable and industrious group than their Legionaire counterparts, even though they had to pay for their own passage to British Kaffraria and buy their own land.[117]

Rutherford points out that, early in 1858, Stanley asked for the full amount of £40 000 to be set aside for British Kaffraria for the current financial year. The Treasury, however, objected on the grounds that Grey had promised a reduction after three years. Despite the famine

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113. See E.L.G. Schnell,"German Immigration to the Cape", pp. 213 - 216.

114. Lord Edward Henry Stanley: Secretary of State for the Colonies, February - May 1858.

115. P.P. 1857-8, XL (389), pp. 7 - 8. Stanley to Grey, 4 May 1858.

116. P.P. 1857-8, XL (389), p. 9. Stanley to Grey, 20 May 1859.

117. For a discussion of the German settlement at Panmure and Cambridge, see Chapter 5, pp. 132 - 139.

which prevailed in British Kaffraria as a result of the Cattle Killings[118], the Treasury could not reconcile Grey's unauthorised immigration scheme with his request for a grant of £40 000. Stanley accepted this argument and the grant was halved, to be reduced even further once the payment to Godeffroy had been deducted.[119]

The reduced subsidy placed the political situation of British Kaffraria in a new perspective. Despite a growth in wealth and population, the territory was still not economically viable. This led Grey to consider the possibility of annexing British Kaffraria to the Cape Colony. When the Governor proposed this scheme in January 1859, the Colonial Office expressed its satisfaction but stipulated that the consent of the Cape Parliament was indispensable.[120] In March 1859, Grey placed the recommendation before the Cape Parliament. He pointed out that British Kaffraria could not continue as it was for much longer as it still had no courts suited to its needs, and was without any form of government which possessed "even the show of freedom". Furthermore, since East London was still a part of the Cape Colony, the greater part of that port's revenue was paid into the Cape Treasury.

There were two possible solutions, Grey explained. British Kaffraria could be incorporated into the Cape Colony or East London had to be

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118. See below, pp. 31 - 32.

119. J. Rutherford, Sir George Grey, pp. 395 - 396.

120. Annex., G44 - 62, p. 1. Lytton to Grey, 11 February 1859.

returned to British Kaffraria. Grey, however, cautioned against this latter possibility as it could prove an inconvenience to the Cape Colony. If East London became a free port, he said, or if British Kaffraria proclaimed a lower customs rate than that levied at Cape harbours, then Cape revenues would suffer through trade via East London into the Colony.[121] In June 1859, however, the Cape Parliament rejected Grey's proposal but saw no objection to the restoration of East London to British Kaffraria.[122]

In August 1859, Grey was recalled because the Colonial Office was dissatisfied with his conduct over the federation issue. A change of government in Britain, however, saw his re-appointment for another short term of office. One of his first actions was the promulgation, on 26 October 1860, of the Letters Patent of March 1854 which constituted British Kaffraria a separate and distinct colony. At the same time, Maclean[123] was appointed Lieutenant Governor of British Kaffraria.[124] No provision was made, however, for a Legislative Assembly for the territory and, indeed, the promulgation of the Letters Patent had little other practical effect on the status of either British Kaffraria or East London.

It may be argued that Grey was responsible for greater peacetime developments in British Kaffraria than any governor. Certainly, by the end of his term as governor, the territory had changed radically in popu-

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121. Grey's Speech to Parliament, 16 March 1859. Quoted in G.M. Theal, History of South Africa, Vol. 7, p. 223.

122. Annex., G44 - 62, pp. 1 - 2. Grey to Lytton, 17 June 1859. East London was restored to British Kaffraria on 9 July 1859.

123. Colonel John Maclean: Chief Commissioner for British Kaffraria, October 1852 - October 1860; Lieutenant Governor of British Kaffraria, October 1860 - December 1864.

124. C.L., MS 16 276. People's Blue Book, pp. 10 - 14.

lation, public works, missionary activity and education. Yet it is also true that Grey had luck on his side. His term of office coincided with a period of relative prosperity at the Cape and in Britain so that more money was made available to him for peacetime development than to any previous governor. Moreover, Grey's success in New Zealand had given him an enhanced prestige in the Colonial Office. Furthermore, he was governor when Representative Government at the Cape was new, which allowed him to manipulate it to attain his objectives.

The Cattle Killing episode of 1856 - 1857 gave Grey the opportunity to implement his plans with little resistance from the Xhosa tribes. Opinions vary as to the cause of these Killings. Moorcroft links it to a moral protest against white subordination and a national sacrifice of atonement to appease the tribal ancestors.[125] Maclean, on the other hand, believed it was the advent of yet another frontier war.[126] Whatever the cause, the Cattle Killings probably staved off a frontier war which would have besmirched Grey's reputation. Rutherford argues that, if Grey's military pensioner scheme had been successful, it possibly would have started a frontier war, for it would have meant an increase in the white population of up to 25 000 people.[127] The radical depopulation of British Kaffraria as a result of the Killings, however, gave Grey the opportunity to reorganise the tribal territory[128] and made more land available for

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125. E. Moorcroft, "Theories of Millenarianism Considered with Reference to Certain Southern African Movements", (Unpublished B. Litt. Thesis, Oxford, 1967), pp. 96 - 97, 120 - 124. For a full discussion of the Cattle Killings, see Moorcroft's thesis.

126. C.A., GH 20/2/1, No. 294. Maclean to Grey, 25 March 1857.

127. J. Rutherford, Sir George Grey, p. 327.

128. See Chapter 7, p. 179. Although Moorcroft puts the figure for Xhosa who died at 67 000, Davenport believes that half that loss was due to movement into the Cape Colony in search of food. T.R.H. Davenport, South Africa, p. 101.

white settlement.

Wodehouse[129] did not enjoy the same advantage as Grey had had. He became governor when the Cape Colony was receding into an economic depression, coupled with a severe drought. Van Otten points out that the Cape depended heavily on a limited number of exports, mainly raw materials and especially wool. The Civil War in the United States, van Otten says, disrupted one of the Cape's major markets. The depression in the wool trade in turn adversely affected the entire Cape economy. This was further complicated by two other factors. First, the British Parliament was increasingly critical of requests by the Cape for financial aid. Secondly, a series of droughts and agricultural losses further decreased trade and, therefore, revenue. By 1870, van Otten says, the Cape Colonial public debt had risen to over £1 million.[130]

Wodehouse was forced to take austere measures which proved unpopular with the Cape Parliament, which by now had found its feet and had realised its powers to block the desires of the Governor. Furthermore, the Cape Colony had entered into an era of serious division because of the East Cape separatist movement. As a result of these problems, Wodehouse came to be remembered as one of the more unpopular governors.

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129. Sir Philip Edmund Wodehouse: High Commissioner and Governor of the Cape of Good Hope, January 1862 - May 1870.

130. D.A. van Otten, "Sir Philip E. Wodehouse: The Definition and Defense of British Imperial Interests in South Africa, 1861 to 1870", pp. 89 - 90.

When the British Government voted a further £15 000 for British Kaffraria in 1861, it stressed that this was to be the final grant.[131] Newcastle[132] instructed Wodehouse to consider the British Kaffrarian question carefully as the territory had to be self-sufficient. Moreover, the Secretary of State advised against the separation of the Cape Colony into east and west, but recommended the incorporation of British Kaffraria into the Colony.[133]

Wodehouse's attempts to incorporate British Kaffraria into the Cape Colony were thwarted by local self-interest. In May 1862, when he placed his first bill of annexation before Parliament, he attempted to gain the support of the eastern members by offering them equal representation to the Western Province in the House of Assembly. In another bill, he proposed to alternate sessions of parliament between Cape Town and Graham's Town. Both bills were rejected.[134] Wodehouse explained to Newcastle that the opposition was due to the extra expense and obligation which would be thrust on the Cape Colony. The Cape Parliament believed, he said, that since the British Government had created British Kaffraria, it would hardly abandon it. The people of British Kaffraria, in their turn, insisted on independence, despite their manifest inability to defend the territory with their limited resources.[135]

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131. W.P. Morrell, British Colonial Policy in the Mid-Victorian Age, p. 132.

132. The Duke of Newcastle: Secretary of State for Colonies, June 1859 - April 1864.

133. A.E. du Toit,"The Cape Frontier", p. 197.

134. G.M. Theal, History of South Africa, Vol. 8, pp. 25 - 28.

135. Annex., G32 - 65, pp. 7 - 10. Wodehouse to Newcastle, 19 June 1863.

Wodehouse decided to hold the session of parliament which started in April 1864, in Graham's Town, partly as a sop to gain eastern support for his annexation scheme. He then waited until the end of the session, when many of the western members had returned home, before he introduced a motion into the Legislative Assembly which called for the annexation of British Kaffraria to the Cape. It was passed by five votes to two.[136]

The Governor, however, believed that it would not be possible to have an Act of Annexation passed by the House of Assembly without the aid of the British Government. He wrote to Cardwell[137] that it was out of his power to bring about the annexation but he believed that, if an Act of Annexation were passed by the British Parliament, the agitation in British Kaffraria would cease and the Cape Parliament would immediately regulate the terms for the incorporation.[138]

In December 1864, Wodehouse forwarded to the Colonial Office a draft of a bill for the annexation.[139] This bill was passed as an Act of the British Parliament, but to operate only if the Cape Parliament refused to annex the territory.[140] Although there was vigorous protest at the "unconstitutional and unjust deed" perpetrated by the British Government, the Cape Parliament felt itself compelled to pass the bill, for the

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136. G.M. Theal, History of South Africa, Vol. 8, p. 37.

137. Edward Cardwell: Secretary of State for the Colonies, April 1864 - July 1866.

138. P.P. 1865, XXXVII [3436], p. 8. Wodehouse to Cardwell, 13 July 1864.

139. P.P. 1865, XXXVII [3436], pp. 21 - 22. Heads of a Bill for Annexing British Kaffraria into the Cape Colony.

140. Annex., G32 - 65, pp. 48 - 50. A Bill for the Incorporation of British Kaffraria into the Cape Colony.

annexation would come about even if they rejected it.[141] Van Otten points out, moreover, that the bill was passed without major alteration because Wodehouse joined to it a measure to increase representation, thereby ensuring that the eastern group was not able to equal the western.[142]

In November 1865, British Kaffraria was divided into two magisterial and fiscal districts of East London and King William's Town. Each would also be an electoral division. Elections took place in April 1866 and, with the proclamation, on 17 April 1866, of the new members of parliament, the requirements of the Act of Annexation were fulfilled and British Kaffraria became a part of the Cape Colony.[143]

The drought and the depression continued throughout Wodehouse's term of office but, by the time that Barkly arrived as Governor in December 1870, economic conditions were already bright. The drought had broken, agriculture was recovering and the discovery of diamonds was adding to the wealth of southern Africa. A wave of prosperity affected the Cape and the Colony was able to embark upon public works which had long been shelved.

East London was more affected by this prosperity than most towns in southern Africa. The incorporation of British Kaffraria into the Cape

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141. G.M. Theal, History of South Africa, Vol. 8, pp. 72 - 74.

142. D.A. van Otten, "Sir Philip E. Wodehouse", p. 133.

143. G.M. Theal, History of South Africa, Vol. 8, p. 75.

Colony had caused most of the trade restrictions at East London to be lifted.[144] For the first time, East London was able to utilize her natural advantages as a port. The discovery of diamonds was an invaluable asset, for it was soon realised that East London was the closest port to the Diamond Fields and, since there were no railways as yet, the good pastures and water supply on the East London route made that the most frequented one. Trade through the port escalated and the value of land soared. Moreover, in July 1871, the Cape Parliament voted £100 000 for the development of East London's harbour.[145]

The achievement of municipal status in April 1873 culminated the sweep of prosperity in East London's favour. The era of political uncertainty had ended in 1866 with the incorporation of British Kaffraria into the Cape Colony. East London was now a fully-fledged colonial port and no longer a port on the periphery of the expanding British Empire. As a result, the shackles of political control had been lifted and, with the turn of the economic tide, East London's future prosperity seemed assured.

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144. See Chapter 4, pp. 108 - 113.

145. See Chapter 3, p. 80.

CHAPTER 2

The Evolution of East London's Political Status and System of Local Government

When, in September 1836, John Rex tendered the Knysna to carry military supplies to the Buffalo, martial law had already been lifted in the Province of Queen Adelaide and the process for the abandonment of the territory was under way.[1] Yet a memorial from Rex to the Governor indicates that the exact nature of this voyage was not understood. Rex believed that the port was to be a permanent establishment and that this was to be the first of many voyages. He saw the opportunity to establish a trading station at the river mouth and he petitioned for the grant of some 3 000 morgan of land between the Buffalo and Nahoon Rivers. He requested, moreover, the exclusive right to trade to and from the Buffalo River for a period of eighteen months.[2]

D'Urban commented at the bottom of Rex's memorial that it was not in his power to grant these requests. Although the Governor had been in search of a port for the Province of Queen Adelaide when Bailie[3] had made

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1. See Chapter 1, pp. 8 - 11.

2. C.A., CO 3989, No. 129. Memorial: Rex to D'Urban, 29 September 1836.

3. John Bailie: Born in Madras but educated in England, Bailie came to the Cape at the head of a large party of 1820 Settlers. When his property was destroyed at the start of the 6th Frontier War, Bailie joined the military and was promoted to the rank of Captain in the 1st Battalion, Provisional Infantry. In this capacity, he was responsible for the survey of the Buffalo Mouth in January 1836. For further information concerning Bailie, see M.D. Nash, "Bailie's Party of 1820 Settlers" (Unpublished M.A. Thesis, Rhodes, 1981), pp. 228 - 231.

his survey of the river mouth in January 1836, the Colonial Office had forced the cancellation of these plans.[4] Because of this, Rex's voyage in November 1836 was not to open a port, but was merely the transportation of supplies for the remnant of troops still stationed in the Province. It was to be a first and only voyage.

Prior to the Knysna's arrival at the Buffalo, Captain Biddulph[5] was ordered to take a hundred men and establish a military post at the mouth. Their function was to assist in the landing of the cargo from the Knysna. Biddulph established this camp on 19 November, only hours before the vessel arrived, and proclaimed the military post by raising the British flag on the hill on the east bank of the river.[6]

This first attempt at a port was indeed no more than a military establishment. Although Stockenström visited the camp on 6 December, and honoured it with the title Port Rex[7], it is doubtful whether he

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4. See Chapter 1, pp. 8 - 11.

5. Captain Thomas Biddulph: Captain in the 75th Provisional Companies.

6. C.A., CO 568. Biddulph to Maitland, 27 April 1846. In 1937, a memorial was unveiled on Signal Hill, East London, which reads: "ON THIS SPOT THE BRITISH FLAG WAS FIRST HOISTED BY LIEUT. JOHN BAILIE R.N. NOVEMBER 1836". Nash has argued convincingly that the flag was raised by Captain Biddulph and not by John Bailie, that Bailie was a Captain and not a Lieutenant, and that Bailie was a member of the 1st Battalion, Provisional Infantry and was never a member of the Royal Navy. See M.D. Nash, "John Bailie at the Buffalo River Mouth" in Africana Notes and News, Vol. 23, No. 8, December 1979, pp. 338 - 339.

7. C.A., CO 568. Biddulph to Maitland, 27 April 1846. G.T.J., 12 June 1847. The Graham's Town Journal spoke of the Port Rex Stone which was laid on the ascent above the landing place. This stone bore the caption Port Rex and the date. Taylor spoke of a stone near the river's edge on which Rex sat while he negotiated with the black people on his subsequent voyages. Taylor's version, however, is based on oral tradition and does not equate with written evidence. See M.H. Taylor, "A History of East London", (Unpublished Manuscript, East London Municipal Library), p. 4.

intended the port to be a permanent establishment as he had, only the previous day, signed the new treaties with the chiefs for the release of the Province of Queen Adelaide.[8] Furthermore, Stockenström made no mention of this visit to Port Rex in his correspondence with the Governor.

There is a discrepancy as to how long the Knysna remained at the Buffalo. Biddulph reported that she was there for seven weeks[9], which meant that the vessel departed at the end of December 1836. Bailie, on the other hand, wrote that the Knysna sailed on 31 January 1837.[10] By the time she sailed, the military force in the Province of Queen Adelaide had been withdrawn, with the exception of Biddulph's party. Since this post at the mouth of the Buffalo had been established solely to aid in the landing of cargo from the Knysna, camp would have been struck soon after the vessel had departed.

When Pottinger decided to re-establish a post at the mouth of the Buffalo in April 1847, Colonial Office policy had altered significantly.

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8. See Chapter 1, p. 11.

9. C.A., CO 568. Biddulph to Maitland, 27 April 1846.

10. G.T.J., 12 June 1847. A letter dated 26 May 1847, signed by "An Attentive Observer" at George. M.D. Nash, in a private note, states that it is probable that this letter was written by John Bailie since (a) the writer was clearly a witness to the events at the Buffalo in 1836 and (b) Bailie's memorial to Smith in December 1847 was also written from George. For this memorial, see C.A., GH 22/2, No. 37. Memorial: Bailie to Smith, 30 December 1847. See also M.D. Nash, "John Bailie at the Buffalo River Mouth" in Africana Notes and News, Vol. 23, No. 8, December 1979, pp. 340 - 341.

The creation of British Kaffraria was the result of a decision taken by the British Government itself[11] and, therefore, was of a more permanent nature than the Province of Queen Adelaide. This change in policy is indicated in Pottinger's attitude towards the traders. Although Pottinger wrote to Earl Grey that he thought it inadvisable to grant the traders' requests for land until the country as far as the Kei River had been brought under British control and Phato had been subjugated, he nevertheless left it to the individual Commanding Officers at the military posts to permit persons whom they deemed fit to settle under the military protection.[12]

When Smith took over the administration in December 1847, he not only allowed traders into British Kaffraria but encouraged them to establish trading stations, shops and hotels. He saw in their presence some form of educational experience for the Xhosa in that the black community would be brought face to face with white civilization and economy.[13] His ultimate plan was probably to encourage the Xhosa to use money and clothing, as Smith saw in this a means to erode the power of the chiefs.

Yet the trader was subordinate in every way to the military. First, trade was to be allowed only at military posts and at mission stations.[14] Secondly, Mackinnon directed that all civilians at military posts were to

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11. See Chapter 1, pp. 14 - 16.

12. P.P. 1847-8, XLIII /912/, p. 139. Pottinger to Earl Grey, 14 October 1847. Contrast this with D'Urban's refusal to allow Rex's request for land.

13. P.P. 1847-8, XLIII /969/, pp. 26 - 27. Government Notice, 23 December 1847.

14. G.T.J., 1 January 1848. Government Notice, 27 December 1847.

be considered as camp-followers. This meant that they were bound to obey the orders of the Commanding Officer at their particular post. No civilian, either as licensed trader or person employed in the public service, would be allowed to reside or build at any post without special permission from the Commandant of British Kaffraria. Moreover, civilians had to have written permission from the Commanding Officer if they wished to build a house. They had to occupy the house they built personally and could not transfer it to any other person without permission. Furthermore, the house could be pulled down at any time if it was found to interfere with the defence of the post or proved in any way "destructive of good order and cleanliness."[15] Although these regulations were published only in March 1848, after East London had been annexed to the Cape Colony, it is clear from official correspondence during 1848 that the rules were applicable to East London as well.[16]

The stringent civilian regulations indicate that, at this period, the occupation of British Kaffraria was primarily a military solution to the frontier situation and was not a means to expand white trade and the economy. However, the strict limitations on the freedom of the traders, and on the numbers who would be allowed to establish themselves in British Kaffraria, indicates that Smith placed priority on the establishment of military authority as opposed to possible influence of the trader on the Xhosa.

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15. G.T.J., 4 March 1848. Regulations Respecting Civilians at the Military Posts in British Kaffraria, n.d.

16. See Chapter 5, p. 122.

The trader, on the other hand, was not concerned with the purpose of the High Commissioner's plans. He would have viewed the invitation to establish a trading station purely in the light of self-enrichment. The strict trading regulations, coupled with the high cost of acquiring a licence in British Kaffraria[17], did not deter the traders from making application for a licence. By mid-January 1848, seven general trading licences and a hotel licence had been issued at East London alone, to the value of £370, and a further £520 worth of licences had been issued at King William's Town.[18]

Had East London been allowed to remain a part of British Kaffraria, the village would have been able to develop on an equal footing with King William's Town and could have used its position as a port to offset King William's Town's advantage as the capital and centre of the military establishment in British Kaffraria. Instead, however, East London's political status was changed suddenly when, on 14 January 1848, Smith proclaimed the annexation of the port, together with a rayon of two miles of ground[19], as "part and parcel" of the Cape Colony, under the title of "The Port of East London".[20]

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17. A trading licence cost £50 in British Kaffraria but £20 in the Cape.

18. P.P. 1847-8, XLIII /969/, p. 49. Smith to Earl Grey, 7 January 1848. C.A., CO 4489. List of Licences Issued to Traders at East London, 28 June 1848.

7 January	James Ryder	Hotel Licence - £20
8 January	Shaw & Co Benjamin Simpson James Thackwray John Wilson Edward Syfret	Trading Licence - £50
10 January	Abernethy & Conway	
15 January	Walker and Co	

19. The same as reserved around all military posts in British Kaffraria.

20. P.P. 1847-8, XLIII /969/, p. 57. Proclamation of 14 January 1848.

Smith realised that the establishment of a port in British Kaffraria would create trade difficulties which a military government was not equipped to handle. In the first place, the merchants in British Kaffraria would obtain their merchandise duty-free. Of greater concern, however, was the possible creation of lines of trade through Graham's Town to the Cape Colony, and from East London to the interior, to as far afield, Smith said, as the "expatriated boors on the line from Colesberg towards Natal." The Governor explained to Earl Grey that every trader, when asked the source from which he would draw his supplies, had indicated his intention to use the mouth of the Buffalo. This, Smith said, created the danger of smuggling and "every species of fraud", which would have reduced the revenue of the Cape Colony.[21]

The solution to this problem was the creation of either a civil customs establishment at East London or of inland customs posts along the colonial boundary with British Kaffraria. The latter solution was expensive and therefore undesirable. Yet, until such time as a civil government was installed in British Kaffraria, there was no means of regulating the customs at the port unless it became a part of the Cape Colony, which already had the machinery necessary to handle customs.

Smith adopted a solution which was seen as in the best interests of the Cape Colony. He chose to ignore the local interests of East London and of British Kaffraria, and thereby triggered a succession of

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21. P.P. 1847-8, XLIII /969/, p. 57. Smith to Earl Grey, 14 January 1848.

trade difficulties which destroyed East London's natural status as a port and drove the British Kaffrarian and inland trade overland to Graham's Town and Port Elizabeth.[22]

It is probable that Smith intended the annexation to be of a temporary nature only, to last until Letters Patent were issued which would elevate the British Kaffrarian Military Government to a Civil Government and thereby enable the territory to handle its own customs revenue. These Letters Patent were issued in December 1850, but the Mlanjeni War prevented their publication. Subsequent Letters Patent were put into effect only in October 1860[23], by which time the damage to East London's trade had become irreparable until British Kaffraria itself became incorporated into the Cape Colony in 1866 and the economic depression lifted from southern Africa at the end of that decade.[24]

The annexation of East London to the Cape Colony had been brought about solely to solve the customs problem. Smith, however, did not pause to consider the far-reaching implications of this proclamation. Would East London be governed as a part of the Cape Colony or would it be regarded for practical purposes as still a part of British Kaffraria? Would the Cape or British Kaffrarian regulations apply to the traders who had already bought licences in East London under the British Kaffrarian

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22. See Chapter 4, pp. 94 - 107.

23. See Chapter 1, pp. 22 - 23.

24. See Chapter 1, pp. 35 - 36.

system? Under what legal system would crimes committed at East London be tried? Who would be responsible for improvements at the harbour or in the East London village? Would the Xhosa who lived within the two mile rayon be considered as citizens of the Cape Colony or of British Kaffraria?

East London's isolated position on the frontier, together with the singular reason for its annexation to the Cape Colony, led to compromises in the port's political status. The system evolved as the needs became apparent. As a general rule, however, East London was administered as though it was indeed still a part of British Kaffraria, while the port depended on the Cape Colony in all financial matters.

Soon after East London had been annexed to the Colony, Smith recognised the need to create some form of civil government for the village. In March 1848 he made the strange decision of appointing Mackinnon to be Justice of the Peace for the port and its district.[25] Mackinnon was informed that his powers were to be exactly those of a Resident Magistrate, except that he would not have the inconvenience of being tied down to certain fixed court days.[26]

Mackinnon's appointment as Justice of the Peace revealed the anomaly of East London's political status, for he was Commandant and Chief Com-

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25. C.A., CO 4489. Montagu to Mackinnon, 4 March 1848.

26. C.A., 1/ELN (A). Montagu to Mackinnon, 9 March 1848.

missioner for British Kaffraria. Mackinnon immediately pointed out this irregularity to the Governor. He also protested that the distance between King William's Town and East London[27], together with the fact that his presence was "hourly required" at head-quarters, would render it "extremely inconvenient to the public service" should he indeed be called upon to act as Justice of the Peace in East London. He saw the need, moreover, for some civil authority on the spot. The Governor saw the logic in Mackinnon's argument and, in April 1848, he appointed Major Smith[28] as Justice of the Peace in Mackinnon's stead.[29]

It was not the irregularity of Mackinnon's appointment which caused Smith to alter his decision. The Governor still appeared to consider East London as under the administration of British Kaffraria. This was soon manifest when, in May 1848, Major Smith requested the aid of a few police constables to stop "the growing abuses" in East London.[30] In his reply to Major Smith's request, Montagu[31] stated that, as Mackinnon's jurisdiction and authority extended to East London, no measures could be taken without a report from him.[32]

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27. Mackinnon gave the distance as 36 miles.

28. Major Smith: 73rd Regiment; Officer Commanding Fort Glamorgan; Justice of the Peace for East London, April - November 1848.

29. C.A., CO 4489. Mackinnon to Montagu, 1 June 1848.

30. C.A., CO 4489. Major Smith to Mackinnon, 8 May 1848.

31. John Montagu: Secretary to the Cape Colonial Government, 1843 - 1852.

32. C.A., CO 4489. Montagu to Major Smith, 22 May 1848.

Mackinnon was clearly taken by surprise at this unexpected demand. He wrote to Montagu that he had had "not any intention of making such a report", nor had he been aware that one had been expected of him. He pointed out that, when East London had been placed in the Cape Colony, his jurisdiction over it as Commandant of British Kaffraria had ceased. It had been for this reason as well as the inconvenience, Mackinnon said, that he could not be Justice of the Peace for East London.[33]

Mackinnon's argument fell on deaf ears for, in June 1848, he was appointed as Resident Magistrate for East London and its district.[34] Moreover, though Major Smith had until then communicated directly with the Colonial Secretary, he was now instructed to make all future communications through Mackinnon "as the most convenient course." However, as East London was indeed a part of the Cape Colony, Montagu said, all money received from the port by way of licences was to be paid into the Colonial Treasury, and all expenses incurred at East London were to be charged to the Colonial Account. This financial procedure was invoked, Montagu said, "lest the money arrangements might be accidentally confounded with those of British Kaffraria."[35]

Mackinnon's term as Resident Magistrate for East London was ended in December 1848. However, it was not the contradiction of his status as Commandant of British Kaffraria and Resident Magistrate for a port in

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33. C.A., CO 4489. Mackinnon to Montagu, 1 June 1848.

34. G.T.J., 1 July 1848. Notice, 17 June 1848.

35. C.A., BK 425. Montagu to Mackinnon, 22 June 1848.

the Cape Colony which brought about the change. New financial duties had arisen which Mackinnon had to supervise in his capacity as Chief Commissioner. It was felt that this would engage too much of his time and attention for him to continue his duties as Resident Magistrate for East London. Captain Rooper[36], who was serving as Justice of the Peace for the port, was appointed as Resident Magistrate with effect from 1 January 1849.[37]

The Resident Magistrate was to remain the sole administrator of local government in East London until municipal status was conferred in April 1873. It was a cumbersome system which was not best suited for the growth and welfare of the village community. The Resident Magistrate remained at all times a government-appointed administrator who had no freedom to make decisions or spend money, no matter how small the amount without prior approval from Cape Town.[38] The system was further complicated since authorisation had to be requested via the Chief Commissioner who then forwarded it to the Colonial Secretary in Cape Town who, in his turn, had to consult the relevant Government Department. The reply had to go through the same procedures in reverse.

Another problem with the system was that it gave the local community no say whatever in the administration of the village. The only means at

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36. Captain Edward Rooper: 1st Battalion, Rifle Brigade; Officer Commanding Fort Glamorgan; Justice of the Peace for East London from November 1848; Resident Magistrate for East London, January 1849 - May 1850.

37. C.A., 1/ELN (A). Montagu to Mackinnon, 20 December 1848.

38. In March 1851, the Resident Magistrate had to obtain authorisation from Cape Town to spend a sum less than £3 to repair his magistrate's hut. C.A., GH 8/23, p. 713. Staunton to Mackinnon, 13 March 1851.

their disposal to bring about change or to gain redress for wrongs lay in the memorial to the Resident Magistrate or to the Governor. This was also a cumbersome procedure, for the petition had to pass through all the intermediary channels until it came at last into the hands of the Governor. At each step, moreover, the memorial had to be motivated anew and so tended to lose its impact by the time it reached its destination.[39] Furthermore, since the drawing up of the memorial required time, effort and co-ordination of local sentiment, and since the outcome was by no means certain, the memorial tended to be reserved for major complaints.

Another feature of East London's administration during the early years, and to a lesser extent even until 1865, was the reliance on the military. Every Justice of the Peace and Resident Magistrate from 1848 till 1857 was a military man and, with the exception of Mackinnon, was also the Officer Commanding Fort Glamorgan.[40] The Military Surgeon was expected to double as the District Surgeon until 1860, when Dr Charles Vix, a German Military Settler, was appointed to this post. Even the Church, in its early years at East London, had to rely heavily on the Military at Fort Glamorgan.[41] The Surf-Boat Establishment, which main-

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39. See Chapter 5, pp. 117 - 120.

40. See Appendix 1, p. 226.

41. See Chapter 8, p. 189.

tained a monopoly on the landing and loading of cargo from ships which were anchored in the roadstead, remained in military hands until 1865.[42]

By November 1848, the merchants at East London brought the Governor's attention to the fact that the village had no proper legal system to which they could have recourse. Although in December 1847, Smith had instructed that all camp-followers in British Kaffraria would fall under martial law for petty offences and under the Cape of Good Hope Punishment Act for graver offences[43], this instruction could no longer apply to East London once the port had been annexed to the Cape Colony since the Act applied only beyond the frontiers of the Colony. The merchants at East London complained, in a memorial to the Governor, that the traders in British Kaffraria and in the trans-Kei territory, for whom credit with the East London merchants was essential, were outside the law of the Cape Colony, or any other law, they said, "so far as concerns the claims of parties not likewise resident in British Kaffraria." The merchants, moreover, pointed out that East London was not attached to any division of the Cape Colony and therefore had no circuit court. Although they could seek justice through the Supreme Court of the Cape of Good Hope, such an action would be both lengthy and costly.[44]

Mackinnon agreed that the inhabitants of East London had been placed in a difficult position because they lacked a circuit court but he saw that this problem could be solved if East London were attached to

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42. See Chapter 3, 81 - 87.

43. P.P. 1847-8, XLIII /969/, pp. 26 - 27. Government Notice, 23 December 1847.

44. C.A., CO 4489. Petition to the Governor from the Wholesale Dealers at the Port of East London, 9 November 1848.

a colonial district. He suggested Albany or Victoria.[45]

Smith authorised the annexation of East London to the Division of Victoria. In a notice to this effect, the Attorney General explained that this action would have no other effect

> "than to bring under the cognizance of the Circuit Court of Victoria all criminal cases in which the crime was committed within the precincts of East London and its Rayon; and all civil cases in which the Defendant resides within the same limits."

The Attorney General pointed out, however, that the action would not confer jurisdiction in civil cases in which the defendant resided in British Kaffraria. Where this was the case, then the creditor would have to sue the defendant in a court in British Kaffraria. "Jurisdiction," the Attorney General explained,

> "is obtained by Courts with reference chiefly to the residence of the Defendant. Creditors, no matter where resident, may sue the Defendant in any Court which is established at or over his place of residence."46

The delay in the publication of the Letters Patent for British Kaffraria had an adverse effect on the development of the port. By 1854 it was known that Letters Patent had reached Cape Town and were awaiting the arrival of the new Governor for publication. It was taken for granted that, when the Letters Patent were published, East London would be restored to British Kaffraria. However, as long as

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45. C.A., BK 371, p.76, No.78 Mackinnon to the High Commissioner, 12 November 1848.

46. C.A., CO 4489. Attorney General's Office, 2 January 1849. The despatch is dated 2 January 1848, but this is an incorrect date. The error was caused because it was New Year. This despatch is in response to Mackinnon's despatch of November 1848.

the Letters Patent were being held in abeyance, the port's future remained uncertain. At the same time, the Cape Government was hesitant to incur any expense at the port lest the money be spent in vain in the event of East London's transfer to British Kaffraria.[47] Grey, however, decided to implement his own plans for British Kaffraria, for which the publication of the Letters Patent would be an unwanted legal hitch. The Letters were again held in abeyance[48] but, as a result, the Governor was not prepared to make any decisions with regard to East London.[49]

Local opinion was vociferous that East London should be returned to British Kaffraria. Despite the fact that the Letters Patent, which would have established a Civil Government in British Kaffraria, were being held back, a de facto Government had evolved which had ever increasing expenses to meet. The officials of this Government began to object that customs revenue collected at East London, which would have made a marked difference to the finances of British Kaffraria, was in fact being paid into the Cape coffers.[50]

Jennings[51] claimed that it was simply jealousy among "certain gentlemen in Cape Town" which prevented both the establishment of British Kaffraria as a Crown Colony and the transfer of East London to that

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47. See Chapter 6, p. 146.

48. See Chapter 1, p . 52.

49. See Chapter 2, p. 56.

50. See Chapter 4, pp. 100 - 103.

51. Matthew Jennings: Sub-Collector of Customs at East London, September 1851 - June 1870; Resident Magistrate for East London, June 1857 - June 1870.

territory. "One thing is quite certain," Jennings wrote to Maclean,

> "East London must be the Port of British Kaffraria, and the Revenue Kaffrarian Revenue, and if the Cape Government will not make an annual compensation such measures must be adopted that will prevent them receiving any sums that of right belong to Kaffraria."

Jennings believed that the first objective was to get an Order in Council which would give British Kaffraria the right to regulate its own customs tariff, an action which, he said, ought to be done even before East London became again part of British Kaffraria. "As soon as we have the control over the Port and the power of regulating the Tariff," he wrote,

> "we shall have the power of preventing the Colony from receiving our Revenue, and not only that, but the means of making this Port the medium of supply for Queen's Town Burgher's Dorp & the New Republic."52

Although East London was not transferred to British Kaffraria until 1859, the collection of documents in the Cape Archives makes it clear that instructions were given some time towards the end of 1854 for a closer union between the port and British Kaffraria. Up to the end of 1854, the Chief Commissioner sent all the Customs Returns to Cape Town and these are stored in the Government House Records.[53] There are no records of Customs Returns for 1855. Between 1856 - 1860, the Customs Returns were haphazardly collected and are stored in the Records for British Kaffraria.[54] Only after 1860, when East London was indeed

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52. C.A., BK 64. Jennings to Maclean, 4 September 1854.

53. C.A., GH 8/24.

54. C.A., BK 64.

officially reunited with British Kaffraria, were the Customs Returns stored again in an orderly fashion.

When, in 1853, the new constitution for Representative Government in the Cape Colony was implemented, East London was not considered for participation. The port was not attached to any electoral division and, although the local inhabitants were legally citizens of the Cape Colony and paid their taxes to that Colony, they were not considered eligible to vote.[55]

Grey's scheme to introduce military settlers into British Kaffraria and the imminent arrival of the Anglo-German Legion demanded structural changes to the government of British Kaffraria. In December 1856, new divisions were created in the territory "for the purposes of finance." The ambiguity of East London's position in the Cape Colony was again highlighted when it was decided that the Resident Magistrate's financial jurisdiction should extend to Forts Grey and Pato. This meant that the Resident Magistrate now had the authority to issue licences to people who lived within British Kaffraria.[56]

The arrival of the German Legion early in 1857 effected a major alteration to the definition of East London's boundaries. Up until then, the district of East London had remained loosely defined as the rayon of

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55. C.A., 1/ELN (A). Hope to the Civil Commissioner at Alice, 4 August 1853.

56. C.A., 1/ELN (B). Circular No 1, 10 December 1856.

two miles. No document had ever been produced which clearly defined the boundary.[57] Moreover, it had always been supposed that the rayon had been confined to the area to the west of the Buffalo River and that it ended at the river itself. This had been intimated by Smith's proclamation of January 1848, for he spoke of the rayon which surrounded the military post and, since that post was on the west bank, there was little likelihood that the rayon extended to the east bank as well.[58]

The definition of East London's boundary took on relevance only in 1857 when it was decided to settle a portion of the Anglo-German Legion on the east bank. It was Grey's intention that a hundred men of the Legion should be settled at the mouth of the Buffalo River and he stated that he had no objections if a site on the east bank should be chosen.[59]

In March 1857, Maclean issued instructions that the land on the east bank be surveyed and divided into twenty-five lots for the creation of a village.[60] Montagu[61], however, raised the question that, if the rayon did extend to the east bank, then the lots to be surveyed would fall within its compass. The land, he said, would be the property of the Cape Colonial Government and would not be a part of British Kaffraria.[62]

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57. C.A., CO 2917. Staunton to the Colonial Secretary, 6 July 1855.

58. P.P. 1847-8, XLIII /969/, p. 57. Proclamation: 14 January 1848.

59. C.A., BK 2. Travers to Maclean, 22 January 1857.

60. C.A., DSGBK 1, p. 224. Memorandum: Maclean to Montagu, 26 March 1857.

61. George Montagu: Deputy Surveyor General for British Kaffraria, 1848 - 1858.

62. C.A., DSGBK 1, pp. 228 - 230. Montagu to the Chief Commissioner, 28 March 1857.

Since the establishment of the village on the east bank had the Governor's sanction, Maclean did not consider the question of land-ownership as important. Soon, however, another problem was raised. The Resident Magistrate at East London requested to know whether the village which was being built on the east bank was to be considered as within the jurisdiction of his magisterial court.[63] Maclean was not able to answer this question. It was, he wrote,

> "one which involves a legal opinion - and which will not be satisfactorily answered until East London is legally incorporated with British Kaffraria."

Furthermore, Maclean believed that it was useless to submit the question to Grey since the Governor, Maclean said, shelved all queries on East London. In the meantime, he suggested that the Resident Magistrate's jurisdiction be confined to the west bank "and the rayon generally acknowledged west of the Buffalo." The Resident Magistrate, he said, had never hitherto had any jurisdiction on the east bank of the river. But, Maclean wrote,

> "I am aware many of the Cape people who are desirous of retaining East London as a Colonial Post contend that the Colony extends two miles East of Fort Glamorgan."

Maclean referred, on the other hand, to the wreck of the Vigilant[64], which had run aground on the east bank. She had been sold under Kaffrarian regulations and not under Cape Colonial law.[65]

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63. C.A., BK 61. Staunton to Maclean, 20 May 1857.

64. Vigilant: a vessel of 309 tons which parted from her anchors in strong winds and came ashore on the east side of the Buffalo River. She became a total wreck.

65. C.A., 1/ELN (B). Maclean to Staunton, 29 May 1857.

Eventually, however, another compromise was reached because of the practical issues involved. Applicants for licences in Panmure, and parties there who wished to make use of the Magistrate's Court, had to go through the office of the Chief Commissioner. The inconvenience of this method led to the issue of a Government Notice in October 1857 which placed the posts of Panmure, Cambridge and Amalinde under the jurisdiction of the Resident Magistrate of East London.[66]

Since Smith had not defined the term "rayon" at East London, the Cape Government came to regard it indeed as encompassing the east bank. This meant that the southern part of Panmure fell within the boundary of East London and so, technically, three villages had been created: East London (West Bank), East London (East Bank) and Panmure. This distinction between East London (East Bank) and Panmure was little used except by government officials.[67] The local inhabitants tended to speak of two villages: East London[68] and Panmure[69].

The ambiguity of East London's political status was finally overcome in 1859 when the port was restored to British Kaffraria.[70] Although the proclamation affected East London's political status, it did not succeed in reversing the damage done to East London during the previous decade of

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66. K.W.T. Gazette, 24 October 1857. Government Notice: 23 October 1857.

67. See Appendix 4, p. 232. Municipal Regulations for East London, No. 1.

68. The village of the west bank.

69. The entire village on the east bank, incorporating both East London (East Bank) and Panmure.

70. See Chapter 1, pp. 29 - 30.

uncertainty. Overland trade via Graham's Town had become a habit and, since the Surf Boat Establishment remained a monopoly of the Commissariat, the port maintained a poor reputation. Furthermore, the restoration coincided with Britain's decision to cut its financial aid to British Kaffraria, which meant that finance was not available for the development of the port. The onset of the economic depression in the 1860's, moreover, saw to it that East London remained in a suppressed condition.

Between 1860 - 1873 little change was made to the status of East London's local government although the area under the Resident Magistrate's jurisdiction increased in extent and new measures were introduced for the control of this larger district. In June 1860 a system of field-cornetcies was introduced, which brought British Kaffraria into line with the Cape Colony. The East London District was increased in extent and divided into two wards, each with a field cornet. These men, however, remained under the direct authority of the Chief Commissioner. The eventual proclamation of the Letters Patent for British Kaffraria in 1860, and the elevation of the territory into a Lieutenant Government, had no practical effect on the two villages of East London and Panmure. However, the area under the jurisdiction of the Resident Magistrate was increased again when, for the sake of easier administration, British Kaffraria was divided into two districts: East London and King William's Town.[71] The added demands that this made on the Resident

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71. G.M. Theal, History of South Africa, Vol. 7, p. 226.

Magistrate's time led, in turn, to the creation of more Justices of the Peace for the East London District. Whereas, in June 1861, Jennings was the solitary Justice of the Peace[72], by April 1867 there were ten.[73]

The incorporation of British Kaffraria into the Cape Colony in 1866 brought with it a number of alterations to the political status of East London. First, in May 1866, the Resident Magistrate became a Civil Commissioner, which meant promotion although his duties remained as they had been.[74] Secondly, the East London District was given parliamentary representation for the first time when, on 4 April 1866, W. Bell and H. Sparks were elected as Members of the Legislative Assembly.[75]

Six men served the East London District as members of the Cape Parliament during the period prior to the creation of municipal status.[76] They were generally criticised, however, for the fact that they seldom

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72. C.A., BK 62. Jennings to Brownlow, 19 June 1861.

73. C.A., CO 3108. List of Gentlemen holding Kaffrarian Commissions of the Peace in East London Division, 26 April 1867.

    Captain J.C. Hunt (Maclean Town); H.C.G. Fielding (East London); D. McDougall (East London); J.H.C. McGibbon (East London); H. Pugh (East London); Major W. Lee (Panmure); Dr C. Vix (Panmure); J. Tapson (Cambridge); H. Cumming (Farm No. 247, East London District); J.G. Sprigg (Farm No. 283, East London District).

74. C.A., 1/ELN (F). Colonial Secretary to the Civil Commissioner, East London, 10 May 1868. Jennings, however, began to use the title in January 1866. See C.A., BK 63. Jennings to Mills, 11 January 1866.

75. C.A., BK 63. Jennings to Mills, 27 March 1866.
    C.B.B. 1866, P4.

76. Henry Sparks (1866 - 1868)
    John Gordon Sprigg (1869)
    Charlton John Wollaston (1870-1871 - absent without leave in 1871 and the seat was declared vacant.)
    John Gordon Sprigg (1872 - 1874)
    William Bell (1866 - 1869)
    John Smithson Wright (1870 - 1872)
    Edward Yewd Brabant (1873 - 1878)

attempted to promote the interests of East London. Wright was described as "erratic"[77] and, although he fought for East London's right for harbour development[78], he eventually took up an appointment with the Griqualand West Government without first resigning his parliamentary seat.[79] Wollaston was criticised because he returned to England without resigning his seat.[80] The most capable of the East London representatives during this period was undoubtedly Sprigg[81]. He too was criticised, however, because he placed the wider needs of the Cape Colony ahead of the local East London interests[82], though he fought vociferously in the Cape Parliament for the building of a railway from East London to Queen's Town.[83]

In April 1873, the first major alteration was made to the status of local government in East London since 1848, when municipal status was proclaimed for the two villages of East London and Panmure.[84] Although the idea of a municipality had been suggested by Theal in The Kaffrarian

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77. K.W.T. Gazette, 13 January 1873.

78. K.W.T. Gazette, 16 August 1871.

79. K.W.T. Gazette, 13 January 1873.

80. K.W.T. Gazette, 20 September 1871.

81. John Gordon Sprigg: M.L.A. for East London, 1869, 1872 - 1874. Sprigg later served four terms as Prime Minister of the Cape Colony between 1878 - 1904.

82. C.L., MS 10 247. Sprigg to Ellen Fleischer, 14 September 1869.

83. K.W.T. Gazette, 10 January 1872, 24 July 1872.

84. Proclamation No. 37, 22 April 1873. See Appendix 4, p. 232.

in January 1865[85] and by the editor of the King William's Town Gazette in June 1865[86] as a solution to the deplorable conditions at East London, their suggestions were not acted upon.[87]

In October 1872, Governor Barkly suggested, in a response to a request for the establishment of a market at East London, that the inhabitants consider the desirability of a municipality.[88] Although there was little enthusiasm for the plan, a committee was nevertheless formed under the Chairmanship of John Gately[89] and the regulations were framed under Ordinance 9 of 1836 for the creation of a municipality. These regulations were adopted at a meeting which was held on 1 March 1873.[90] They were then forwarded to the Governor for ratification. Barkly duly approved them by means of a Government Proclamation of 22 April 1873. At another meeting on 20 May 1873, five Municipal Commissioners were elected[91] and on 24 May a chairman was elected.[92]

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85. Kaffrarian, 7 January 1865. George McCall Theal, later better known as a historian, established The Kaffrarian Recorder and East London Shipping Gazette as a weekly newspaper for East London in March 1863 but closed publication in February 1864 because of poor support. In response to local requests, Theal renewed publication in May 1864 under the title of The Kaffrarian but again stopped publication on 14 May 1865.

86. K.W.T. Gazette, 29 June 1865.

87. See Chapter 6, p. 165.

88. Dispatch, 22 October 1872.

89. John Gately: Born in Ireland in 1829, Gately arrived at the Cape in 1851 as a member of the 60th Rifle Brigade. He was discharged in 1857 and settled in East London in 1860 as a shipping agent. He became chairman of the Board of Municipal Commissioners for East London in 1873 when Lee resigned and was the first mayor from 1882 - 1888.

90. Dispatch, 1 March 1873.

91. Dispatch, 20 May 1873. The Commissioners were: J. Gately, G. Eirwood, J. Arnold (for East London) and Major. W. Lee, T.H. Venn (Panmure).

92. Denfield says Lee was the first chairman. See Chapter 6, p. 167.

Although East London was not incorporated until July 1880[93], municipal status nevertheless gave the local inhabitants the opportunity to inaugurate much needed civic reforms and to counteract the effects of nearly three decades of government control. Municipal status, moreover, was conferred at a most opportune time, for the Municipal Commissioners had the advantage of a rising economy with which to embark upon their projects.

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93. Govt. Gazette, 3 August 1880. Act No. 23. Act for the Incorporation of the Municipality of East London, 30 July 1880.

CHAPTER 3

The Creation and Development of a Port at the Mouth of the Buffalo River and the Evolution of the East London Surf-Boat Establishment

The creation of a port at the mouth of the Buffalo River was a deliberate political action: the establishment of a supply route to serve the military forces in British Kaffraria.[1] This was indeed to be its primary function until British Kaffraria was incorporated into the Cape Colony in 1866. All other functions were regarded as secondary. The position of East London in relation to the area as a whole was nevertheless important. This had been appreciated in 1836 when D'Urban proclaimed the annexation of the Province of Queen Adelaide. James Alexander[2] assumed that the Buffalo River would be the focal point of the new Province. "The river Buffalo," Alexander wrote,

> "from its source....to the sea, is established as the centre line of occupation of the Province of Queen Adelaide; and the ground on both banks of this clear, rapid, and beautiful river....is hereby appropriated and set apart to such an extent as may hereafter be judged expedient."3

The mouth of such a river would, if it were a viable proposition, present an ideal port for the territory.

Less than three weeks after the proclamation of annexation[4], Smith set out from head-quarters at King William's Town on an expedition "to clear the country near the sea, and examine the mouth of the Buffalo."

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1. See Chapter 1, pp. 8, 18 - 19.
2. Alexander was D'Urban's aide-de-camp during the 6th Frontier War.
3. J.E. Alexander, Narrative of a Voyage of Observation among the Colonies of Western Africa, in the Flag-Ship Thalia; and of a Campaign in Kaffir-land, on the Staff of the Commander-in-Chief, in 1835, p. 192.
4. i.e. towards the end of May 1835.

He took with him some 600 men, joined later by a large contingent of Xhosa warriors, as well as Khoi and Mfengu soldiers.[5] Alexander was given leave to accompany them and was able to chronicle the expedition.[6] The party camped on the first evening at the mouth of the Buffalo and the following morning examined the river as a potential harbour.

The early reports on the river mouth were universally complimentary. Alexander, in his journal, expressed satisfaction of its prospects. He wrote that the river opened out "into a fine lake" which was unfordable for four miles, to the junction of the fresh and salt water. The bar, he said, measured twelve feet at high tide and six feet at ebb. The river mouth, he concluded, promised to be a good port for the new province.[7]

John Bailie, in a letter to Alexander, proposed that the river mouth be used as a harbour. Alexander forwarded this letter to D'Urban who, in

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5. See Chapter 7, pp. 1 - 2.

6. Burton says that John Bailie accompanied Smith on this expedition. Although Alexander makes no mention of Bailie's company, it is probable that he, as captain in the Provisional Hottentot Infantry, was a part of the Khoi contingent. See A.W. Burton, The Highlands of Kaffraria, p. 34.

7. J.E. Alexander, Narrative of a Voyage of Observation, pp. 198 - 200.

turn, passed on the proposal to Smith and gave him the authority to act upon it if he thought it expedient.[8]

In January 1836, Bailie was commissioned to survey the river mouth. He was to perform this task on 5 January, a time when the full moon would afford him " a very fair opportunity to judge of the bar, as the tide /would/ flow and ebb to its full extent."[9] In his report, Bailie concluded that the mouth would be satisfactory for small craft to enter, although he had not been able to sound the river, as a boat had not been supplied for this purpose.[10] The Graham's Town Journal added that vessels of ten or even twelve feet in draught would be able to enter the river at spring tides, if properly managed. The place possessed, moreover, "every requisite of easy roads, plenty of fresh water, and fine timber....good grazing; a fine open sea, and no sand hills."[11]

Bailie's report was not exhaustive. He did not take soundings of the river and he based his entire judgement on the spring tide, a condition which applied for only a few hours once a fortnight.[12] Smith, however, found the report satisfactory and expressed his hope that a port would become a reality in the near future. "If we do but succeed in a Port," he wrote to D'Urban, "then our New Province may become the Paradise of the Colony."[13] In another despatch, he wrote that

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8. C.L., MS 2033, pp. 314 - 315. D'Urban to Smith, 11 December 1835.

9. C.L., MS 2033, p. 355. Smith to D'Urban, 3 January 1836.

10. C.L., MS 2033, p. 399. Smith to D'Urban, 16 January 1836.

11. G.T.J., 11 February 1836.

12. Contrast this with Forsyth's report in April 1847. See Chapter 3, pp. 70 - 72.

13. C.L., MS 2033, p. 399. Smith to D'Urban, 16 January 1836.

"if in future aggressions three or four hundred men could be landed there it would appal the Kafirs to see them coming out of the water."14

D'Urban expressed his satisfaction at Bailie's "very clear and comprehensible Report"[15] but decided that the Fish River mouth had also to be surveyed. A harbour on that river would serve the division of Albany as well, especially in the light of a possible withdrawal from the Province of Queen Adelaide. There were plenty of people in readiness, he wrote, to form a Steam Navigation Company between the two rivers and Algoa Bay the moment that either of them became accessible.[16]

Bailie's report was transmitted to Petrie[17] who thereupon journeyed to the mouth of the Buffalo to inspect it for himself. On his return to Cape Town, he called for tenders for the charter of a vessel to carry stores to the Buffalo.[18] John Rex tendered the Knysna which sailed under the command of Captain John Findlay.

Although Findlay intended to sail the Knysna into the Buffalo River, he decided against this once he had taken his own soundings. He judged that it was not safe to attempt to bring in a vessel of that mass.[19] The Knysna remained at anchor while her cargo was shipped into the river

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14. C.L., MS 2033, p. 633. Smith to D'Urban, 10 April 1836.

15. C.L., MS 2033, p. 552. D'Urban to Smith 7 March 1836.

16. C.L., MS 2033, pp. 433 - 434. D'Urban to Smith, 29 January 1836.

17. William Petrie: Commissariat General in Cape Town.

18. C.A., CO 568. Biddulph to Maitland, 27 April 1846.

19. The Knysna weighed 140 tons, whereas it was believed that vessels of up to only 120 tons could enter the river mouth.

by means of the ship's boats[20], to be landed at the "Grog Stairs" on the western bank of the river, close to Biddulph's camp.[21]

In a letter to the Graham's Town Journal, written from the mouth of the Buffalo while the Knysna was still at anchor, the port was described as "infinitely preferable" to Algoa Bay. The anchorage in the roadstead was said to be "unexceptionable for vessels of any size" and in case of necessity, a vessel could set sail in any wind. "The channel of the river," the letter continued,

> "is free from heavy surfs quite out to sea; and there is a ledge of flat rocks at the landing place, forming quite a natural quay, within 5 minutes walk of the store. There is a supply of fresh water on the spot for the use of the post, and with very little trouble ships might be watered from the river, a short distance up."22

The new port had a life of only a few weeks but, because the Colonial Office had ordered that the Province of Queen Adelaide be abandoned, the military post at the mouth of the Buffalo was evacuated as soon as the Knysna set sail.[23] Although there is a tradition that the Knysna continued to use the Buffalo as a harbour even after Port Rex had been abandoned as a military post[24], it is probable that the river mouth was indeed not used again as a port until 1847 when Pottinger decided to reopen it as a supply route during the war of the Axe.[25]

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20. C.A., CO 568. Biddulph to England, 22 November 1836.

21. C.A., CO 568. Biddulph to Maitland, 27 April 1846.

22. G.T.J., 1 December 1836. This letter was probably written by John Rex, for in a letter to Bowker from one of Bowker's brothers, a comment from Rex is quoted, the main argument of which is identical to the one present in the Journal. See Speeches, Letters, and Selections from Important Papers of the Late John Mitford Bowker, p. 12.

23. See Chapter 2, p. 39.

24. M.H. Taylor, "A History of East London", (Unpublished Manuscript, East London Municipal Library), p. 4.

25. See Chapter 4, pp. 91 - 92.

In April 1846, soon after the War of the Axe had begun, Captain Biddulph realised the advantages of the re-opening of the Buffalo as a port, as it would provide a shortened route to supply the troops in Kaffraria. He wrote a lengthy letter to Maitland in which he described the details of the establishment of Port Rex in 1836. He argued that the road from the mouth to Peddie was only forty miles and had few hills and little bush, except at the Keiskamma River. The distance to Fort Beaufort was about seventy-six miles and the road was well supplied with both grass and water. Biddulph estimated that there would be a saving of at least £20 000 if this route were used, in addition to the time saved in the avoidance of swollen rivers.[26] Maitland, however, ignored the suggestion and chose Waterloo Bay as a port, a decision which proved unwise.[27]

When Pottinger arrived as Governor early in 1847, he saw the importance of re-opening the Buffalo port.[28] Weeks before he had informed even Berkeley[29] of this decision, the Graham's Town Journal announced "confidently" that the mouth was to be established as a military station and sea port, and that the Commissariat at Port Elizabeth was already arranging to ship supplies there.[30] In another edition, the Journal reported that troops from King William's Town would move to the mouth to form a military station of about 300 men. Lieutenant Jervois, it

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26. C.A., CO 568. Biddulph to Maitland, 27 April 1846. Biddulph mentioned that during the 6th Frontier War, the Fish River had, on several occasions, become flooded and impassable for ten days at a time with the result that the soldiers often nearly starved.

27. See Chapter 1, pp. 13 - 14.

28. P.P. 1847-8, XLIII /912/, p. 73. Pottinger to Berkeley, 26 March 1847.

29. Lieutenant-General George Henry Frederick Berkeley: Commander of the British Forces in South Africa, January - December 1847.

30. G.T.J., 6 March 1847.

said, was to lay out the ground.[31]

Early in April 1847, a head-quarters camp, under Berkeley's command, was indeed established at the mouth. Berkeley soon informed Pottinger that he thought the situation ideal for a Commissariat Depot and a port, for once within the bar, Berkeley wrote,

> "the channel is deep, and with smooth water; and a ledge of rocks forms a natural pier, which,with a little help, may be made convenient to land stores at any time of tide. The plateau above will allow any sized work to cover the stores from attack; and I have every reason to believe, from appearances, that water is abundant enough for the troops."32

In his private notes, Berkeley expressed his belief that, if small vessels could cross the bar, the water would be deep enough for them to anchor. The entrance to the river was, however, nearly closed by a bar of sand which left "but one narrow passage", although this was deep enough for surf-boats to enter. At low water there was a ford across the entrance. He believed, however, that the landing of stores could be uncertain "owing to the very heavy rollers that set in, with particular winds" along the coast.[33]

Between April 1847 and February 1848, three reports were ordered on the possibility of the Buffalo as a port. In April 1847, Lieutenant Forsyth of the Royal Navy was commissioned to re-survey the mouth and by

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31. G.T.J., 27 March 1847.

32. P.P. 1847-8, XLIII [912], p. 74. Berkeley to Pottinger, 2 April 1847.

33. Sir G. Berkeley, Memoranda on the Kaffir War, p. 11.

the end of December he was instructed to issue a second report. In January 1848, a Board of Commissioners was appointed to investigate ways in which the port could be improved. The suggestions made in the latter two reports each met with the same fate: they were completely ignored.

Forsyth commenced his first survey on 5 April 1847 but it was submitted only in May.[34] Poor weather delayed his operation until 2 May, when the sea calmed sufficiently to allow the Frederick Huth to drop anchor, where she remained for seven days while she discharged her cargo.[35] It is probable that, because he had at that time no other vessel available to him, Forsyth used a boat from the Frederick Huth to make his preliminary examination of the roadstead. The delay caused by the adverse weather served a useful purpose, however, in that it gave Forsyth the opportunity to observe the river mouth for a full month, under all tides and in all wind conditions. His report was, therefore, far more comprehensive and conclusive than that drawn up by Bailie in January 1836.

Forsyth concluded that the river was indeed practical as a harbour "almost always in moderate weather, at slack water or with the flood tide." The ebb at Spring tides, however, generally ran out at a rate of four to five knots and it was impossible for boats to pull against it. The bar had been passable for laden boats, he said, for thirteen days

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34. C.A., CO 568. Forsyth to Woosnam, 5 May 1847.

35. G.T.J., 22 May 1847.

during that month. Once they had crossed the bar, every obstacle was overcome. They would land alongside a temporary wharf, which was then in construction on the western bank. The anchorage, Forsyth reported, was good and infinitely superior to Waterloo Bay because the bottom was sandy and clear of rocks, and the water "of moderate depth." The Frederick Huth, he said, had held through two gales "with moderate ease."

Although Forsyth had completed the survey of the anchorage and the entrance to the river, he reported that he had not been able to obtain the necessary soundings because he had lacked a suitable vessel with which to take the measurements. Until he had done so, he said, he did not feel competent to give his opinion as to whether it would be possible for small steamers or coasters to enter the river. He concluded, however, that until a regular surf-boat establishment had been created, little could be done to land supplies.

On 1 January 1848, Forsyth submitted his second report.[36] He again favoured the river mouth as a port. The anchorage in the roadstead, he said, was excellent half-a-mile from shore in $10\frac{1}{2}$ fathoms of water. Vessels were able to ride out gales "with apparent ease". Although the bay was open to southerly winds, this did not present a danger as winds seldom blew from that direction. He reported that the fluctuations of the river were, however, a problem. The entrance to the river had a shifting bar of sand across it which was affected by the "freshes" which

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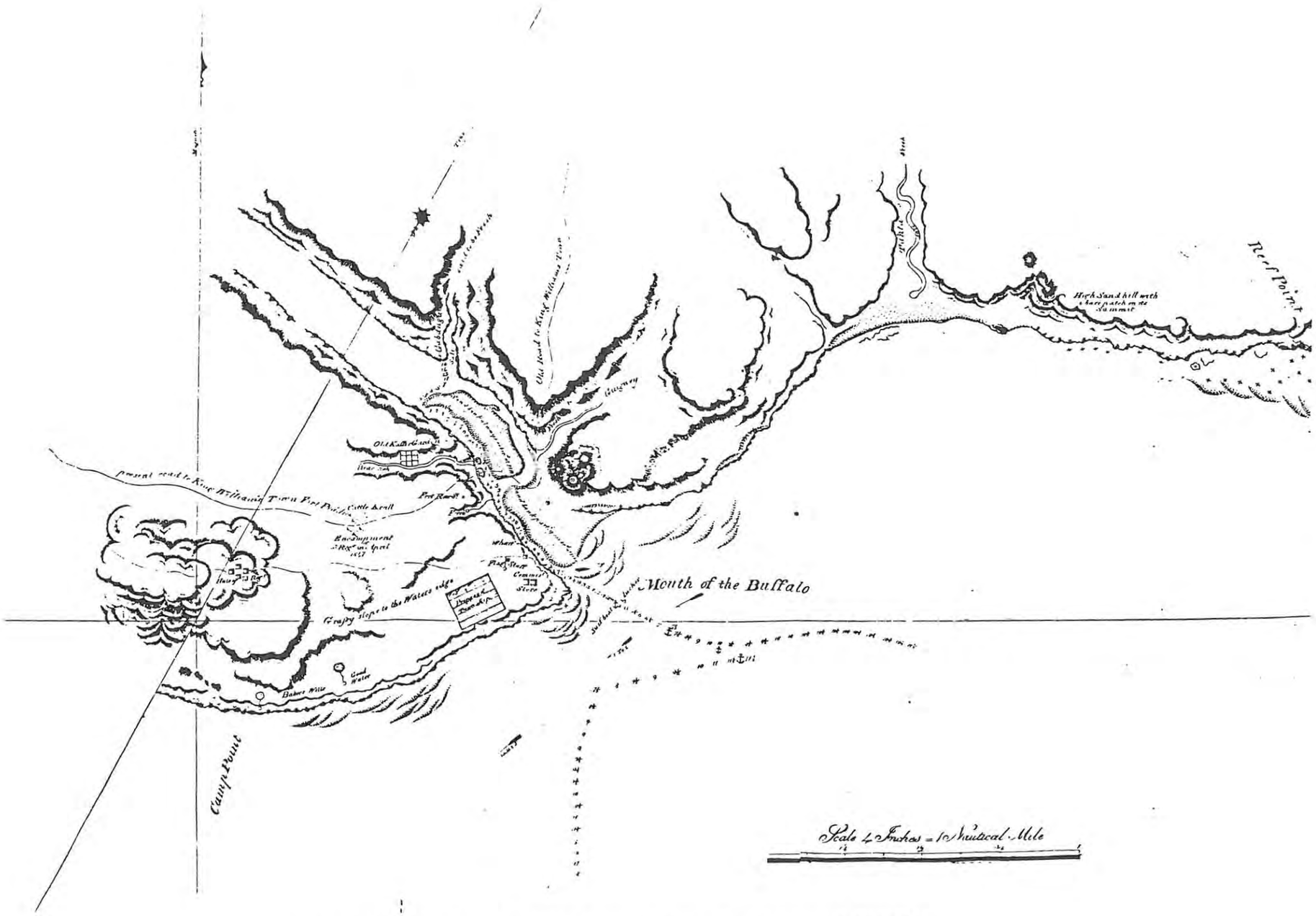
36. C.A., GH 22/2, No. 55. Forsyth to Southey, 1 January 1848. See accompanying map, p. 71a.



C.A., DSGBK 56. Sketch of the Buffalo Mouth, by Lieutenant Forsyth, 1 January 1848.

came down the river in summer, as well as by the heavy gales.[37] He suggested that the entrance could be improved and opened to vessels "of greater burthen" if the channel were to be confined in a manner similar to that employed at the Cowie.

In his report of May 1847, Forsyth suggested the use of surf-boats for the discharge of cargo from vessels anchored in the roadstead. He recommended the acquisition of three boats similar to those in use at Table Bay, but larger. They would require crews of seven or eight men each, he said.[38] The Commissariat Department adopted this method and, to facilitate the safe and speedy journey of these boats, a government warp was laid down from the western shore of the channel to an anchor out at sea. The surf-boats were then able to guide themselves along this line.[39] In his report of January 1848, however, Forsyth stated that the method of landing cargoes by means of surf-boats was uncertain. It was, moreover, an expensive system, he said, because of the large number of men who had to be employed and the cost of laying down warps, lines and anchors. He believed that it would be advantageous to invest in two or three iron-clad vessels of about 80 tons mass but with shallow draft which would be able both to discharge other vessels at anchor or themselves sail between the Buffalo River and other ports in the Colony.[40] This suggestion was ignored.

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37. In November 1847, Forsyth reported that, for a period of three weeks, the entrance to the river had been completely closed by the sand bar. C.A., CO 556. Forsyth to the Senior Naval Officer, Simon's Bay, 24 November 1847.

38. C.A., CO 568. Forsyth to Woosnam, 5 May 1847.

39. C.A., CO 4489. Report of the Board of Commissioners, 12 February 1848.

40. C.A., GH 22/2, No. 55. Forsyth to Southey, 1 January 1848.

On 14 January 1848, Smith appointed a Board of Commissioners to investigate ways to improve the port. The Board consisted of four members, of whom two were traders.[41] The Board submitted its lengthy and comprehensive report in February 1848.[42] It called for two major changes at the port. First, that a new jetty or wharf be built to replace the temporary one which had been washed away in a flood. Secondly, that the merchants be given access to the government gear so as to encourage private enterprise in the landing and loading of cargo. Had these two recommendations been accepted, East London's trading prospects would have been brighter. As it was, however, two years were to pass before a jetty was built, and private enterprise took over the government Surf-Boat Establishment only in 1872.

Immediately prior to the meeting of the Board of Commissioners, there had been an unusually heavy and continuous rain which had caused the Buffalo River to rise, the Board said, some forty feet above its normal height.[43] The resulting flood had removed the sandbars at the river mouth and this had allowed gale force winds to drive heavy waves through the unprotected entrance. The wharf and slipway which had been

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41. P.P. 1847-8, XLIII /969/, p. 57. Proclamation: 14 January 1848. The members of this Board were:
    (a) Captain Walpole: Resident Engineer Officer (Chairman);
    (b) Lieutenant Forsyth: Harbour Master;
    (c) De La Bare Blaine: Merchant;
    (d) Charles Borradaile: Merchant.

42. C.A., CO 4489. Report of the Board of Commissioners, 12 February 1848.

43. Charles Wolfe, Collector of Customs at East London, also refers to this flood. C.A., CCT 188. Wolfe to Field, 23 February 1848.

constructed in May 1847 were destroyed. The flood also served to place the Buffalo River in a new perspective. The Board rejected Forsyth's earlier proposal to channel the river. It would be a useless expenditure, it said, because the construction would be washed away by the first great flood. The Board, therefore, turned its attention to other more practical means of landing stores.

The Board stated that a new wharf was essential for the unloading of cargo and it suggested that a new slip be built so that boats could be repaired. The wharf, slip and the necessary roads could be built by the military, although this would entail that men be released from the construction of Fort Glamorgan.

Although the Governor himself had commissioned the Board, he ignored totally their report and recommendations. In September 1848, when no reply had been received, Major Smith took up the fight for a jetty. Without one, he said, the loading and landing of cargo had to be done from the river bank and this increased the danger of damage or loss to the packages. Moreover, the surf-boats had now to travel further up the river to a point suitable for this operation, and this increased the distances in travel both by water and by land. This, in turn, created lengthier, more inefficient and greatly more expensive operations. Major Smith requested that "some immediate steps" be taken towards the erection of a jetty and offered the services of the Engineer Officer at Fort Glamorgan to work out an estimate.[44] This came to £429 for a wharf of

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44. C.A., CO 4489. Major Smith to Mackinnon, 8 September 1848.

the type recommended by the Board of Commissioners.[45] The calculation was made on the supposition that military labour would be employed.[46]

Had East London remained part of British Kaffraria, the cost of the jetty could have been paid by the military budget. Since it was a Colonial port, however, the expenditure had now to be defrayed by the Colonial Government.[47] It therefore had to pass through official channels and be placed on the Colonial estimates before action could be taken. The Colonial Secretary informed Mackinnon that the request had to be deferred until the arrival and report of the Civil Engineer who had not yet arrived from England.[48]

A year later, in November 1849, neither a wharf nor a jetty had yet been built. Captain Rooper again appealed to the Government. Another estimate, which amounted to £1 500, had been prepared. Since, at that sum, Rooper believed it would be unacceptable, he appealed instead for permission to construct a simple jetty at a cost of £35, which he would have built by military labour and with stones found at the port.[49] Permission, however, was refused on the grounds that the Colonial Secretary had no power to sanction any expense for which no previous provision had been made in the Colonial estimates.[50]

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45. C.A., CO 4489. Stokes to Major Smith, 22 September 1848.
46. C.A., BK 392, p. 7. Mackinnon to Montagu, 24 September 1848.
47. C.A., 1/ELN (A). Major Bisset to Major Smith, 5 September 1848.
48. C.A., 1/ELN (A). Montagu to Mackinnon, 24 October 1848.
49. C.A., CO 4489. Rooper to Mackinnon, 12 November 1849.
50. C.A., BK 425. Montagu to Mackinnon, 26 November 1849.

Rooper renewed the appeal in March 1850 and explained the enormity of the problem which now confronted the traders at East London. The risk of loss and damage because of the lack of a jetty had led to the enormous freight charges of over £2 per ton on goods bound for East London. As a result, Rooper said, even the East London merchants were trading via Graham's Town and Port Elizabeth, where the reduced freight charges more than compensated for the expense of the land carriage.[51] The Colonial Government again rejected the request, "until circumstances admit of its being attempted."[52]

The "circumstances" happened suddenly and the jetty was completed by the end of May 1850. The volte face was the result of military needs. The Governor decided that the Rifle Brigade in British Kaffraria needed to be relieved and that a jetty would be useful for the embarkation of troops. Mackinnon was authorised to build a jetty at a cost of £50 and, since the Hermes was about to sail for East London, Smith requested that the project be carried out "without much further delay".[53] The jetty was completed by the end of May at a cost of £11 - 12 - 0, paid for out of the Commissariat Fund.[54]

The problem of the construction of a jetty was a combination of bureaucratic procrastination and the uncertain position of East London's

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51. C.A., CO 4489. Rooper to Mackinnon, 15 March 1850.
52. C.A., 1/ELN (A). Montagu to Mackinnon, 9 April 1850.
53. C.A., 1/ELN (A). Cloete to Mackinnon, 9 May 1850.
54. C.A., 1/ELN (A). Maydwell to Mackinnon, 27 May 1850.

political status. The Cape Government hesitated to spend colonial money on the port because of the possibility of its imminent return to British Kaffraria. Moreover, Smith appeared to consider the port, for practical purposes, as a part of British Kaffraria.[55] When a military need arose, however, he did not hesitate to draw money from the Commissariat Fund.

Until 1870, improvements of the harbour facilities within the river mouth were unsuccessful despite heavy annual expense.[56] Yet the failure to deepen the river mouth so as to allow larger vessels to enter was never seen as an unacceptable burden to the merchants of either East London or King William's Town. The fact was that East London did have a river mouth into which the surf-boats sailed for protection while they landed or loaded their cargo, an advantage over both Port Elizabeth and Cape Town. It was therefore not in this direction that East London's trade handicaps lay.

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55. See Chapter 2, pp. 45 - 48.

56. Amount Spent on East London Harbour, 1855 - 1873 (in £):

1855	-
1856	1 058
1857	5 869
1858	3 799
1859	2 236
1860	2 552
1861	2 502
1862	610
1863	610
1864	921
1865	-
1866	363
1867	293
1868	247
1869	160
1870	-
1871	-
1872	10 802
1873	21 242

The first attempt to improve the depth of the Buffalo River was undertaken in 1856, when Pilkington[57] surveyed the river mouth and drew up plans to build containing walls which would use the force of the river itself to scour out the sand bar.[58] Pilkington calculated that the entire project would cost about £110 974 but it could, he said, be carried out in stages.[59]

Stage one of this project was begun in 1856 under Pilkington's supervision, at first with labour supplied by the 89th Regiment.[60] In 1858, however, when the transportation of convicts from British Kaffraria to Robben Island was halted, it was decided to assign them to work on the harbour.[61] There was a delay of nearly a year before this plan could be put into operation, while the Civil Works barracks at East London was converted into a convict barracks, a task completed in January 1859.[62]

In the interim period, the build-up of the sand-bar had completely closed off the river mouth, which made a mockery of the attempt to deepen the river. "From this you will see," the Graham's Town Journal exclaimed in sarcasm, "that the 'works at the mouth' are not progressing very

57. Woodford Pilkington: Civil Engineer for British Kaffraria.

58. The Board of Commissioners for the East London Harbour had rejected a similar plan in 1848.

59. C.A., GH 19/9. Pilkington's Report on the East London Port, 1856.

60. K.W.T. Gazette, 11 December 1856.

61. C.A., GH 30/5. Travers to Maclean, 31 March 1858.

62. C.A., BK 386. Maclean to Jennings, 12 February 1859.
See Chapter 6, p. 147.

No. 2

To accompan my letter dated 23rd March. 1855.

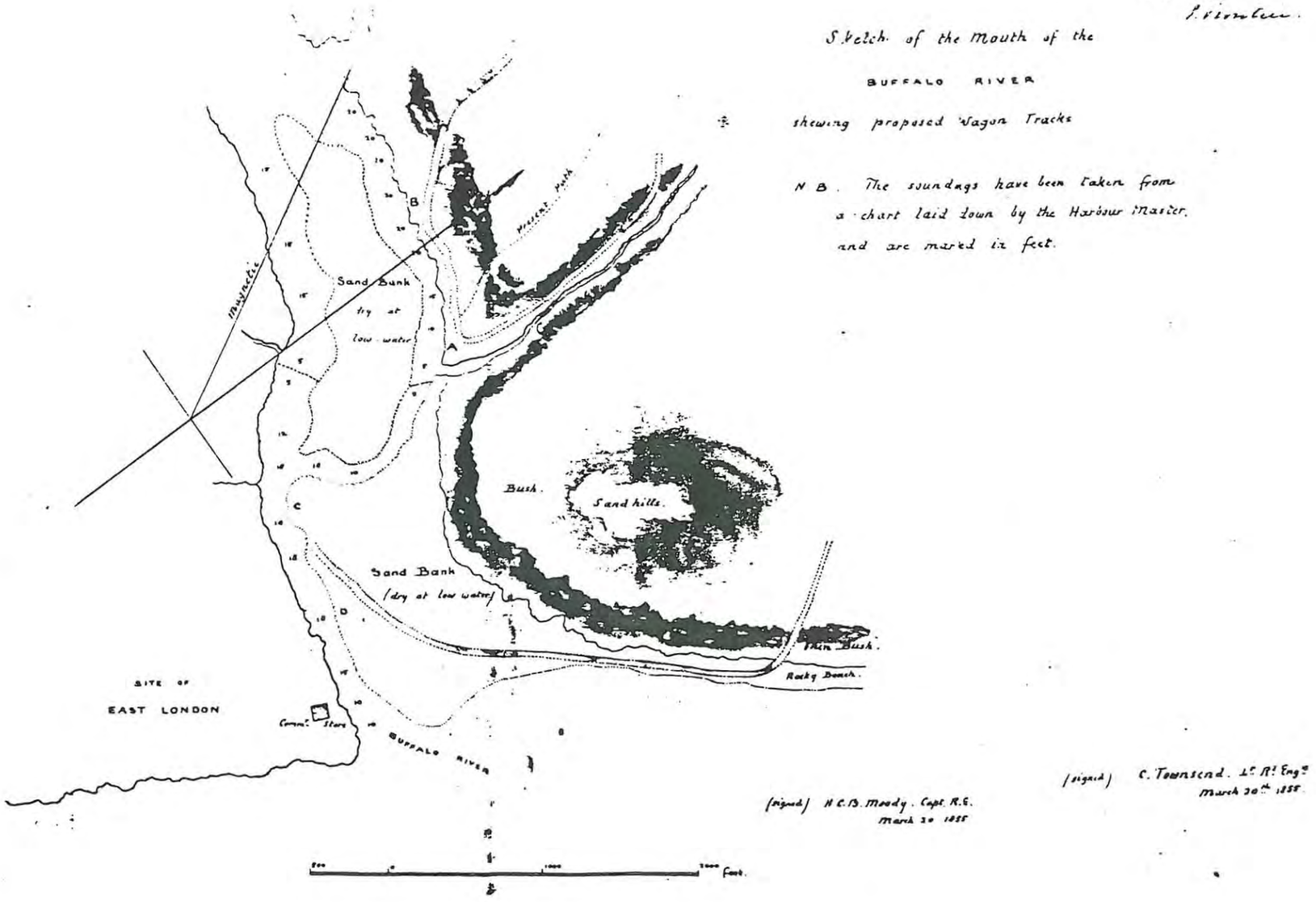
T.B. Robertson
Major R.E. Comg
E. London.

S. Sketch. of the Mouth of the

BUFFALO RIVER

shewing proposed Wagon Tracks

N B. The soundngs have been taken from a chart laid down by the Harbour Master. and are marked in feet.



(signed) H.C.B. Moody. Capt. R.E.
March 30 1855

(signed) C. Townsend. Lt. R.E. Engr
March 30th 1855

C.A., GH 20/2/1. Sketch of the Mouth of the Buffalo River, Shewing Proposed Wagon Tracks, by Major Robertson, 23 March 1855.

favourably."[63] The action of the sea, moreover, had already started to erode the work which had been so far accomplished. Large rocks had been dislodged from the containing walls and a considerable number had settled in the river mouth where they threatened to damage vessels which attempted to enter the river.[64] This was still the situation in August 1866, and a report claimed that only vessels with a very shallow draught could be brought into the harbour.[65] By 1869, all work had ceased as it had become apparent that money was being spent in vain.

In November 1867, Walker[66] summed up the effects of Pilkington's plans. In a report on the condition of the harbour works, Walker stated that no improvement had taken place but, on the contrary, injury had occurred. Many stones, he said, had fallen into the channel during the construction and more had been washed in later by the sea. The wall often wanted repair and was so undermined as to be dangerous. If it fell, Walker said, the whole wall would go and the channel would then be completely blocked. Furthermore, Walker believed that the centre training wall had been built from the wrong side of the river because, instead of causing a scouring effect on the river, he said, it had actually led to the silting of the river mouth.[67]

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63. G.T.J., 21 August 1858.

64. C.A., BK 63. Walker to Maclean, 29 July 1859.

65. Annex., A7 - 66. Report of an Inspection of the Harbour Works at the Mouth of the Buffalo River, 26 August 1866.

66. Captain George Walker: Harbour Master at East London, 1850 - 1875.

67. Annex., A16 - 68. Report of the Chief Inspector of Roads, Bridges and Public Works on the Harbour Works at East London, 10 January 1868, pp. 5 - 8.

Watts and Agar-Hamilton argue that Pilkington's scheme was abandoned because of the cost and because Pilkington's successors were dubious about the proposal to curve the breakwater across the mouth of the river in order to prevent the sand of the scour from being washed back into the river. This would force ships to enter the river broadside to the surf and prevailing winds. Sailing vessels would, it was believed, be driven onto the rocky shore.[68]

In March 1870, the first major development of the East London harbour began when John Coode, Civil Engineer, drew up plans for improvements of the various harbours in the Cape Colony. Although the object of the construction planned by Coode for East London remained similar to Pilkington's project[69], the greatest difference lay in the amount which the Cape Government was prepared to spend on the undertaking. Parliament accepted Coode's plans and, on 27 July 1871, voted the sum of £100 000 for the project, of which £15 000 was to be spent annually.[70]

The work was started in 1872 and, although it was some years before the improvements brought any significant change to the shipping at East London, the adoption of the plans nevertheless had an immediate effect on the village community. Government support for the plans was viewed as a vote of confidence in the port, and it led to an immediate rise in the value of property in East London and Panmure.[71]

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68. H.L. Watts & J.A.I. Agar-Hamilton, Border Port, p. 11.

69. i.e. to build training walls which would narrow the channel of the river and guide the currents so as to deepen the river mouth by natural means.

70. K.W.T. Gazette, 31 July 1871.

71. Dispatch, 29 October 1872.

The evolution of the Surf-Boat Establishment was a major factor in the development of East London's trade. From the start, a Commissariat monopoly was established which did not have the interest of the traders at heart. In 1865 the Surf-Boat Establishment was taken over by the Civil Government but its method of operation remained unchanged. Only in 1872 was private enterprise able to enter this field and place the East London Establishment on an equal footing to the establishments in Port Elizabeth.

There was no prohibition in the beginning against private enterprise undertaking the loading and unloading of vessels at anchor in the roadstead but the use of government equipment was not permitted. An attempt was made in 1847 to put down a private warp but it was found that the river channel was too narrow to work two lines of surf-boats. Since the government establishment took preference, the private warp had to be abandoned. The Board of Commissioners believed, however, that the government monopoly of the Surf-Boat Establishment was a discouragement to private enterprise and it suggested that merchants be given access to the government gear. A rate was suggested of 8/- per ton for landing and 4/- per ton for loading. Even this measure, the Board believed, should be of a temporary duration only, for soon private cargo would exceed government cargo. The Board, therefore, questioned whether the Surf-Boat Establishment should remain in government hands or whether it should be handed over to "private speculation", with guaranteed rates for government cargo.[72]

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72. C.A., CO 4489. Report of the Board of Commissioners, 12 February 1848. The Board also endorsed Forsyth's recommendation that iron "Paddle Box" boats of about 80 tons each and six foot draught would be of greater use than the inefficient and expensive surf-boats.

It was natural that the Surf-Boat Establishment should have been in the hands of the Commissariat in the early years. East London had been created as a military supply route, and as long as the military population in British Kaffraria exceeded the civilian, so would military cargo exceed that of private cargo. Furthermore, while trade into British Kaffraria was small, shipping to East London remained infrequent. It would not pay a private company to take over the Surf-Boat Establishment. Yet military necessity demanded the maintenance of an Establishment beyond the daily needs of the port, even if it had to operate at a financial loss.

A report in August 1849 spelt out these problems. The minimum operating cost of the Surf-Boat Establishment was given as £1 000 per annum, which comprised the expense of three surf-boats and the pay of 23 men to operate the boats. The Establishment had kept up this scale, the report stated, as a precaution, although work occurred only at long intervals. An attempt had been made to interest private enterprise but this was not possible as long as there was so little trade to the port. At the same time, however, the Commissariat Department had attempted to meet the needs of the traders by undertaking the transportation of private cargo. It had even been suggested that charges be dropped to 7/- per ton, which would have brought East London into line with Port Elizabeth. This had proved impossible to achieve, however, because the boat-crews viewed the transportation of private cargo as an extra and demanded additional pay.[73]

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73. C.A., 1/ELN (A). Miller to Smith, 7 August 1849.

It was not the military control of the Surf-Boat Establishment, nor the fact that military cargo was given preference, that troubled the traders who saw this as a legitimate demand. Their grievance was that the efficiency of the Establishment had not been able to meet the increased trade into British Kaffraria, especially after the sudden growth in white population during 1857 - 1858. Indeed, the Surf-Boat Establishment did not, in all its years under government control, increase in size. A report issued in February 1865 listed the strength of the Establishment at only three boats, eighteen boatmen and ten workmen.[74] Once the Establishment had been handed over to the Civil Government of British Kaffraria in 1865, emphasis was placed on the reduction in costs rather than increased efficiency.[75]

In a memorial of March 1857, the traders of East London and King William's Town brought the Governor's attention to the need for a private surf-boat establishment which they, as importers, were fully prepared to undertake. The increased trade at the port, in conjunction with the Government demand that preference be given to its cargo, meant that the private merchant was no longer given an equal chance. This meant loss in revenue by the overlong detention of their goods, as well as increased freight charges and insurance because ships were being detained for so long in an open roadstead.[76] The traders also complained of the "deplor-

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74. C.A., CO 3207, No. 12. Proceedings of a Board to Examine and Report on Landing and Shipping of Government Stores and Merchandize at East London, n.d. In response to Wodehouse's despatch of 2 March 1865.

75. C.A., CO 3207, No. 12. Report on the Working of the Surf-Boat Establishment, 18 September 1866. Encl. to despatch Orpen to the Colonial Secretary, 28 February 1873.

76. See Chapter 4, pp. 96 - 97.

British Kaffraria, Grey said, could continue to discharge the duties of such a Board.[80]

The Governor's reluctance to allow the Surf-Boat Establishment to be controlled by any body other than the military is understandable. British Kaffraria existed as a military protectorate for the solution of a frontier problem. East London's raison d'etre was as a supply route for this military force. Since 1846, two lengthy and costly frontier wars had been fought in rapid succession, and the Xhosa had participated in the Cattle Killings. Although modern historians and anthropologists may view the Cattle Killings in terms of moral protest and national sacrifice[81], Government officials at the time believed it to be the possible advent of yet another frontier war.[82] By 1857, therefore, the need to maintain the Surf-Boat Establishment in military hands had in no way diminished since its inception in 1847. Although the Governor was willing to encourage the establishment of private companies to undertake the landing of stores at the port, he was not prepared to allow a private Surf-Boat Establishment.[83]

Wodehouse inherited Grey's belief that the Surf-Boat Establishment should remain in military hands. This brought him into conflict with the

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80. C.A., BK 378. Schedule 438, 27 April 1857. The Governor's answer to Maclean's request is written in the margin of the Schedule.

81. See Chapter 7, p. 178.

82. C.A., GH 20/2/1, No. 294. Maclean to Grey, 25 March 1857.

83. C.A., BK 2. Travers to Maclean, 13 May 1857.
C.A., BK 380. Schedule 29, 28 March 1859.

British Government which had begun to protest against its financial commitment in British Kaffraria. The British Government noted that the Surf-Boat Establishment was being used to achieve "Colonial Objectives" and it believed that British Kaffraria should either bear the expense or be made to repay the British Treasury for the annual deficit of the Establishment, and the costs of providing and laying down warps and lines.[84]

Wodehouse objected to these proposals. It had been the British Government, the Governor stated, which had created British Kaffraria on a scale which its existing revenues were "altogether inadequate to maintain." He had had, up to the present, to meet these financial commitments with the aid of an Imperial Grant but, since this grant had ceased, he had had to make a loan of £5 000 to pay even the ordinary debts of that colony. He had already had to increase taxation in British Kaffraria in an attempt to place that Government in a state of solvency. It therefore could not be expected, Wodehouse said, that the British Kaffrarian Government take "so heavy a charge" as the Surf-Boat Establishment. Furthermore, since the customs revenue at East London was indispensable for the economy of British Kaffraria, an increase in charges by the Surf-Boat Establishment would merely drive away traffic and thereby cause a greater deficiency in revenue.[85]

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84. C.A., BK 6. Douglas to Wodehouse, 22 September 1864.

85. C.A., BK 6. Wodehouse to Douglas, 25 September 1864.

The British Government decided to settle for a compromise. Cardwell informed Wodehouse that the expense of the Surf-Boat Establishment could no longer be provided for out of army estimates but that the British Government was willing to allow the transfer of the plant and stores of the existing Establishment to the British Kaffrarian Government without charge, on condition that troops and stores for the defence of the territory be landed free of charge.[86]

In February 1865, Wodehouse appointed a Board of Enquiry to report on the landing and shipping operations at East London prior to the Surf-Boat Establishment's transfer to the British Kaffrarian Government.[87] This Board reported that the Establishment had been operated for the past three years at a substantial deficit.[88] It believed that it was desirable to place the Establishment entirely in the hands of private enterprise. This, the Board stated, would allow the Establishment to lower its fees so as to compete with other ports, and at the same time, it would insure the cargoes against damage or loss.[89] Although Wodehouse accepted the Board's recommendation as regards fee adjustment[90], he vetoed the sugges-

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86. C.A., CO 3207. Cardwell to Wodehouse, 9 January 1865.

87. The Board consisted of M. Jennings (Collector of Customs), S. Trill (Civil Engineer) and G Walker (Harbour Master). The transfer of the Surf-Boat Establishment to the British Kaffrarian Government was effected on 1 April 1865.

88. Average annual expenses: £2 300.
Average annual revenue: £1 080
Average annual deficit: £1 220.

89. C.A., CO 3207. Report on Landing and Shipping of Government Stores and Merchandize at East London, n.d. Issued in response to Wodehouse's despatch of 18 February 1865.

90. ibid. New Tarriffs: Landing - 7/- per ton
Shipping - 5/- per ton
Passengers - 5/- each

tion that the Surf-Boat Establishment be handed over to private enterprise.[91]

The King William's Town Gazette criticised Wodehouse's handling of the transfer of the Establishment. Although charges had been reduced, the editor wrote, the British Kaffrarian Government was compelled to continue the operations as they had always been, and it was not able to take responsibility for damage or losses. The editor believed that this action was linked to Wodehouse's desire that British Kaffraria be forced into a union with the Cape Colony, by the imposition of crippling economic strictures. "He acted like the politic king of Siam," the editor wrote,

> "who, when he wished to destroy a subject, presents him with an elephant, which, being a gift from his sovereign, he cannot part with, but must maintain in state until his funds are exhausted."

The editor saw that the situation could not be remedied until private enterprise succeeded the government monopoly. That, he said, would not happen until after annexation of British Kaffraria to the Cape Colony, when parliament would gain a voice in the matter and would not consent to maintain a government establishment which operated at a loss, when private enterprise would gladly purchase and operate it at a profit.[92]

The editor's predictions proved correct. In July 1868, a motion was presented to the House of Assembly, and passed unopposed, that the Surf-Boat Establishment be placed in private hands.[93] The transfer, however,

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91. Kaffrarian, 8 April 1865.

92. K.W.T. Gazette, 8 June 1865.

93. K.W.T. Gazette, 27 July 1868.

was slow. The East London Boating Company, a privately owned enterprise with its head-quarters in King William's Town, was established on 25 June 1872.[94] An agreement for the transfer of the government equipment was concluded on 22 July. In terms of this agreement, preference was still to be given to the requirements of the British and Colonial Governments for the landing of troops and stores. The government, moreover, was to hold a veto right on all tarriff adjustments. But, since the new company accepted responsibility for all losses or damages sustained to passengers or cargo in its care, East London was at last able to compete with other ports in the Cape Colony on an equal basis.[95]

The East London Surf-Boat Establishment lay at the centre of the port's financial problems. Since it was maintained as a military and government monopoly for so many years, it came to represent, more than any other organisation, the military nature of East London's existence. However, with its eventual hand-over to private enterprise, together with the adoption of Coode's plans for the development of the harbour, the prospects for a viable port at the mouth of the Buffalo River, loudly acclaimed in 1836 and 1847, at last appeared to be reaching fruition.

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94. K.W.T. Gazette, 26 June 1872.

95. C.A., CO 4430. Memorandum: 8 July 1872.

CHAPTER 4

The Development of East London as a Trading Port

Lancaster argues that, even had the Colonial Office not objected to D'Urban's creation of the Province of Queen Adelaide, the Governor had hardly the financial resources to embark upon any major scheme in the territory.[1] As it was, however, by the time that Rex's tender for the Knysna was offered, the machinery was already in motion for the restoration of the territory. As a result, when Rex petitioned the Governor for a grant of land between the Buffalo and Nahoon Rivers so as to be able to establish a trading station, D'Urban had to refuse the request.[2]

Rex was convinced that his voyage was to be the first of many to the Buffalo River. In October 1836, he placed an advert in the Graham's Town Journal in which he stated that the Knysna would be at the mouth of the Buffalo on 20 October, with an assorted cargo which would be sold for cash, or goods received in barter. "The short distance from the different Posts in the New Province to the mouth of the Buffalo," the advert stated,

> "and the goodness of the roads and pasture, together with the full Graham's Town prices which Mr J. Rex will give or allow in barter, must convince every trader of the advantage to him of resorting to the new market now about to be opened."3

Although Rex had been refused a grant of land at the mouth, he was allowed to carry on a barter trade with the Xhosa during the period in which the Knysna lay at anchor. By the time the ship set sail for Cape

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1. J.C.S. Lancaster, "A reappraisal of the Governorship of Sir Benjamin D'Urban at the Cape of Good Hope, 1834 - 1838", (Unpublished M.A. Thesis, Rhodes, 1980), p. 189.

2. See Chapter 2, pp. 37 - 38.

3. G.T.J., 6 October 1836. The Knysna reached the Buffalo Mouth a month later than the advertised date.

Town on her return voyage, Rex had taken on board a cargo of hides and horns, the first export from the mouth of the Buffalo.[4]

There is a tradition that the Knysna continued to call at the Buffalo even after the military post there had been abandoned.[5] It is doubtful whether this was so. Although the military withdrawal did not mean a halt to trade in the territory, it had nevertheless taken between six weeks to three months for the soldiers of the Buffalo camp, together with the ship's crew, to unload and load the Knysna. Such personnel would not have been available at any later expedition. Granted that Rex's later trade would have consisted mostly in the barter of hides and horns, this very trade was nevertheless of doubtful value in comparison to the costs of the voyage and the time needed to load the cargo. In 1849, Mackinnon pointed out to the Governor that the "Kaffir trade", when not combined with the sale of goods to the military and civilians, had not proved sufficiently profitable to induce traders to continue it.[6]

Furthermore, Rex was confronted with the problem of customs duties on his cargo of hides and horns when these arrived in Cape Town. The cargo was considered to be an import from a foreign port, despite the fact that some of it had been obtained before the Province of Queen Adelaide had ceased to be under military control. Even a petition to the

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4. G.T.J., 12 June 1847.

5. M.H. Taylor,"The History of East London", (Unpublished Manuscript, East London Municipal Library), p. 4.

6. C.A., BK 371, p. 120. Mackinnon to Smith, 31 May 1849.

Governor, in which Rex explained the uniqueness of the expedition, failed to gain exemption from customs duties.[7]

Another problem is the lack of documentary evidence to substantiate the tradition that the Knysna traded regularly at the Buffalo. Taylor's argument is based on oral tradition and contains a number of errors, such as his explanation for the name given to the Port Rex Stone and the siting of this stone. Furthermore, in 1847, when the decision was made to re-open the mouth as a port, even the name Port Rex had fallen into disuse.[8] It is doubtful whether this would have happened had Rex continued to make regular use of the Buffalo.

When the port was re-opened in April 1847, several traders established themselves as camp-followers in the wake of the military occupation of British Kaffraria. Although Pottinger did not believe it advisable to grant land to these traders till the territory as far as the Kei River had been pacified, he nevertheless left it to the discretion of the Commanding Officers to enforce this instruction. When Smith took over the administration in December 1847, he encouraged traders to establish themselves in British Kaffraria.[9]

Traders had already settled at the mouth by May 1847. The Graham's Town Journal that month reported that the Buffalo could already boast

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7. C.A., CO 3994, No. 164. Memorial: Rex to D'Urban, 6 March 1837.

8. G.T.J., 12 June 1847.

9. See Chapter 2, p. 40.

> "a substantial wooden store, under the management of Mr George Reeler, and well filled both with the necessaries and luxuries of life, so that although we may be almost shut out from civilized society, yet we have the pleasing reflection that ere long, many friends will be tempted to join us in exile."10

By July 1847, the Journal was able to report the first export trade of hides and horns, taken on board the Conch.[11]

It has already been argued that the Buffalo port was the natural outlet for the trade of British Kaffraria and the territory beyond.[12] Had its trade been allowed to evolve naturally, East London could have grown into a prosperous sea-port to rival perhaps even Port Elizabeth in importance. The very opposite was to happen. By the end of 1848, merchants in East London were selling their businesses and, during 1849, bankruptcies began to occur, so that, in February 1849, Midgeley[13] was to describe East London as in a deplorable condition,

> "nothing but quarrelling and bankruptcy and since Major Smith left it has become little less than a mud hole."14

Moreover, the trade of British Kaffraria and the North-Eastern Territory began to pass overland, via Graham's Town to Port Elizabeth, instead of following the natural route to East London. It was only at the end of the 1860's that this phenomenon was to be reversed.

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10. G.T.J., 22 May 1847.

11. G.T.J., 31 July 1847.

12. See Chapter 1, p. 2.

13. George Reuben Midgeley: Sub-Collector of Customs for East London, May 1848 - May 1851.

14. C.A., CCT 188. Midgeley to Field, 18 February 1849.

A number of factors combined to cause this set back to East London's trading importance. Ultimately, however, two factors predominated: the Commissariat monopoly of the Surf-Boat Establishment and the strange political status that East London was given by the annexation to the Cape Colony in January 1848.

Smith, as we have seen, appeared to view East London as a part of the Cape only for financial purposes, but in every other way the port was regarded as still a part of British Kaffraria.[15] This meant that East London was governed mainly as a military supply route and, as such, no alterations were authorised for the port in its early years unless they were directly connected to the military situation, while the needs of the traders were left unattended. The prime example of this was the attempt from February 1848 to May 1850 to acquire a jetty. The Colonial Government's failure to provide this jetty was, Rooper believed, a major factor in the redirection of the British Kaffrarian trade from East London to Graham's Town and Port Elizabeth.[16] Moreover, it brought from Mackinnon the comment that East London was

> "under a Cloud, and a considerable export trade from Kaffraria and the North Eastern Country, which, were there a jetty, it would doubtless attract is lost to it."17

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15. See Chapter 2, p. 45.

16. See Chapter 3, p. 76.

17. C.A., BK 392, p. 103. Mackinnon to the Secretary to the Government, 18 March 1850.

The lack of a jetty, however, was not the only reason for the trade being driven overland to Port Elizabeth. Of greater importance was the fact that the monopoly of the Commissariat-owned Surf-Boat Establishment resulted in an escalation in freight charges, inadequate and inefficient portage, and a lack of concern and responsibility for the cargo in its care.[18] The monopoly meant, moreover, that the Commissariat could charge whatever freightage it desired. Even when charges were reduced once the jetty had been built in 1850, they were never to equal those of the privately owned Algoa Bay companies, where competition brought fees to a minimum. As late as 1864, the Kaffrarian reported that the East London merchants had to pay 10/6^{d} per ton for cargo off-loaded at the port while the private companies at Port Elizabeth charged only 5/6^{d} per ton[19], a claim substantiated by the King William's Town Gazette.[20]

The major problem associated with the Commissariat monopoly was the refusal to accept responsibility for loss or damage to cargo. The result was two-fold. First, there was no pressure on the Commissariat to take great care of the cargo in their hands, which resulted in frequent damage or loss of merchandise. Secondly, it forced the trader himself to be responsible for his insurance. This led, in turn, to an escalation of prices, so that by 1848 the cost of living at East London was said to be double that of Cape Town.[21]

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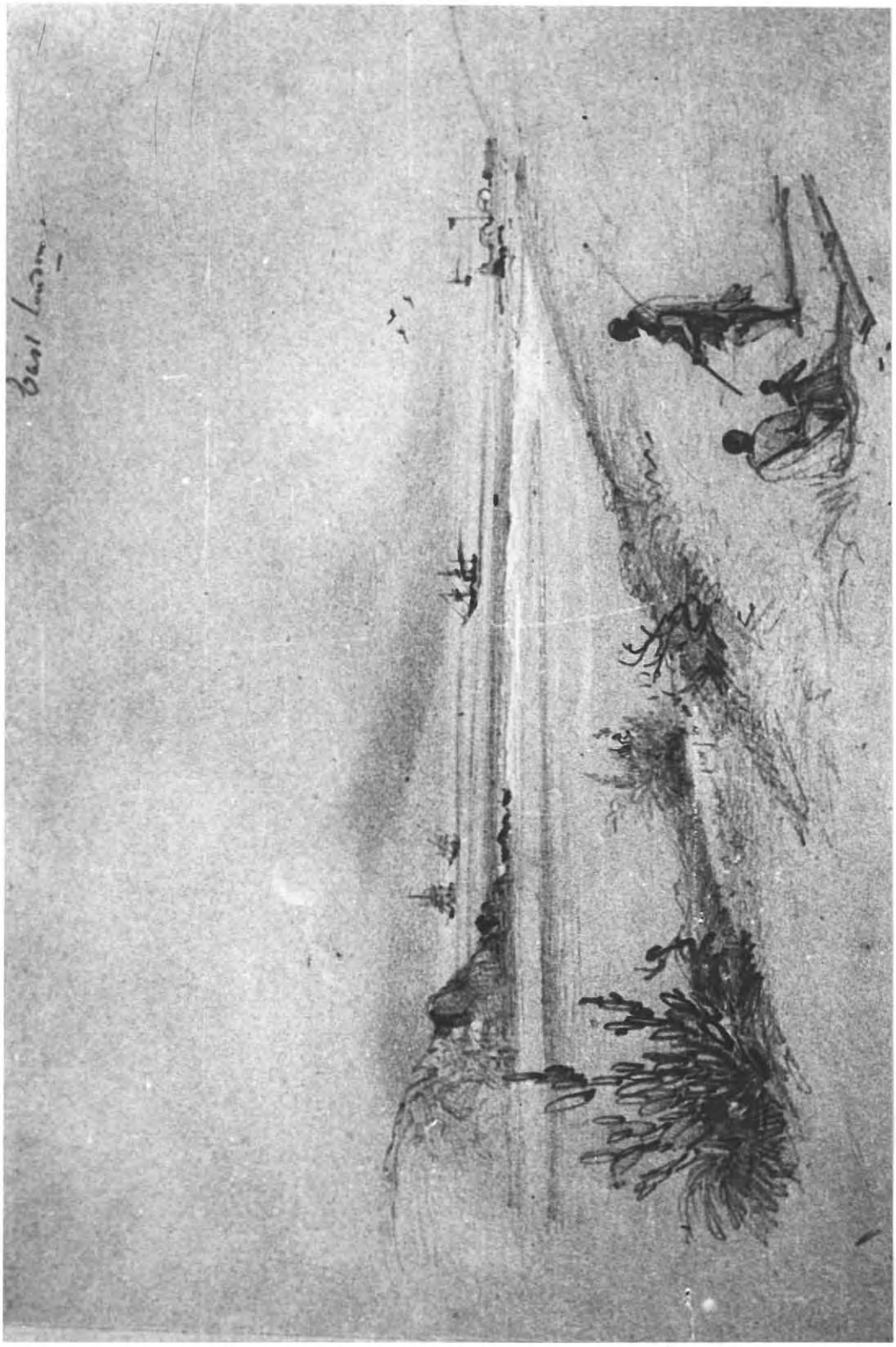
18. See Chapter 3, pp. 83 - 84.

19. Kaffrarian, 24 December 1864.

20. K.W.T. Gazette, 8 June 1865.

21. C.A., CO 4489. Smith to Mackinnon, 4 August 1848.
C.A., CCT 188. Wolfe to Field, 2 April 1848.



EAST LONDON, ABOUT 1852 - 1856
T.W. Bowler
Picture: Courtesy of Mendellsohn Library, Parliament Buildings, Cape Town.

In a memorial to the Governor in March 1857, the traders complained of the deplorable state of the surf-boats at East London, which resulted in "the sad condition" in which their cargoes were being landed. This, they said, led to severe loss for which the merchants had no way of compensation, either for goods damaged by sea-water or through pilfering during landing, "an event of frequent occurence." The memorial concluded that

> "From a combination of all these circumstances the cost of our Goods is greatly enhanced, the vigour of Trade is impeded, whereas with a safe Harbour at East London, and good roads....we should be in a position to compete successfully, with any of the Colonial Towns."22

The inadequate facilities which the Surf-Boat Establishment provided caused loss to the trading community because of the delays that ensued. The editor of the King William's Town Gazette commented in April 1857 that on one particular Saturday that month, there had been no less than fifteen ships anchored in the roadstead awaiting discharge. But, the editor commented,

> "with the present number of boats and under the existing system, the work of landing from private vessels is almost an endless job."23

Maclean substantiated this claim. One vessel with direct import cargo for East London, Maclean said in a despatch, had eventually sailed for Port Elizabeth to discharge, after having waited at anchor in the East

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22. C.A., GH 8/31. Memorial of the Merchants and Importers at East London and King William's Town, n.d. Encl. to Schedule 412, 12 March 1857.

23. K.W.T. Gazette, 11 April 1857.

London roadstead for a full two months. There was also a vessel then at anchor, he said, which was likely to be detained for another four months. These facts, Maclean said,

> "speak for themselves - No Port can prosper under such a system - and it is the only obstacle to the prosperity of ours -
> The G. Town Merchants have taken advantage of our Crippled Condition at E. London and are sending goods from G. Town."24 -

The combination of all these factors could only spell disaster for East London as the port for British Kaffraria. The King William's Town Gazette reported in April 1857 that owners and masters of vessels were threatening never to return.[25] The traders complained that the combination of the priority given to government cargoes and the general delays at the port were causing a "fearful loss" through the detention of their goods. Furthermore, because the delays were detrimental to the shipowners, they resulted in a rise of freight charges to East London.[26]

The Graham's Town Journal in April 1852 published an article which aimed at proving that Port Elizabeth was the cheaper port for merchants in British Kaffraria, and a comparative table of charges was given.[27]

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24. C.A., BK 2. Maclean to Travers, 11 May 1857.

25. K.W.T. Gazette, 11 April 1857.

26. C.A., GH 8/31. Memorial of the Merchants and Importers at East London and King William's Town, n.d. Encl. to Schedule 412, 12 March 1857.

27.

	Per Ton to E.L.	Per Ton to P.E.
Freightage from Cape Town	30/- to 40/-	12/6 to 15/-
Landing and Forwarding	7/-	9/9
Insurance	42%	1%
Carriage to Graham's Town		2/6 to 3/- per 100 lbs
Carriage to King William's Town	2/6 per 100 lbs	1/9 to 2/6 per 100 lbs

The article indicated that, although in certain aspects East London was cheaper, the exhorbitant freight and insurance charges made it advantageous to import goods through Algoa Bay rather than East London, despite the extra land distance entailed.[28]

The merchants at East London also pleaded "heavy losses" from the cessation of hostilities on the frontier during 1848. The withdrawal of troops from East London had exaggerated this position and had left them with "heavy stocks on hand".[29] This was an important factor in the development of the trading sector of East London, for the early merchants had arrived as camp-followers and had established themselves in the prospect of East London's future as a permanent military post of fair proportion.

By 1848, however, with the hostilities over, a large military establishment at Fort Glamorgan was no longer needed. Indeed, East London's geographical position made it impractical to maintain the mouth of the Buffalo as the head-quarters when a military post inland was more strategic. The need for a large military establishment at Fort Glamorgan lessened even further in December 1850 when, with the outbreak of the Mlanjeni War, Chief Phato declared his neutrality and offered to protect the transport wagons between the port and King William's Town.[30]

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28. G.T.J., 24 April 1852.

29. C.A., CO 4489. Memorial from Storekeepers at East London, 1 February 1849.

30. P.P. 1851, XXXVIII [1334], p. 107. Maclean to Mackinnon, 2 December 1850.

An examination of East London's trade statistics for the first seven years reveals the economic stagnation.[31] After the initial impetus of 1848, when both trade and the military were still establishing themselves in British Kaffraria, trade began to drop appreciably during 1849 - 1850 as the full extent of the trade barriers at the port began to be felt. The sharp rise in the import figure for the years 1851 - 1854, coupled with the escalation of shipping to the port, was due to the outbreak of the Mlanjeni War in December 1850, which brought reinforcements and increased supplies to British Kaffraria. Indeed, the war was taken to as far afield as the trans-Kei and Basuto territories, supplies and troops for which would have been routed through East London.

The trade figures for the war years, however, do not reflect conditions in East London. The bulk of the supplies passed through the port into the interior and so the figures do not indicate an increase of trade by the East London merchants. The fact that Phato chose to remain neutral meant, indeed, that East London did not gain the military impetus which it had received in 1847. Early in May 1851, Fort Glamorgan housed only 116 soldiers out of a total of 5 103 in British Kaffraria under Colonel Mackinnon and a further 4 467 on the frontier and adjacent districts under Major-General Somerset.[32] In 1853, as the war drew to an

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31.

	SHIPPING			IMPORTS (£)	EXPORTS (£)
	Total	Coastal	Other		
1848	20	20	-	Nil	1 114
1849	13	12	1	55	25
1850	12	12	-	Nil	420
1851	54	48	6	1 869	154
1852	60	54	6	614	Nil
1853	49	35	14	3 082	414
1854	29	25	4	4 414	Nil
1855	43	43	-	334	92

32. P.P. 1852, XXXIII /1428/, pp. 12 - 14. Return of Troops Serving at the Cape of Good Hope, 1 May 1851.

end, East London had a civilian population figure of only 124 whites.[33] Poor trading conditions had caused a markedly low population growth during East London's initial six years.

The Mlanjeni War did, however, make the roads from Graham's Town to the frontier towns unsafe for transit and trade.[34] This meant that the Graham's Town merchants were deprived temporarily of their trade with British Kaffraria, in favour of the East London route. After the war, the Graham's Town merchants made great efforts to recapture the overland trade by underselling the East London traders, who were unable to compete even to maintain the level of profits which had been gained during the war years.[35]

The export trade during the war years remained poor and irregular. Prior to the war, articles such as wool, horns and salted meat were being exported from East London, and cattle and horses were being shipped to Mauritius. A report drawn up in August 1854 stated that this latter export ceased during the war because of the increase in prices. When the war ended, however, this trade did not resume.[36]

While East London was a part of the Cape Colony, all customs revenue collected there was paid into the Cape Treasury. The delay in the publi-

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33. C.A., GH 8/24. Census of European Population Exclusive of Military in 1853.

Men	Women	Boys	Girls	Total
63	25	20	16	124

34. G.T.J., 24 April 1852.

35. C.A., BK 64. Observations on the Customs Department at East London, 15 August 1854.

36. ibid.

cation of the Letters Patent for British Kaffraria, however, led to a de facto evolution of a government for the territory, so that it came to exist as an unofficial Crown Colony with its own ever-increasing expenses. British Kaffrarian officials began to resent the fact that customs duties collected on that territory's imports were not being paid into the British Kaffrarian Treasury.

As long as East London was a part of the Cape Colony, it did not matter whether merchandise was imported through Algoa Bay or East London since the customs collected at either port was paid into the Cape Treasury. In 1854, however, when it was known that Letters Patent for British Kaffraria had arrived and that East London would probably soon be handed back to that territory, the question of the overland trade became important for this trade would deprive British Kaffraria of vital revenue. As a result, both Maclean and Jennings initiated a fight for British Kaffrarian customs revenue, a fight which was to end only in 1866, when British Kaffraria itself became a part of the Cape Colony.

In January 1854, Jennings submitted an estimate of the overland trade to British Kaffraria. His estimate revealed that the value of imports for 1853 had amounted to approximately £52 300, on which the duty lost to British Kaffraria was £3 922-10-0, if calculated at $7\frac{1}{2}\%$.[37] In a separate estimate, the Collector of Customs in Cape Town calculated that the duty on goods reshipped to British Kaffraria from Cape Town and Port

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37. C.A., BK 64. Jennings to Maclean, 16 January 1854.

Elizabeth during 1853 amounted to £4 423 - 13 - 4 in lost revenue.[38]

Neither of the two estimates revealed the full extent of customs duties lost to British Kaffraria as neither the Cape nor the British Kaffrarian Governments had accurate trade records. Field had been forced to make his calculation "from the several Shippers in Cape Town, and Port Elizabeth." Jennings had collected his information from the importers at East London and King William's Town, but he confessed that he had found it difficult to arrive at an absolute figure since "their account keeping /was/ so exceedingly novel and diversified."

Jennings stated, moreover, that it was his view that, once British Kaffraria had become a separate colony with East London as its port, every means should be adopted to discourage the trade via Graham's Town and to foster trade through the legitimate channels. He believed it necessary to establish an inland Customs House on the Graham's Town road which, he said, would immediately close off this trade.[39]

Maclean adopted Jennings' viewpoint but saw the creation of inland customs houses as an option to be used only when all else had failed. He believed that the most convenient plan was the payment of £4 000 per annum from the Cape Treasury to British Kaffraria in compensation for lost customs. He saw this as a "low estimate of the present customs Revenue" but

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38. C.A., GH 8/24. Field to Colonial Secretary, 9 February 1854.

39. C.A., BK 64. Jennings to Maclean, 16 January 1854.

it would obviate the necessity of creating another port for British Kaffraria and of establishing inland excise establishments. Yet, at the same time, he said, British Kaffraria needed the customs as "the principal source from which a revenue could be raised."[40] Rutherford points out that, in 1855, Grey committed the Cape Government to a grant of £5 000 for British Kaffraria without consulting parliament.[41] It is possible that this sum consisted of the return of some of the British Kaffrarian customs revenue.

Jennings pointed out that another reason for the continued overland trade was the lack of a Bonding Warehouse at East London. The Graham's Town merchants, he claimed, had the support of large capital and so were able to import their goods direct from the countries of manufacture in bulk, thereby obtaining their merchandize at least 25% cheaper than the merchants at East London, who were forced to rely on trading houses in Cape Town and were compelled to pay any price demanded of them. Jennings therefore called for the establishment of a Bonding Warehouse. Without one, he said, the merchants had to pay the full duty on imported goods the moment their packages landed at East London, payment which was often large. With a Bonding Warehouse, however, the merchants would not have to pay the duties until they had obtained a purchaser and had removed the goods from the warehouse.[42] Maclean supported Jenning's suggestion. He explained that imports had essentially begun in 1851 and had

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40. C.A., BK 371, No. 170, p. 432. Maclean to Liddle, 26 August 1854.

41. J. Rutherford, Sir George Grey, p. 313.

42. C.A., BK 64. Jennings to Maclean, 16 January 1854.

been increasing steadily, but only when encouragement was given by the establishment of a Bonding Warehouse would trade increase to any great extent.[43]

Although a Bonding Warehouse was established at East London in the latter half of 1856, it did not markedly affect the importation of merchandise, which continued to come mainly along the overland route. The reason for this was that Proclamation 63 of 1859 caused confusion and made it difficult to import any other than bulk packages from Britain. First, there was confusion as to whether imports from the Cape Colony were to be subjected to import duty when they reached East London. Secondly, only imports which had been bonded in Cape Town in unbroken packages were allowed to proceed to East London duty free.[44]

Article 3 of the proclamation stated that the trade between East London and the ports of the Cape Colony would be

> "regulated, in all respects, by the principles which regulate the trade between each other of separate British Possessions."

The Kaffrarian merchants understood this to mean that the same import duties would be demanded on goods imported from the Cape Colony into British Kaffraria as was paid, for example, on imports from Britain. Within a week of the publication of the proclamation, Maclean reported the confusion and pointed out that, if import duties were to be charged

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43. C.A., BK 64. Observations on the Customs Department at East London, 15 August 1854.

44. Government Gazette, 12 July 1859. Proclamation No. 63, 9 July 1859.

on articles from the Cape Colony, then no article of Cape produce would be imported through East London as long as the merchants' could import throughGraham's Town and thereby avoid paying the import duty. He quoted the case of a merchant in East London who had received instructions from a client in Queen's Town that if his goods had not been landed before 1 August, the date on which the new regulations were to become operative, then they were to be bonded at East London and reshipped to Port Elizabeth for overland transportation.[45] This confusion, however, was rapidly cleared and Maclean was informed that no customs duties were to be charged at East London on produce of the Cape Colony.[46]

The second problem defied solution until British Kaffraria was incorporated into the Cape Colony. Although the Bonding Warehouse was to encourage the traders to import directly, many of the merchants had neither the finances nor the turn-over to enable them to buy in bulk. They were therefore forced to purchase their merchandise from the Cape Colony out of bond, since only unbroken packages were bonded. Duty on such purchases had already been paid to the Cape Treasury when the packages had been imported and, therefore, became subject to a second duty when they reached East London.[47] Even then, the new import duty was not based on the original price of the articles in their home market but on their value in the Cape Colony.[48]

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45. C.A., BK 380. Schedule 78, 21 July 1859.

46. C.A. BK 380. Comment in the margin of Schedule 80, 26 July 1859.

47. C.A., GH 8/43. Memorandum: Jennings to Maclean, 21 December 1866. K.W.T. Gazette, 19 March 1866.

48. C.A., GH 8/43. Memorial from Traders and Importers at the Port of East London, 21 January 1860.

The merchants in King William's Town and the interior again discovered that it was far cheaper to purchase such articles in the Cape Colony and transport them overland via Graham's Town, by which means the second customs levy could be saved. Those merchants who used the proper channels and imported from the Cape Colony via East London, found that the extra costs allowed them no opportunity for competing with the merchants who traded overland. The rate of carriage from Port Elizabeth and Graham's Town to British Kaffraria was reported as so low that overland importation gave those merchants a considerable advantage.[49]

In December 1859, Jennings reported that, as a result of the customs situation, many of the shopkeepers in British Kaffraria had become entirely supported by Graham's Town merchants. This was especially the case with certain goods such as haberdashery, millinery and fine goods, which were sent from Britain in packages far larger than country traders required. Although these products were light in weight, which made the cost of routing them overland "trifling", Jennings explained that they were nevertheless of great value, and this created a considerable loss to British Kaffrarian revenue. Furthermore, since these articles were already being brought overland, the traders then purchased other merchandise in the Colony so as to load the wagons.[50]

Even at the beginning of 1866, when a combination of the drought and the economic depression had made overland transport expensive, the

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49. C.A., GH 8/43. Petersen and Holme to Maclean, n.d. Encl. to the despatch Maclean to Travers, 25 March 1860.

50. C.A., GH 8/43. Memorandum: Jennings to Maclean, 21 December 1859.

merchants of British Kaffraria, the North Eastern Cape and the Free State found it advantageous to procure their merchandize this way rather than pay the expense of the additional duty. The editor of the King William's Town Gazette observed that it was pointless to have made an exception on customs duties on unbroken packages. Such packages, the editor said, would have been imported directly to East London since they could be bonded at that port rather than in Cape Town.[51]

The customs problem was, as Jennings argued in 1859, one which would eventually have solved itself as the trade of British Kaffraria grew large enough to allow merchants to import directly. This, however, would take years to achieve, and in the meantime, both British Kaffraria and East London were losing valuable revenue. The only answer, as Jennings saw it, was to erect customs houses on the Graham's Town road.[52] The Governor, however, would not allow such a step. Nor would he allow a drop in the British Kaffrarian customs revenue in retaliation as this would result in the merchants of the surrounding areas of the Cape importing their goods through East London, with the subsequent loss of revenue to the Cape Colony. Since the Governor of British Kaffraria was also the Governor of the Cape Colony, and since his prime interest would be towards the latter, he would never sanction the promotion of British Kaffrarian interests to the detriment of the Cape Colony.

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51. K.W.T. Gazette, 19 March 1866.

52. C.A., GH 8/43. Memorandum: Jennings to Maclean, 21 December 1859.

Import figures for the years 1856 - 1865[53] are misleading and no direct comparison may be made to the periods before or after. During this period, all customs records were kept by the British Kaffrarian Government and include all goods off-loaded at East London. This meant that merchandise from colonial ports, which was classified previously as Coastwise Trade, was now recorded as imports to British Kaffraria. After the annexation of British Kaffraria to the Cape Colony in 1866, the trade figures returned to their pre-1856 classification.[54]

Although the annexation of British Kaffraria to the Cape Colony removed the customs obstacles which had arisen, an examination of East London's trade statistics for the years 1866 - 1869[55] indicates that trading patterns did not alter immediately. A major reason for this was the fact that the Cape Colony was now in the grip of a serious economic depression which, when combined with one of the worst droughts on record, kept trade to a minimum.[56] Another factor was that, although the Surf-Boat Establishment had been handed over to the Civil Government, no major changes of policy had been made.[57]

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53. See Appendix 6, p. 237.

54. Cape of Good Hope Almanac 1876, p. 363.

55.

	SHIPPING			IMPORTS (£)	EXPORTS (£)
	Total	Coastal	Other		
1866	34	19	15	26 957	77 720
1867	74	51	23	44 844	104 502
1868	73	43	30	47 246	112 460
1869	41	24	17	21 496	27 899

56. See Chapter 1, p. 32.

57. See Chapter 3, pp. 87 - 88.

The King William's Town Gazette reported a decrease in the amount of trade which passed through East London during 1866. It gave as the main reason for this the irregular service to the port by the Union and Diamond Shipping Lines.[58] This highlighted a new factor in East London's trading ability. Because of the introduction of steam vessels on the southern African run, more trade was turning to these two companies because of their swiftness of transportation. The Union Company, however, was criticized in particular for the sporadic calls on East London made by its ships. In February 1865, the King William's Town Gazette reported that vessels failed to call even when passages had already been paid for. Furthermore, the newspaper added, on occasions when the vessels had indeed called in, they had more than once proceeded on their voyages without landing cargo or passengers.[59] In February 1867, the Gazette reported that the Commanders of the Union Company did much as they pleased. "When they were not in the humour to call at East London," the editor wrote,

> "they have steamed past within gun-shot, deigning only to throw up a rocket, or signalling 'no time to wait'; and through their capriciousness passengers have not unfrequently been woefully disappointed and put to no end of expense, by being obliged to wait there for the next steamer with no better result, and ultimately make a long overland journey to Port Elizabeth."60

This problem existed until as late as 1870 and was made more acute when the steamer Bismarck of the Diamond Lines damaged her propellor

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58. K.W.T. Gazette, 27 February 1867.

59. K.W.T. Gazette, 6 February 1865.

60. K.W.T. Gazette, 4 February 1867.

while entering the Buffalo River and was out of action for several months. On three separate occasions that year, reported the King William's Town Gazette, the Union Steamer Natal had passed East London without calling, and on one occasion called and then departed after having discharged only a part of her cargo.[61] Furthermore, since the Natal was due to call only once a month, many of the King William's Town merchants, who were receiving their merchandise fortnightly, preferred to transport them overland from Port Elizabeth and so gain a more frequent service.[62]

The change in East London's fortunes happened suddenly and dramatically. Trade statistics for the year 1873 indicate an increase in total imports of nearly 1 500% over the figure for 1869.[63] The figure for each successive year from 1870 to 1876 shows a substantial increase on that of the previous year. In an editorial in February 1873, the King William's Town Gazette wrote of this "extraordinary increase" in trade. "No port in the Colony," the editor stated,

> "can point to so proportionately large an increase, and although we can hardly expect the business this year to be as large as that of last, owing to the depressed state of the Diamond Fields, and the decrease in the consumption there, still we may reasonably look to see the returns of 1873....just doubling those of the past twelve months."64

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61. K.W.T. Gazette, 2 November 1870.

62. K.W.T. Gazette, 3 April 1871.

63.

	SHIPPING			IMPORTS (£)	EXPORTS (£)
	Total	Coastal	Other		
1869	41	24	17	21 496	27 899
1870	55	38	17	51 117	33 169
1871	62	39	23	96 144	69 234
1872	79	41	38	299 682	142 343
1873	96	51	45	338 687	79 492
1874	102	57	45	527 409	96 985
1875	144	68	76	551 817	131 800
1876	177	95	82	785 919	168 429

64. K.W.T. Gazette, 10 February 1873.

The primary cause for this sudden escalation in trade through East London was the discovery of diamonds which created a new and valuable inland market. Of all the Cape ports, East London was best suited both geographically and climatically to handle the Diamond Field trade. Not only was the trade route from the Diamond Fields to East London significantly shorter than to any other harbour in southern Africa[65], but the whole line of road provided better pastures than the roads from either Cape Town or Port Elizabeth. Since there were as yet no railways to link the ports with the Diamond Fields, grazing was a crucial factor. Moreover, because of the upswing in East London's trade, transport through British Kaffraria was more readily and cheaply available than in Port Elizabeth[66], so that the King William's Town Gazette was able to report in February 1872 that even Port Elizabeth merchants had begun to ship "a very considerable amount of goods" to East London for transport to the Diamond Fields.[67]

A number of other factors were also linked to the upswing in the trade. From 1865 - 1872 the King William's Town Gazette, in particular, attempted repeatedly to convince its readers that East London was both the cheapest and the most convenient route. Continual advertising by means of editorials and direct adverts could not help but affect the tra-

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65. The King William's Town Gazette of 22 August 1870 gave the following as the distances to the Diamond Fields:

Cape Town	700 miles
Port Elizabeth	460 miles
East London	390 miles
Durban	570 miles

66. The following prices for transport to the Diamond Fields were listed in January - February 1872 issues of the King William's Town Gazette:

From Port Elizabeth	35/- to 40/-
From East London	14/- to 25/-

67. K.W.T. Gazette, 21 February 1872.

ders, particularly those in King William's Town, Queen's Town and Aliwal North.[68] In 1865, the Kaffrarian Almanac pointed to the saving in transport costs if the East London route were used in preference to the overland journey.[69] The Almanac would, the editor stated,

> "strenuously advise importers resident in the Free State, Aliwal North, Colesberg, Burghersdorp, and Queenstown to follow in the wake of the Kaffrarian importers."70

Although the Surf-Boat Establishment was still government operated until 1872, the speed of operation had greatly improved, so much so that the King William's Town Gazette was able to speak of the saving in time by imports through East London, whereas goods from Port Elizabeth were taking between ten days to a month to reach King William's Town.[71] The delay on the overland route was occasioned, the Gazette reported, by bad roads and flooded rivers.[72]

The Gazette, in its editorial of September 1870, expressed surprise at the fact that importers at Queen's Town and Aliwal North were still not using East London. The editor concluded that it was from habit and prejudice that they were led to continue with the overland route.

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68. See King William's Town Gazettes of 6 April 1870, 22 August 1870, 7 September 1870, 14 December 1870, 24 January 1872.

69. The following transport costs to King William's Town were given:

From Port Elizabeth (100 miles)	12/- to 15/- per 100 lbs
From East London (40 miles)	2/- per 100 lbs

70. Kaffrarian Almanac 1865, pp. 103 - 104.

71. K.W.T. Gazette, 19 January 1870.

72. K.W.T. Gazette, 6 April 1870.

CHAPTER 5

The Development of a Community at East London

East London's foundation as a community and its development both in population and public works was directly related to the political nature of the port's existence. The temporary nature of the military post at Port Rex ensured that no permanent white community was established in 1836. There is a possibility, however, that John Bailie returned to the mouth of the Buffalo River early in 1837 and established himself on land between the Buffalo and the "Ingangeza"[1] which, he said, he had purchased from three brothers of Phato's tribe. In December 1847, once the War of the Axe had ended and a white settlement had begun at the Buffalo River mouth, Bailie sent a memorial to Smith in which he requested that the land he had bought be granted to him. This request was refused.[2]

Nash appears to accept the validity of Bailie's claim. "On its evidence," she says,

> "East London can claim John Bailie not only as its original town planner and the first white man to settle on the east side of the Buffalo River, but as a pioneer with a vision of an integrated South African community much in advance of his time."3

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1. Nash associates the "Ingangeza" with the Blind River near East London's Marina Glen. See M.D. Nash, "John Bailie at the Buffalo River Mouth" in Africana Notes and News, Vol. 23, No. 8, December 1979, p. 342. Ref. No. 10.

2. For a full transcript of Bailie's memorial, see Nash's article, pp. 340 - 341.

3. ibid., p. 340.

There is, however, no other evidence to support Bailie's claim and it is possible, therefore, that he was attempting to make use of an old friendship with Smith to gain control of a piece of land which he knew well from his sojourn there in 1836 and which he saw as valuable in the light of the re-establishment of British authority in British Kaffraria and the permanent settlement of traders at the mouth of the Buffalo.

When Pottinger decided to re-establish a military post at the mouth in April 1847, there was an influx of traders as camp-followers to provide supplies to the military.[4] By the end of December, two communities had been created: the military and the trader. Each depended on the other. The military needed the trader for supplies and canteen facilities. The trader, in turn, needed the military as a market and as a source of protection. Moreover, until proper military barracks could be built, the military personnel were ordered to hut themselves. The freedom of movement caused by this arrangement would have led to a degree of mixing in the private lives of the two communities.

Until permanent barracks were built, and until some form of permanency was recognised among the traders, Xhosa-style huts were the most common form of habitation. Charles Wolfe[5], who in February 1848 bought Lieutenant Forsyth's hut for £15, described this as a "small but well built hut, of wattle and daub."[6] The framework consisted of "stakes and

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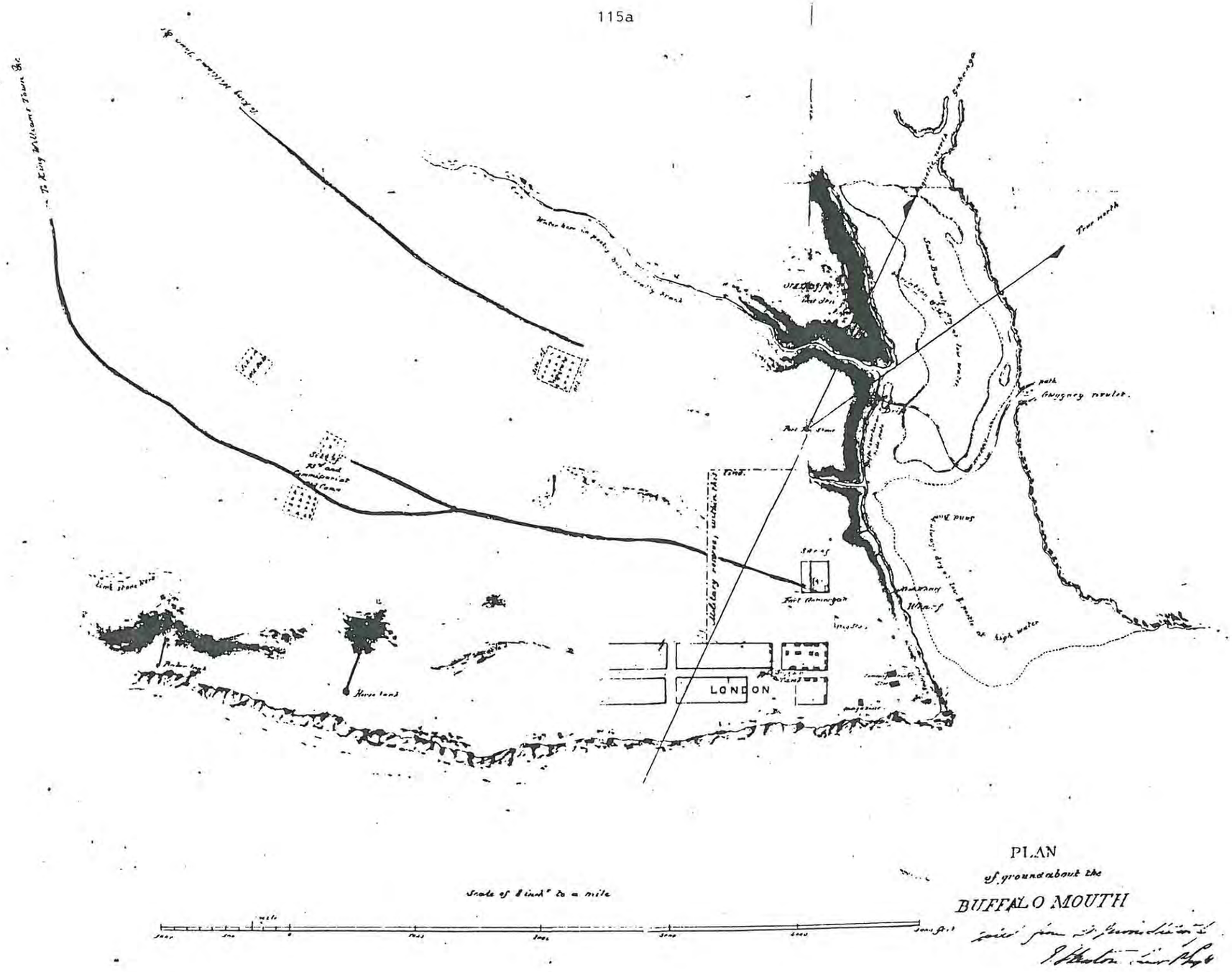
4. See Chapter 4, p. 92.

5. Charles Wolfe: Sub-Collector of Customs at East London, January - May 1848.

6. C.A., CCT 188. Wolfe to Field, 23 February 1848.



C.A., 28/41. Plan of Ground About the Buffalo Mouth, by Lieutenant Jervois, n.d. (Probably drawn about December 1847).

twigs covered with a kind of mud plaster and coated with yellow wash."[7] The local Xhosa helped in the construction of these houses, which were often built at considerable expense to the owner. Wolfe reported that the wattle and daub houses, notwithstanding the apparent abundance of building material, could not be built at less than £20 to £30 each, while some of the more "aristocratic order" cost as much as £35 to £40 each.[8]

The traders were subordinate to the military in every sense. While the camp at the mouth of the Buffalo was under martial law, they were considered as camp-followers and therefore not as permanent settlers. As such, the stringent regulations which governed civilians at military posts applied also to the traders at the mouth.[9] When Smith annexed East London to the Cape Colony, he issued no instructions for the abandonment of martial law nor that the regulations in force in British Kaffraria were no longer to be applied. This fact, however, led to confusion, for nobody quite knew what regulations were to be applied. Because of this, a dual authority had, in fact, been created where East London became at once a part of the Colony and of British Kaffraria. The trader especially was the victim of this ambiguous system because his livelihood was tied to the political and economic status of the port.

One of the first problems which confronted the traders concerned the issue of trading licences. Several had bought their licences a week prior

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7. C.A., CCT 188. Wolfe to Field, 13 March 1848.

8. C.A., CCT 188. Wolfe to Field, 23 February 1848.

9. See Chapter 2, p. 41.

to the proclamation of annexation.[10] Others had been charged at the Kaffrarian rate even after the annexation date. The question now arose as to the validity of these Kaffrarian licences for trade at a colonial port and some[11] had had to take out colonial licences as well.

The traders pointed out these discrepancies in a memorial to the governor in January 1849. They complained, moreover, that they should have been given a refund of the difference between the Kaffrarian and the colonial tarriffs, since some of their licences had not been a week old at the time of annexation. A further complaint was that, at the beginning, a portion of their taxes had been used for improvements at East London, such as drainage and the sinking of a public well. Since the Colony had now demanded prior approval before any work could be done[12], all such work had ceased.[13] Indeed, much of the public works paid for out of the licence revenue was for the benefit of the military establishment who, in 1848, outnumbered the civilians and depended equally on the availability of the well and on drainage of the land.

Mackinnon agreed that the traders' requests were reasonable. He explained to the Governor that, of the £425-10-0 which had been collected in licence fees during 1848 and which had been paid into the Colonial Chest, only £67-2-0 had been repaid by the Colonial Government for im-

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10. See Chapter 2, p. 42, footnote 18.

11. Including George Reeler, who had established himself at the port in May 1847, and James Ryder, who owned The London Tavern and Inn, East London's first hotel.

12. C.A., BK 425. Montagu to Mackinnon, 12 October 1848.

13. C.A., CO 4489. Memorial to the Governor from Storekeepers and Others at the Port of East London, 5 January 1849.

provements at East London.[14] It is not clear how Mackinnon arrived at this figure. Although it agrees with his official report of December 1848[15], there is a discrepancy between these figures and those contained in a more detailed return of expenditure at East London.[16] Both reports, however, reflect a disproportion between the licence fees collected and actual expenditure at East London. Both indicate, moreover, that East London's licence fees were partially used to fund road-building in British Kaffraria. The actual expenditure on improvements at the port appears to have amounted to only £43 - 18 - $9\frac{1}{2}$.[17]

Mackinnon supported the memorialists' claim that they should have been refunded for the excess licence fees. He suggested that, if this was done, the traders themselves should be made responsible for local improvments at East London for which they would have to find the funds.[18] Had

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14. C.A., BK 392, p. 37. Mackinnon to Montagu, 9 January 1849.

15. P.P. 1849, XXXVI (1056), pp. 39 - 40. First Report of the Board of Roads for British Kaffraria, 31 December 1848.

	£	s	d
Drainage and improvement at East London	30	7	6
Making and repairing of road: Fort Grey to East London	32	15	10
Sinking a well at East London	3	18	9
TOTAL (Repaid by the Colonial Government)	67	2	1

16. C.A., CO 4489. Return of Monies Expended by the Board of Roads in British Kaffraria at East London.

		£	s	d
24 Jun:	Drainage & improvements at East London	40	0	0
7 Aug:	Sinking a well at East London	3	18	$9\frac{1}{2}$
	Repair of road: Fort Grey to East London	20	13	10
	Waggon-hire in repair of road from Fort Grey to East London	6	10	0
5 Sep:	Repair of road: Fort Grey to East London	5	12	0
TOTAL		76	14	$7\frac{1}{2}$

17. C.A., BK 425. Montagu to Mackinnon, 12 October 1848.

18. C.A., BK 392, p. 37. Mackinnon to Montagu, 9 January 1849.

this suggestion been adopted, it would have forced the merchants into creating some form of village management board, which in turn would have eliminated at least some of the appalling conditions which arose at East London.[19] Several of the early merchants were enterprising people, especially when their own businesses were affected, and they probably would have risen to this demand.[20] The Governor, however, chose to ignore this suggestion.

Smith, moreover, rejected the merchants' complaint that all improvements at East London had been brought to a standstill. He claimed the "heavy expenditure" of establishing a magistracy, of appointing customs officials and a police force for East London. He also pointed out the

> "impracticability of the Government being in all cases able to allocate the funds at its disposal in such a manner that every locality shall have expended upon it, an amount equal to Revenue contributed by it."21

Since Smith had made no mention of a refund to the merchants, they resorted to a second memorial in which they stated their case at greater length. This petition reveals a situation of despair at the extreme economic hardships in which some of the merchants had found themselves, and anger that the Governor was not prepared to refund to them a considerable sum of money which had been illegally exacted from them.

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19. See Chapter 6, pp. 151 - 164.

20. In June 1848, Mackinnon wrote in praise of several of the traders and pointed out that they "would not be slow" to defend their positions as regards their trade. C.A., BK 371, No. 35. Mackinnon to the High Commissioner, 26 June 1848.

21. C.A., BK 425. Montagu to the Commandant, British Kaffraria, 22 January 1849.

The merchants pleaded their "heavy losses" from the sudden cessation of the frontier war which had left them with "heavy stocks on hand." The withdrawal of troops from East London had exaggerated this position and they could, therefore, "ill spare" the money which they claimed as a refund. The merchants stated, moreover, that in the past year they had been subjected to "a mixed Military and Civil System of Government" which had deprived them of the privileges which the other traders in British Kaffraria had, yet they had not been given their rights as Colonial subjects. The trade of the settlement, they claimed, had declined alarmingly, leaving them "all the less able to bear a surcharge which under flourishing circumstances might not perhaps have been of considerable moment." In conclusion, the merchants claimed that a sum of money which had been contributed by them had found its way into the Colonial Treasury, which Treasury, they said, could not "have any possible claim on it." They therefore demanded a repayment as a "tax levied in error."[22] Smith again refused to sanction their request.[23]

The traders' two memorials, which had been so lightly passed over by the Colonial Government, held warnings of major proportions for East London's future economic development. The fact was that, by the beginning of 1849, several merchants were on the verge of bankruptcy. C.W. Borradaille had already sold his wholesale business to Edward Syfret in May 1848.[24] By December, Syfret himself had decided to close his business[25]

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22. C.A., CO 4489. Memorial from Storekeepers at East London, 1 February 1849.

23. C.A., 1/ELN (A). Mackinnon to Rooper, 11 March 1849.

24. G.T.J., 20 May 1848.

25. G.T.J., 25 November 1848.

and, in June 1849, he sold all his property to start a new business in Cape Town.[26] A Cape Town based firm, Long and Company, whose business at East London had been conducted by Syfret, closed with his in December 1848.[27] These merchants appeared to have foreseen the advent of a depression and had sold their businesses while they could. A spate of bankruptcies occurred in 1849 in which at least two of the original ten businesses at East London went under.[28]

The traders had listed the major reasons for the economic crisis in their memorial of February 1849. There was, however, no other way in which they could obtain redress than by means of the memorial. Yet the Governor failed to grasp the full implications of their appeals. It is clear from the correspondence that both the Resident Magistrate of East London and the Chief Commissioner of British Kaffraria supported the merchants in their quest.

On the other hand, it is doubtful whether a refund of the licence fee would have saved the situation, as the inflated fee was demanded throughout British Kaffraria until January 1850. The economic crisis in East London was probably sparked by the various factors which controlled the port's trade development.[29]

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26. G.T.J., 19 May 1849.

27. G.T.J., 23 December 1848. The advert contained a description of this property which consisted of stores, cottages and boats. The stores were said to be of "large extent, and well adapted For Mercantile purposes, For the long mooted and much needed Place of Worship and School....Or for an Hotel or House of Accommodation." A "commodious" cottage adjoined the store and to this would be added two or three more in other parts of the town.

28. Aberneethy & Conway in January and Samuel South in September. See G.T.J., 6 January 1849; Government Gazette, 6 September 1849. See also C.A.,, CCT 188. Midgeley to Field, 18 February 1849.

29. See Chapter 4, pp. 94 - 98.

East London's incorporation into the Cape Colony also raised the question of the title deeds for the land, a problem which confronted both the traders and the military men at the port. In theory, the annexation should have meant that colonial law applied but this, in fact, did not appear to be so. In August 1848, Mackinnon pointed out this irregularity. The matter had become important for the future issue of ground for building purposes. Up till then, Mackinnon explained to the Colonial Secretary, traders with licences at military posts in British Kaffraria were permitted to build on lots assigned to them on the condition that their buildings would be demolished if found "at a future time to interfere with the defence of the post, or if they occasioned disorder or irregularity." These conditions, Mackinnon said, could no longer be applicable to East London. Major Smith had suggested that the government either sold or let the land already built upon to the present owners. He presumed that, as the town at East London would be distinct from the military post, the same rules as were observed in the rest of the Colony would be applied.[30] The Colonial Government recognised the need to normalise the situation and issued an instruction that the building ground at East London would, in future, be disposed of by public sale in the same way as all other crown lands.[31]

This decision solved the problem of future sales of land but it caused apprehension amongst those merchants who had already built on land

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30. C.A., BK 392, p. 5. Mackinnon to Montagu, 13 August 1848.

31. C.A., 1/ELN (A). Extract of a letter headed "Colonial Office, 31st August 1848".

assigned to them. Their permission to build at East London had been given while the port was under martial law and, as a result, they had no deeds to the land. In a memorial to Mackinnon, the merchants explained the "inconveniences" to which this subjected them. Now that East London was a part of the Cape Colony, they said, the government might, with justice, require them to pay a fair price for the building lots, or demand a quit-rent. It would, however, not be fair to put up to auction the land which had already been built upon.

Mackinnon suggested that the merchants be given a title to their land without charge or that a moderate rate be asked of every man who had built a house under the original permission. "The traders," he argued,

> "having paid a sum far beyond the Colonial rate for their licences at E. London during the present year might with some degree of justice obtain a free grant of their building lots."32

Although the Colonial Secretary accepted that the merchants should be allowed to retain possession of the land which they occupied, on the payment of a fair quit-rent to be assessed by Mackinnon, he found the suggestion that they be issued free grants to be

> "untenable for they have, doubtless indemnified themselves fully for that expence by requiring the Consumers of their goods to repay an advanced price, in Consequence."33

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32. C.A., BK 392, p. 20. Mackinnon to Montagu, 7 December 1848.

33. C.A., CO 4489. Memorandum: Montagu to the Governor, 19 December 1848.

A similar problem confronted the military at East London. When the troops had been ordered to hut themselves, the officers had built on the understanding that, when barracks were eventually erected, they would be allowed to dispose of their huts. These dwellings, Captain Rooper stated, had cost the officers far more than the amount paid to them by way of a lodging allowance. The annexation of East London, however, had meant that the ground had become Colonial property. The barracks at Fort Glamorgan was now complete but once the officers left their huts, Rooper said, they would cease to have any claim to them. They would consequently be unable to sell and so regain their financial outlay. Rooper suggested that the officers, like the merchants, be given title deeds to the land on which their houses were situated and on the same terms. The Colonial Secretary readily approved this plan.[34]

The annexation of January 1848 had created a third community at East London: that of the civil servant who was appointed to care for the customs establishment at the port. Charles Wolfe, the first sub-collector of customs, was the sole civil servant for the entire duration of his sojourn at the port. His initial experience, he reported, was one of great happiness. "The country about East London," he wrote,

> "as far as the eye can reach is most beautiful, the banks of the river are wooded to the waters edge, and where the tree or bush does not grow, the land is covered with a luxurious grass - I am very happy to say, Sir, that I like the place exceedingly."35

Within a month, however, Wolfe had applied for a transfer back to Cape Town. As the sole civil servant at the port, he was intensely lonely.

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34. C.A., CO 4489. Rooper to Mackinnon, 20 July 1849.
C.A., BK 392, p. 67. Mackinnon to Montagu, 23 July 1849.

35. C.A., CCT 188. Wolfe to Field, 23 February 1848.

He was dependent on both the military and the trader for protection, supplies and friendship, yet his position as superintendent of customs made him disliked initially by both groups. The infrequent visits by ships to East London, moreover, meant that much of his time was spent in idleness. By March 1848, Wolfe complained that

> "since the departure of the vessels lately in this Bay, combined with the isolated position of the place, the want of all society, and the absence of excitement, I have become quite unwell."36

Furthermore, he complained that the cost of living at East London was excessively high, as much as 50% higher than at Cape Town.[37]

Wolfe's successor, George Midgeley[38], voiced a much more bitter complaint during his first year at East London. His customs house leaked, he said, and there was "every probability of its falling down." The thatch was rotten and the floor and lower sides of the hut were full of holes "from the moles and mice."[39] Furthermore, he complained of the conduct of the military authorities, with whom he had regular contact because they controlled the Surf-Boat Establishment. They had, he said,

> "endeavoured to take every advantage of me, and in no gentlemanly way, thereby rendering my residence at the Port most miserable.... they set their faces against all civilians, in or out of office."40

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36. C.A., CCT 188. Wolfe to Field, 27 March 1848.

37. C.A., CCT 188. Wolfe to Field, 2 April 1848.

38. George Reuben Midgeley: Sub-Collector of Customs as East London, May 1848 - May 1851.

39. C.A., CCT 188. Midgeley to Collector of Customs, Cape Town, 23 September 1848.

40. C.A., CCT 188. Midgeley to Field, 18 February 1849.

The isolated nature of the work at East London demanded a man with both strength of character and popularity since, until such time as trade at the port became brisk enough to demand further appointments to the civil establishment, the Sub-Collector of Customs was to remain the solitary civil servant at East London. Neither Wolfe nor Midgeley were such men. It was only with the appointment of Matthew Jennings as Sub-Collector in June 1851 that such a man was found. He was able to hold this position until June 1870 and, from 1857, combined this task with that of the Resident Magistrate.

Apart from the sudden influx of settlers by way of Grey's immigration schemes in 1857 - 1858, East London's growth was slow and unsteady. The 1853 census gave her non-military population as only 124 after six years of growth.[41] This meant a maximum of twenty-five families at the port. Twelve years later, or eighteen years after East London's foundation, the population was still less than 300 inhabitants. The King William's Town Gazette saw even this as remarkable. "Yet the wonder is," the editor wrote,

> "not that it remains so small and insignificant, but that it still retains any inhabitants at all, other than government servants, so great has been the pressure of bad government, in various ways, which has been brought to bear upon it."42

Since the majority of the civilian men at the port were either traders or artisans[43], their livelihood depended on the inflow of trade. Since this

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41. See Chapter 4, p. 100, footnote 33.

42. K.W.T. Gazette, 1 June 1865.

43. There were only five people employed in the civil service in 1853. This figure excludes the Resident Magistrate who was the Officer Commanding Fort Glamorgan.

trade, however, was restricted by political factors during the first twenty-five years of East London's existence, little expansion of population could be expected.

East London's uncertain and ambiguous political status affected the growth of the village in other ways as well. First, because the port's future status was uncertain, the government was reluctant to set aside crown lands for sale. Secondly, the administration tended to shelve problems related to East London's growth and trade, and to foster only the growth of King William's Town as the capital of British Kaffraria.[44]

The scarcity of land for development meant that East London suffered from a shortage of houses. This, in turn, meant that there was not enough accommodation for good artisans and labourers, who were needed if East London was to expand. Since the only accommodation available was by means of tents in the open air, Jennings reported, the better class of artisan left East London "in disgust". East London, Jennings said, also needed sailors to operate the few government-owned boats. But apart from those employed by the Surf-Boat Establishment, the other sailors were dependent upon the hospitality provided by the local Xhosa village for lodgings. On this point, however, the government was not willing to budge, for they were not prepared to alienate crown land for the sake of non-permanent sailors.[45] Moreover, most of the land around Fort Glamorgan

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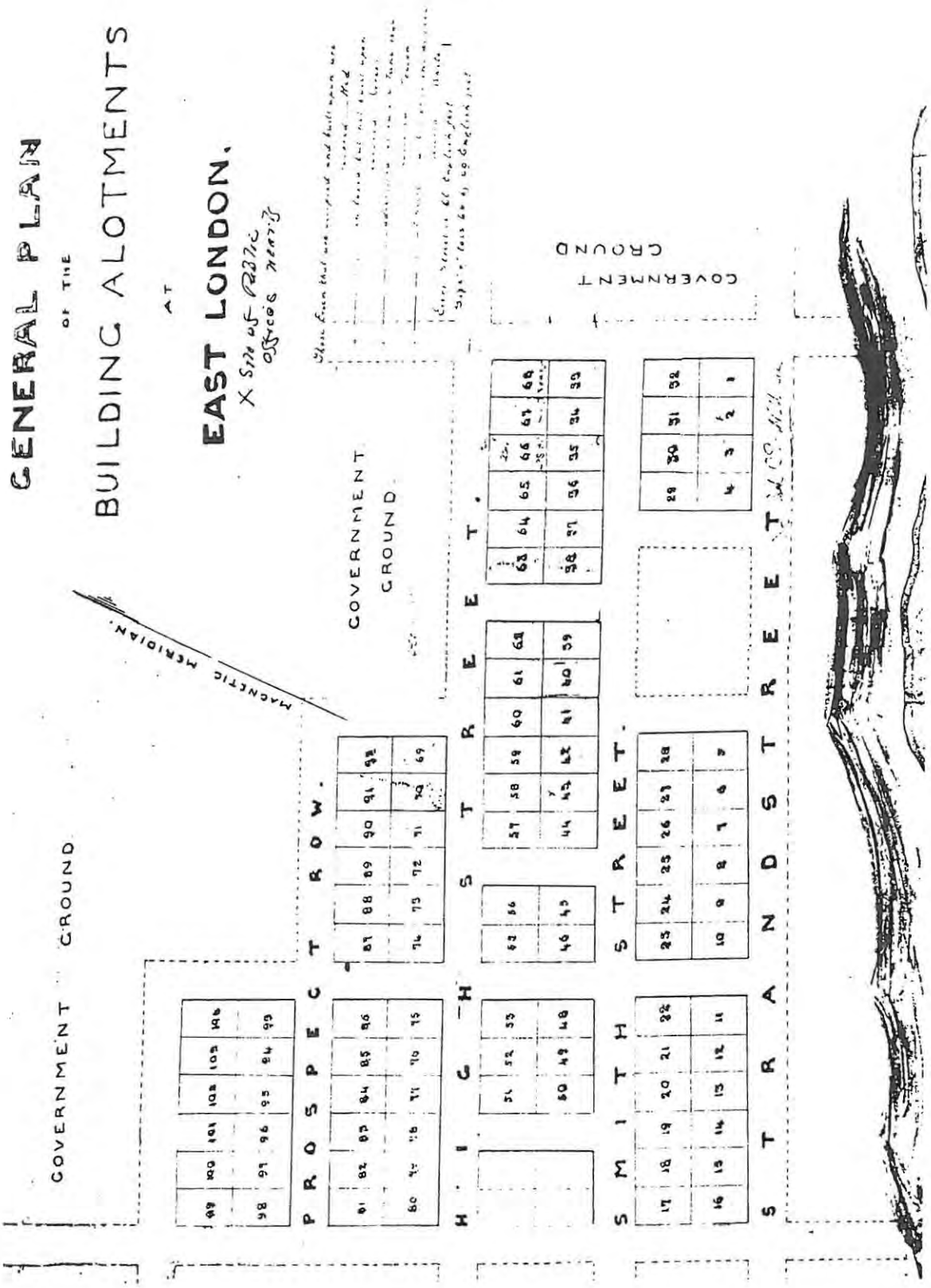
44. Kaffrarian, 14 May 1864.

45. C.A., BK 61. Jennings to Maclean, 18 September 1857.



C.A., DSGBK 57. General Plan of the Building Alotments at East London, June 1849.

and along the west bank of the river had been reserved for the military establishment. It was impossible for any further eastward or northward expansion by the East London village unless the government was to relinquish its ownership of land, which it never did.[46]

East London's situation in the Cape Colony led to the purchase of land by the residents of King William's Town for the sake of speculation. The regulations for civilians in British Kaffraria, published in March 1848, stipulated that land at the military posts had to be built on within one month. This, in effect, prevented any form of speculation on such land. When East London ceased to be a part of British Kaffraria, it became the ideal location for King William's Town merchants and capitalists to speculate, since the land was both cheap and the building regulations did not apply. Land at East London, when it was open for sale, therefore, tended to be bought up by King William's Town residents and, since it was bought for speculative purposes, much of it remained free of buildings.[47]

East London land, therefore, came to be owned largely by non-residents who would neither build nor sell, except at exhorbitant prices. The problem only worsened with time because of the hope that the trade restrictions would soon be lifted. In June 1865, the editor of the King William's Town Gazette commented that, if the government were to lift the restric-

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46. K.W.T. Gazette, 1 June 1865. See Chapter 6, pp. 153 - 155.

47. Kaffrarian, 14 May 1864.

tions on the sale of land at East London, the chances were

> "ten to one they would fall into the hands of parties who have no interest in the village, and no intention of ever residing in it; but who would purchase the erven purely and simply to speculate on."48

The editor of the Kaffrarian likewise called attention to the fact that, because the majority of erven were owned by non-residents, the village had been shut off from all chance of improvements. Traders and artisans, the editor claimed, had been forced to abandon the port as they had no possible chance of making their home there.[49] Moreover, such buildings as had been erected were hired out at prices far in excess of their value. The editor of the King William's Town Gazette cited the case of a block of wooden houses under canvas roofs, owned by a group of merchants, which were scarcely habitable, the editor said, yet commanded rentals considerably higher than really good buildings in King William's Town. The owners of the buildings would neither sell nor renovate in the knowledge that, as long as the government made no further land available, there would be tenants, the editor said, until such time as the buildings collapsed.[50]

The speculation eventually paid dividends for the investors. By 1870, the value of the land at East London and Panmure rose rapidly as a result of the lifting of trade restrictions, the boom conditions brought about by the Diamond Field trade, and the government decision to invest

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48. K.W.T. Gazette, 1 June 1865.

49. Kaffrarian, 4 March 1865.

50. K.W.T. Gazette, 1 June 1865.

£100 000 in harbour development.[51] The Cape Argus reported in August 1871, that land in Panmure, which up to the end of 1870 was scarcely saleable, was now fetching "very fair prices"[52]

The arrival of the German settlers in 1857 - 1858 did much to increase East London's growth and population expansion. The port was used as an initial base for the German Legion in January to March 1857. It is probable that the Legionaire camp was sited on the east bank[53] and not near the East London village.[54] Grey, however, realised that it was not prudent to settle so many idle soldiers at a port for a lengthy period because of their possible influence on the village.[55] As each vessel added more to their ranks, Grey realised, moreover, that transportation of so many men with their baggage would soon become difficult. The Governor, therefore, gave the order for them to be transported to Fort Murray, where they could be located in military conditions and under better supervision.[56]

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51. Dispatch, 29 October 1872.

52. Argus, 26 August 1871.

53. Steinbart's description of the scene from the Legionaire camp of the Xhosa crossing the Buffalo River indicates that he was probably watching the proceedings from the elevation on the east bank. J.F. Schwär and R.W. Jardine, The Journal of Gustav Steinbart, p. 19. Furthermore, when Colley surveyed the land on the east bank in April 1857, it was clear that German Legionaires were still stationed there. C.A., DSGBK 11. Colley to Montagu, 30 April 1857.

54. To the soldiers, who were used to European standards, the East London village appeared small and insignificant. Steinbart wrote, "There was just a few humble houses forming a short narrow street....Not far off there is a poorly constructed fort....where approximately 500 men of the 89th English Infantry Regiment are stationed at present." J.F. Schwär and R.W. Jardine, The Journal of Gustav Steinbart, p. 19. There were, in fact, only about 100 men stationed at Fort Glamorgan at the time.

55. Steinbart spoke of the "loose English womenfolk" who "added to the general merriment" at night. ibid., p. 17.

56. C.A., BK 2. Grey to Jackson, 22 January 1857.

A group of the Legionaires under Major Kessler[57] remained on the east bank to supervise the establishment of the village of Panmure. These men proved a problem from the start as they built mud huts for themselves in total defiance of requests from the surveyor. "I can do nothing there at present," Colley[58] complained to Montagu[59].

> "Major Kessler gives me no assistance whatever = he does not seem to care whether the village is marked out or not, & when I consulted him about where the mens gardens were to be he didn't care where I put them. The only thing he cared about was that he should choose the two best lots for himself." 60

This careless attitude led to other problems as several of the Legionaires discovered that they had built on land which had not been assigned to them. Maclean received several letters in which military settlers requested extra land so that they could own the plot on which they had built.[61] The Legionaires, however, were not a lasting asset to the port, and their numbers declined rapidly so that, by 1865, only about thirty-five remained.[62]

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57. Major Kessler: member of the British German Legion; Commanding Officer of the Legionaires at Panmure and Cambridge.

58. Lieutenant George Pomeroy Colley: commissioned to survey the land at Panmure and Cambridge.

59. George Montagu: Deputy Surveyor General, British Kaffraria, 1848-1858.

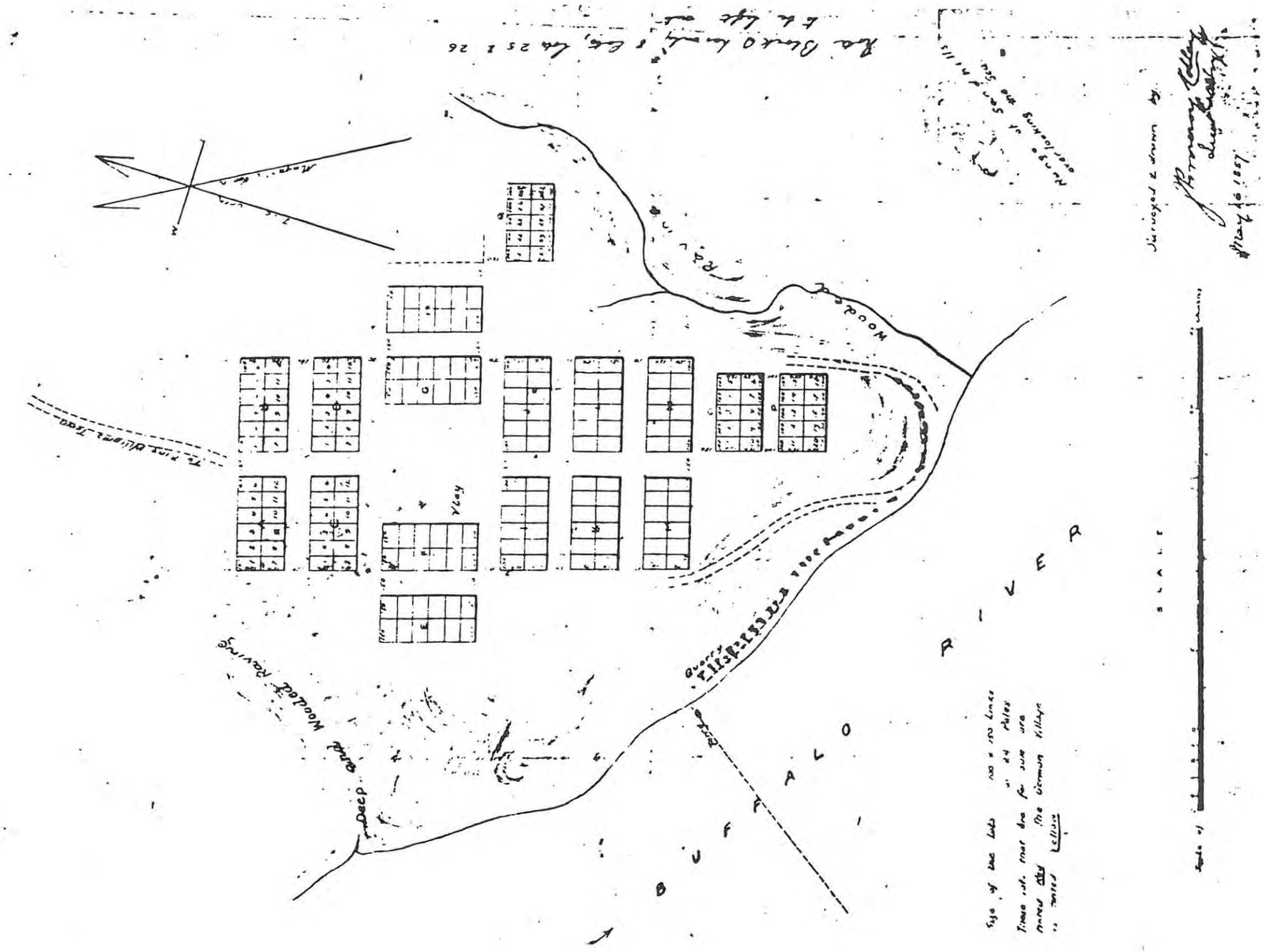
60. C.A., DSGBK 11. Colley to Montagu, 30 April 1857.

61. C.A., BK 40. Vix to Kessler, 31 July 1857; Doesel to Maclean, 7 August 1857; Bauer to Maclean, 7 August 1857; Kessler to Maclean, 12 August 1857.

62. For reasons for this decline, see Chapter 1,

GERMAN MILITARY SETTLERS

	Men	Women	Children	Total
1858	136	50	34	220
1859	138	52	35	225
1860	65	37	33	135
1861	30	25	21	76
1862	28	23	25	76
1863	19	18	22	59
1864	14	15	17	46
1865	9	8	16	33



C.A., M 1/1482. Plan of Panmure, by Lieutenant Pomeroy Colley, 16 May 1857.

More permanent was the settlement, in 1858, of the German peasant immigrants. The fact that these settlers consisted generally of families and were of farming stock meant that they would be of a more stable character than the Legionaires. Indeed, few of them left the land, despite the difficult conditions which confronted them.[63]

The most immediate problem for the German peasant settlers at Panmure and Cambridge was a government breach of contract. In January 1860, the first of several memorials was conveyed to the Governor in which the immigrants complained that they had not received their full quota of land. According to their contract, each head of a family would receive a free grant of one building lot in a village in which the British German Legion was located. Each married couple would then receive twelve acres "of good country land" and two acres for each child above ten years old, at a cost of £1 per acre. A single man would receive ten acres.[64] Yet they were given land of only ten to twelve acres per family, which was half or, sometimes, even as little as a quarter, of that to which they were entitled. One of the settlers, who had a wife and eight children and claimed, therefore, that he should have received forty-six acres, was given only thirteen acres.[65]

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63. GERMAN PEASANT IMMIGRANTS

	Men	Women	Children	Total
1859	42	52	130	224
1860	26	38	86	150
1861	32	33	88	153
1862	33	31	101	165
1863	36	33	97	166
1864	41	39	112	192
1865	35	32	126	193

64. E.L.G. Schnell, "German Immigration to the Cape", p. 345.

65. C.A., 1/ELN (C). Petition of 1 January 1860.
Annex., A55 - 68. Petition of German Settlers at Panmure and Cambridge, n.d.
Annex., A3 - 73. Petition of German Immigrants residing at Panmurre, n.d.

The immigrants argued that the agreements which had been entered into had distinctly set forth the amount of land to which they were entitled. When they had settled at Panmure and Cambridge, they had had no knowledge that their allowance was to be curtailed. Moreover, it was nearly twelve months after settling that the surveyor had allotted them their land. When they had remonstrated against this injustice, they had been informed that there was no more land available and, on taking their complaint to the Lieutenant-Governor of British Kaffraria, Maclean had informed them that their land was of greater value than at other stations. The Germans, however, claimed that they saw no justice to this argument as it was "contrary to the letter and spirit of the contract." Furthermore, they disputed that their land was indeed of superior value.[66]

The British Kaffrarian Government's excuse was indeed that they considered the land at Panmure and Cambridge to be of greater value than elsewhere. In 1864, Maclean requested the Resident Magistrate at East London to explain to the German settlers that they had been given their land on the same principles as had applied to the Military Settlers. As the land at Panmure and Cambridge had then been considered of greater value, he explained, the Legionaires had received less. He pointed out, moreover, that the quantity of land received had been agreed upon by Grey, and Wodehouse, when he became governor, had refused to reverse the preious governor's decisions.[67]

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66. Annex., A55 - 68. Memorial received from German Immigrants residing at Panmure and Cambridge, n.d.

67. C.A., 1/ELN (D). Maclean to Jennings, 11 November 1864.

The Germans' complaints were justified as the government had indeed broken its contract. Furthermore, it was not true that the value of the land at Panmure and Cambridge had been considered of greater value than the land at the other posts when the Legionaires had been settled there. In fact, a scale of prices which had been agreed upon in March 1857 reveals that Panmure and Cambridge took the lowest places.[68] In November 1857, Montagu informed Maclean that he considered the land as of equal value to that of King William's Town.[69]

It was Bryant[70] who, in June 1859, had decided that the land at Panmure and Cambridge should be considered of greater value. In a despatch to Maclean, Bryant claimed that if the land at Panmure was offered at the agreed quota, then far too much government land would become alienated. It was his opinion, he said, that the immigrants would not be

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68. C.A., BK 17. Scale of prices for lands granted to the German Military Settlers, 26 March 1857.

Keiskamma Hoek	30/-
Grey Town	15/-
Stutterheim	20/-
Ohlsen	15/-
Branschweig	20/-
Frankfort	15/-
Weisbaden	15/-
Marienthal	15/-
Hanover	15/-
Berlin	20/-
Potsdam	10/-
Cambridge	**10/-**
Panmure	**10/-**
Pato's Kraal	20/-
Tooi	12/6
Mandy's Farm	15/-

69. C.A., BK 17. Montagu to Chief Commissioner, 28 November 1857.

70. J.H. Bryant was appointed 1st Clerk to the Deputy Surveyor General for British Kaffraria in September 1852. When George Montagu was transferred to Graham's Town in 1858, Bryant took over the department but was not promoted in rank.

able to work so much ground. Most probably, he wrote,

> "not a sod will be turned on many of the allotments while the disposal of the land in some other manner will be taken out of the hands of the Government for some years."

Bryant recommended that a different scale of prices be applied to Panmure and Cambridge. Each family, he said, should receive only five acres and one acre be given to each child over ten years of age. If, however, this figure be considered too low, Bryant further suggested that each family receive ten acres and each child over ten be given one acre.[71] Grey accepted this latter proposal but stipulated that, if the immigrants were not satisfied, they had to be given their rightful quantity at another station. Furthermore, the Governor instructed Bryant to give the German's their land without any further delay.[72]

The date on the despatch to Bryant reveals that nearly eighteen months had already passed since the immigrants had arrived at Panmure and Cambridge. By now they would have established themselves in the belief that they were indeed to receive their full quota of land. It would have been a major sacrifice for them to have moved to a new situation at this stage, for they had already invested money, time and energy into the creation of homes on their plots. It is also possible that, if a choice had been offered to them at this stage, the offer might have been misunderstood because of their poor command of language. Although some of

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71. C.A., BK 18. Bryant to Maclean, 25 June 1859.

72. C.A., DSGBK 2. Maclean to Bryant, 14 July 1859.

the immigrants wrote in perfect English[73], there were also some whose command of the language was extremely poor.[74]

The land question was solved only at the end of 1865 after the decision to incorporate British Kaffraria with the Cape Province. Key people in the British Kaffrarian Government were transferred in preparation for the annexation. The new administrators, when petitioned over the land question, proved more pliable. For the first time, the Resident Magistrate at East London was asked for his opinion.[75] Jennings supported the appeal. He pointed out that the Germans were an industrious and persevering class of people who had had their operations "fettered and contracted" because of the size of the sections allotted to them. They were, Jennings said, the only class of people in the country who appeared desirous of showing what the soil could produce.[76]

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73. Most noteworthy was Dr Charles Vix who, in his capacity as District Surgeon, was called upon to write reports. His many letters and reports reveal a superb control of the English language.

74. C.A., 1/ELN (C). Petition of 1 January 1860.

Cambridge the 1st January 1860.

The undersigned Emigrants from Cambridge report your honour respectfull, that she not have gitten her full number of acres land how it stand in her Contract with the Government. In every other Station except Panmure and Cambridge, had the Emigrants her land how it stand in the Contract, and we dont kno, what for we shal have not thessame.

We beg your honour respectfull to help our to our write that we git our full number of acres land how it stand in our Contract, and if this kan not be, we wil go to a other Station where we kan git our full number of acres land.

Your honour wil be so kind, to give our a answer, that we know what we have to do.

Carl Spörke, D. Lenz, G. Ziemann, F. Balzer

75. C.A., 1/ELN (D). Secretary to the Governor in King William's Town to Jennings, 27 September 1865.

76. C.A., BK 63. Jennings to Mills, 29 September 1865.

Jennings' argument was based upon what he believed the immigrants deserved rather than the legal situation which he understood had been adhered to. The tragedy, however, reveals again one of the great obstacles to East London's development: that the Resident Magistrate and the Chief Commissioner were able to act solely in a legal capacity. They were never free to bend the law to enhance the community.

The land question, however, had further implications which could not be solved merely by the grant of more land. The government's breach of contract had resulted in severe economic restrictions for many of the immigrants. They had received their land nearly two years after they had left Germany. By that stage, many had already spent most of their savings and several had had to seek employment in the Cape Colony as an interim measure. When these people eventually returned to Panmure and Cambridge, they found the land offered to them was not half the amount promised. This, in turn, had led to a harvest sufficient only to feed the family, which left none to sell. Moreover, their land was inferior agriculturally. A succession of droughts and crop failures had further destroyed their harvests. Animal sickness had given the final blow.

The Germans, because of their desperate economic situation, found that they were unable to repay the passage money for their voyage from Germany. They pleaded in a memorial to the Governor that, if judicial measures were taken against them to reclaim this passage money, then they would "sink into absolute destitution and despair".[77] The Cape Govern-

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77. C.A., 1/ELN (G). Memorial from German Immigrants, Panmure, 25 June 1869.

ment, however, remained patient on this issue. Only in September 1871 was the Civil Commissioner for East London instructed to charge the immigrants with the outstanding amounts but, if they accepted the responsibility for their debt, new agreements would be entered into at an interest of 6% per annum on the total liability. Only if terms were refused would judicial action be taken. The Colonial Secretary wrote to Jennings that the government had no desire to interfere "in any way with the progress and prosperity of an industrious class of people." As long as they were paying the interest on their liability, the government would not press them for a repayment of the capital.[78]

An editorial in the Kaffrarian in November 1864 summed up the achievements of these German immigrants. "Trusting....to the good faith of the Kaffrarian government," the editor wrote,

> "or, rather, believing that the government was bound as firmly as they were themselves, the immigrants came to this country. Many of them came only to be disappointed. For a year after their arrival, they were given no land at all, and when, at last, they were located, those of Panmure and Cambridge received only a small portion of what they were entitled to. On these bits of ground, however, they went to work, and, by their industry, secured for themselves a living. They have done far more to prove what the soil is capable of than the great farmers who got their grants of 1500 acres of ground each from the government for nothing."79

The settlement of the two groups of German immigrants was the biggest influx of population into the East London district prior to the creation

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78. C.A., 1/ELN (I). Colonial Secretary to Civil Commissioner, East London, 2 September 1871.

79. Kaffrarian, 26 November 1864.

of municipal status. In two years, the population of the district more than doubled.[80] At the same time, a new community was created which was different both in kind and in locality to the original one at East London.

By 1857, the civilian population had more than trebled that of the military and depended on the military only in as much as the Surf-Boat Establishment was still in the Commissariat hands. The civil servant, moreover, had become an accepted part of the community. Matthew Jennings, as Sub-Collector of Customs, had proved popular and had natural leadership ability which was recognised first in his appointment as a Justice of the Peace and, secondly, by his appointment in 1857 as the first civilian Resident Magistrate. In the absence of a clergyman, and during the period after the Reverend Willson's murder when East London had no resident clergyman, it was to Jennings that the people and the Church of England turned for the pastoral care of the community.[81]

The inhabitants of the East London village were still predominantly merchants and traders by profession and English-speaking. The arrival

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80. Population Figures for the East London District:

	GERMAN LEGION	GERMAN SETTLERS	OTHER
1853			124
1857			315
1858	220		492
1859	225	224	265
1860	135	150	333
1861	76	153	366

81. See Chapter 8, pp. 190, 197 - 198.

of the German settlers created a new community, that of the farmer at Panmure and Cambridge. Their difference in occupation and language, and the fact that, geographically, they formed an independent community, separated by the Buffalo River from the original community at East London, meant that interaction was necessarily slow. Their poverty, moveover, kept them from expanding the village of Panmure so as to rival the East London village. After the creation a municipal status in May 1873, hostility between the two villages almost drove the two communities into the formation of separate municipalities.[82] However, when the railway was built in 1874, with its terminus at Panmure rather than at East London, Panmure was able to overtake the village of East London in importance and so became the core of the future town of East London.

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82. J. Denfield, Pioneer Port, p. 12.

CHAPTER 6

Public Works

When one examines the social conditions at East London during the period prior to the creation of a municipality, it becomes clear that the authorities had very little interest in the progress of the port. As East London developed, needs arose. Security and the establishment of a police force and a gaol were important for the little community. Public health, moreover, required the provision of an adequate water supply and suitable provision for sanitation. Furthermore, care of the public streets was essential if the well-being of the community was to be fostered. Since no municipality was created until 1873, control over the town's destiny lay in the hands of the colonial officials and it required frequent reference to the authorities in Cape Town who were not personally concerned with the problems which arose in the day-to-day activities of a civic community.

It was necessary that East London have a police force and a gaol to meet the needs of a harbour town. Yet the government was not prepared to budget sufficient funds for an adequate service. When Mackinnon was appointed as Justice of the Peace for East London in March 1848, he was asked to notify the Colonial Secretary if he had any need for a police-force.[1] Major Smith, however, was given no such force to support him. In May 1848, he appealed for the appointment of a few constables as without them, he explained to Mackinnon, it was "next to an impossibility to stop the growing abuses" in the town.[2] Although he was the Commanding Officer at Fort Glamorgan, Major Smith could not use his own military

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1. C.A., 1/ELN (A). Montagu to Mackinnon, 9 March 1848.

2. C.A., CO 4489. Major Smith to Mackinnon, 8 May 1848.

personnel to aid him as, technically, that would be using martial law, an action which Mackinnon had expressly warned him to avoid.[3] Major Smith pointed out, in any case, that the military would have been inadequate as they were "frequently the cause of the abuse."[4]

In June 1848, the Governor authorised the appointment of two policemen for East London and Major Smith was requested to submit the names of two competent men in the village for approval.[5] It was decided that a Chief Constable would not be necessary as the police would be under the direct orders and supervision of the Justice of the Peace and, since there was no magistrate's court at East London, their work would not be complicated by such processes.[6] Major Smith, however, was averse to the idea of local men as police constables. He claimed that there was "not a tradesman from the most respectable downwards that does not carry on illicit dealings." He therefore requested that the appointments be made elsewhere. He suggested that two constables would not be sufficient as it would be necessary to have a night watch "to prevent the Kaffirs from thieving, which /was/ carried on almost nightly." Major Smith further asked that a lock-up house be built "for the purpose of confining drunkards and thieves."[7] Between July - August 1848, three constables were appointed for the port.[8]

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3. C.A., CO 4489. Mackinnon to Montagu, 1 June 1848.

4. C.A., CO 4489. Major Smith to Mackinnon, 8 May 1848.

5. They were to be paid £40 per annum each, without quarters, rations or other allowances.

6. C.A., BK 425. Montagu to Mackinnon, 12 June 1848.

7. C.A., CO 4489. Major Smith to Mackinnon, 19 June 1848.
Mackinnon to Montagu, 21 June 1848.

8. Michael Tankard and Patrick Lynn were appointed in June while Stephen Wooding was appointed in August. Michael Tankard was dismissed in November because of his continual drunkenness.

The high cost of living at East London soon forced the Colonial Government to realise that the port had to be treated as an exception to the other colonial towns. By August 1848, Major Smith pointed out that the police constables were unable to support themselves on their pay because of the "high prices demanded....for the necessaries of Life." He explained that the cost of living at East London was nearly double that of Cape Town, especially in food and accommodation. Their pay, he said, would be almost absorbed simply in the hire of accommodation, without taking into consideration the expense of bed, bedding and other necessary furniture.[9] Mackinnon pointed out that the police constable's pay should be sufficient to enable him to live comfortably "without mixing with the Civilians for the purpose of obtaining Board and Lodging" which he would have to do if his pay was not increased or rations given to him.[10] The argument was accepted and the Colonial Secretary authorised the police constables to be given rations on the same scale as was given to soldiers in British Kaffraria.[11]

Although East London acquired a police force within nine months of its proclamation as a port, there was no such establishment at Panmure until December 1867.[12] The absence, however, was not due to lack of need. In March 1865, the editor of the Kaffrarian had called for the appointment of one or two constables. He pointed to the fact that all traffic between

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9. C.A., CO 4489. Major Smith to Mackinnon, 4 August 1848.

10. C.A., BK 392, p. 4. Mackinnon to Montagu, 6 August 1848.

11. C.A., BK 425. Montagu to Mackinnon, 17 August 1848.

12. C.A., 1/ELN (F). Colonial Secretary to Civil Commissioner at East London, 8 January 1868. The first constable at Panmure was Mr Hindertmarck, who was appointed as from 1 December 1867.

East London and King William's Town passed through Panmure. The village was a general outspan point, as well as the favourite holiday resort for soldiers and surf-boat men. Hence, the editor concluded, "the elements of uproar are seldom wanting" and the village had strong claims for protection. Moreover, the inhabitants of Panmure paid over £200 per annum in direct taxation, as well as payments on canteen and shop licences, plus quit-rent on erven.[13]

In January 1867, Dr Vix reported "cases of nuisance" which, he said, occurred frequently at Panmure and remained unchecked because of the absence of a police establishment.[14] His appeal was supported by a memorial from the inhabitants who were greatly angered at the number of prostitutes, both black and white, who attracted men "of bad reputation" and created a disturbance "at a time of night when all should be at rest."[15] Another memorial in October 1867 complained of the

> "frequent 'fraca's and thefts', caused by the unchecked assembly of Europeans and Natives of Bad. Character. and the communication to East. London. not being easy of access upon any case of emergency."16

It was probably the concerted effort of these memorials which led to the appointment of a constable in December 1867.

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13. Kaffrarian, 25 March 1865.

14. C.A., 1/ELN (E). Vix to Jennings, 18 January 1867. Dr Vix listed the following cases of nuisance:
    (a) Soldiers who swam nude across the Buffalo River "to the great inconvenience of the Seabathing visitors and Inhabitants of Panmure";
    (b) The pollutionof the drinking water by transport cattle and the washing of clothes;
    (c) Dead bodies of cattle, dogs and other animals which were left in or near the houses of the village.

15. C.A., 1/ELN (E). Petition from Inhabitants of Panmure, 21 January 1867.

16. C.A., CO 3108. Memorial of Inhabitants of Panmure to Jennings, October 1867.

The Colonial Government attempted to compromise over Major Smith's request for a gaol for East London. The government had no wish to become involved in an excessive financial outlay at a time when East London's political future was uncertain. However, unlike the request for a jetty, which could be shelved without harm to the military establishment at the port, the gaol was a necessity for the enforcement of law and order.

At first Mackinnon was instructed to hire a building at East London to use as a gaol.[17] When this proved impossible, permission was given in January 1849 for the construction of a gaol at a cost of £135 - 4 - $9\frac{1}{2}$.[18] The building went into use in February 1850.[19] The gaol was purely functional, small and with no consideration taken for the needs of the prisoners. It had only two cells[20] so that no distinction could be made as to the classification of prisoners other than a separation of the sexes. No cook-house was provided, so the constables had to cook their own food and that of the prisoners in the open. There were also no toilets.[21] As late as September 1855, the Resident Magistrate pointed out the desperate situation of the gaol. The lack of the cook-house was considered "a serious inconvenience in bad weather," while the want of a "Privy" was, he said,

> "equally felt as Prisoners whether male of female have to be taken some distance into the Bush for the purposes of nature."

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17. C.A., BK 425. Montagu to Mackinnon, 20 July 1848.

18. C.A., BK 425. Montagu to Mackinnon, 1 January 1849.

19. C.A., BK 392, p. 96. Mackinnon to the Colonial Secretary, 10 February 1850.

20. Each cell measured 8 ft x 6 ft 10 inches.

21. Annex., G10 - 55. Appendices to Report of the General Prison Board for 1854, p. 13.

This latter condition was considered highly objectionable, especially because of the absence of a female attendant.[22]

Since very little maintenance was undertaken on the gaol between 1850 - 1854[23], the condition of the building deteriorated. By 1854, the canvas roof had begun to fall to pieces and rain leaked through at every four to six feet.[24] In December 1854, the Governor authorised the construction of a cook-house and toilets, but the work was not considered important enough to commence "for a considerable time" without the postponement of other approved services which were already in progress.[25] By this time the gaol was too small, yet the Board of Commissioners for Public Prisons was not prepared to sanction the construction of a new gaol at an estimated cost of £1 500 because it was not known whether East London was to be retained by the Colonial Government or transferred to British Kaffraria.[26] By September 1855, no repairs or renovations to the existing gaol had been made.

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22. C.A., 1/ELN (B). Staunton to Resident Secretary in Graham's Town, 3 September 1855.

23 Annex., G10 - 55, p. 18. Statement of Amount Expended by General Prison Board in Repairs to Gaols, 1848 - June 1854.

1848	-
1849	-
1850	-
1851	-
1852	£3
1853	£8 - 16
1854	-

24. Annex., G10 - 55. Appendices to the Report of the General Prison Board for 1854, p. 13.

25. C.A., 1/ELN (A). Maclean to Staunton, 4 January 1854.

26. Annex., 1854. Report of the General Board of Commissioners of Public Prisons, 7 August 1854, p. 6.

Extensions to the gaol were eventually made during the first half of 1858[27] but proved inadequate for the needs of the prison. Furthermore, when the Transportation Act of June 1857[28] expired at the end of 1858, many of the convicts who would have been transported from British Kaffraria to Robben Island were now to be imprisoned at East London and used on the harbour construction.[29]

The Governor suggested that the Civil Works barracks be used as a Convict Depot but Maclean pointed out that, since this was a wattle-and-daub building, it would hardly be sufficiently safe for such a purpose. He suggested rather that a new gaol be built.[30] The Governor chose to ignore Maclean's suggestion and instructions were given to reinforce the Civil Works barracks which, together with the existing gaol, would house about 300 convicts. The renovations were completed in January 1859.[31]

By the end of 1858, however, a serious problem had arisen because of overcrowding in the gaol.[32] The numbers of both black and white prisoners

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27. C.A., 1/ELN (B). Staunton to Resident Secretary in Graham's Town, 3 September 1855.

28. Act No 25, 29 June 1857.

29. C.A., BK 63. Jennings to Maclean, 10 December 1858.
C.A., BK 2. Travers to Maclean, 31 May 1858.

30. C.A., BK 379. Schedule 113, 19 August 1858.
C.A., BK 2. Travers to Maclean, 31 May 1858.

31. C.A., BK 380. Schedule 6, 20 January 1859.
Schedule 13, 7 February 1859.

32. C.A., BK 61. Statement on East London Gaol, 6 October 1858.
The gaol had now six cells which, on this day, contained:

Cell 1	-	4 white males
2	-	8 black males
3	-	8 black males
4	-	4 white males
5	-	8 black males
6	-	3 black females

had been increasing steadily and, Maclean reported, the accommodation was quite insufficient.[33]

The District Surgeon reported, in December 1858, that overcrowding in the prison was proving "most fatal" to the health of the prisoners. They were reduced from strong and robust men to a state of emaciation if confined for any length of time. The problem, Dr Speedy said, was not caused by a lack of sufficient food, as the working ration allowed was ample. It was rather the result of the inhalation of contaminated air because so many prisoners were confined in a cell. Moreover, on the previous day, a prisoner had died in his cell and the post-mortem revealed that the cause of death had been "asphyxia from foul air".[34]

Jennings substantiated Speedy's remarks. The gaol contained only six cells, each measuring nine foot by eight foot, he said. Each cell was capable of holding only three prisoners, or four at the most, yet there were frequently as many as eight to nine prisoners per cell. As a result, twelve prisoners had had to be invalided the previous week on account of general disability and Jennings feared that, with the forthcoming hot season, the results could be "fearful". There was no hospital connected with the prison establishment, he said, and the shortage of

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33. C.A., BK 379. Schedule 125, 29 September 1858.

34. C.A., BK 63. District Surgeon to Jennings, 6 December 1858.

rooms made it impossible to separate the sick from the rest of the prisoners.[35]

The attempt to obtain authorisation for a new gaol was a tedious process. By May 1860, a sum of £1 500 had been placed on the estimates for building a "proper gaol" at East London.[36] Yet, by January 1861, nothing had been done. Maclean again pleaded the case and added that the inadequate facilities meant that convicts had to be chained day and night. There was also no possibility of differentiating between the simple prisoner and the convict.[37]

Documentary evidence, however, indicates that no gaol was built before 1873. Statistics from the Cape Blue Books reveal that, on the contrary, the plans had been shelved and that the gaol remained small and often over-crowded for the entire period under consideration. In fact, the statistics indicate that, from 1872, only five cells were in operation.[38] Once the harbour works had ceased in 1869[39], there was a substantial drop in the number of prisoners who were confined at the East London gaol.

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35. C.A., BK 63. Jennings to Maclean, 10 December 1858.

36. C.A., Bk 380. Schedule 51, 28 May 1860.

37. C.A., BK 382. Schedule 4, 24 January 1861.

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	TOTAL PRISONERS	WHITE	BLACK	CELLS	HIGHEST NO. IN ONE DAY
1867	344	71	273	6	53
1868	208	25	183	6	38
1869	245	31	214	6	38
1870	82	15	67	6	12
1871	116	37	79	6	22
1872	182	66	116	5	31
1873	85	30	55	5	16

39. Annex., G15 - 70. Report of Chief Inspector of Public Works, 1869.

The availability of an adequate supply of water was essential for the creation and growth of the East London villages. At the same time, however, the existence of the very poor facilities which were provided indicates the lack of concern with which the government viewed the port and its environment.

Bailie's survey of the mouth of the Buffalo in January 1836 mentioned the availability of plenty of fresh water as a favourable feature for a port.[40] It was reported, moreover, that if ships needed to take on water, they could do so, with very little trouble, from the Buffalo River itself, a little distance up, beyond the salt water line.[41]

When, in April 1847, Berkeley submitted his report on the possibilities of re-opening the mouth of the Buffalo, he likewise referred to the source of water which, he believed, was abundant enough for the troops. The supply was, however, not considered adequate to support a large settlement. He suggested that the military cattle would have to be sent under guard to the valleys and pools in the immediate neighbourhood for a drink.[42] A further search, however, found water of good quality in three or four places about three-quarters of a mile from the mouth, on the western side of the river, near the coast. Soldiers of the 73rd Regiment set to work immediately to build three reservoirs at the spot. These springs would

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40. G.T.J., 11 February 36.

41. G.T.J., 1 December 1836.

42. P.P. 1847-8, XLIII /912/, p. 74. Berkeley to Pottinger, 2 April 1847.

be sufficient, it was believed, to supply a moderate post the whole year round and, in case of necessity, a small stream on the east side of the river was also available.[43]

At the beginning of 1848, after Smith had decided to build a permanent barracks at Fort Glamorgan, a well was sunk at the site of these reservoirs, to be known as Baker's Well. Although it is probable that this well was established primarily for the use of the military establishment, as the number of military men would have far exceeded that of the traders early in 1848, it was nevertheless paid for out of licence fees collected from the traders at East London.[44]

East London obtained its water from three sources: Baker's Well, private wells within the village and rain-water tanks. Baker's Well provided the most constant supply but the cost of transportation to the village was high. Although the government officials had their water conveyed to them in a cart at government expense, the public was left to transport their own water. Black labour was used to carry the water, probably by means of buckets. The high costs and inconvenience of this system, however, led to individually dug wells within the village and the

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43. G.T.J., 1 May 1847. This was the Gwygney or Quigney Stream.

44. P.P. 1849, XXXVI [1056], pp. 39 - 40. First Report of the Board of Roads for British Kaffraria, 31 December 1848. The cost of sinking this well was £3 - 18 - 9.

erection of rain-water tanks. The wells were generally not satisfactory as the water was said to taste bitter and was reported to have caused dyssentry to those who were not used to it.[45]

Preference was given to rain water as the cheapest and most palatable source but its supply was not dependable because of the constant droughts which East London experienced in the 1850s and 1860s. In February 1859, moreover, the use of rain-water was thought responsible for the deaths of five members of the Borcherd family because an unusual amount of flakes from the lead-based roof-paint was deposited in the rain-water tank.[46]

In 1865, the editor of the Kaffrarian used the uncertain condition of East London's water supply as the main pretext for his suggestion for the creation of a municipality. He pointed out that East London's water had such a bad reputation for causing sickness that few vessels ever took it in. Yet, the editor wrote, there was an ample supply of fresh water, "sweet and good", in fountains above the village, which would give a constant supply in all weathers. The elevation, he said, meant that the water could be led in open furrows to the outskirts of East London, where a reservoir could be built and water piped into the village. The editor calculated that the total cost of the operation, which included taps in every street and one on the quay for the use of ships, would be no more than £600. The money could have been easily raised, the editor stated, if a town council had existed, but without a council nobody was prepared to do anything lest no-one else join in.[47]

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45. Kaffrarian, 7 January 1865.

46. C.A., BK 61. Jennings to Maclean, 10 February 1859. G.T.J., 5 February 1859.

47. Kaffrarian, 7 January 1865.

In June 1865, the editor of the King William's Town Gazette criticised the government for its failure to provide an adequate water supply to East London. East London was a place, the editor wrote,

> "where, during a drought, water of any sort capable of being drunk is scarcely obtainable at all, and where it has actually been known to fail altogether; here it is where the commissariat is compelled to keep a water cart to supply the troops and government people....when a trifling sum of money judiciously expended would cause it to flow through every street."48

Indeed, so little attention did the government pay to the need for an efficient water supply that, in December 1867, the residents of East London had to resort to a memorial to the Resident Magistrate to permit prisoners to be used to re-open and repair the well which, they said, was in an "imperfect state - & causing great inconvenience to the public." [49] Nothing more, however, was done to improve the situation at the East London village until the Board of Municipal Commissioners was established in 1873.

The availability of an adequate water supply was seen as subservient to military needs. This fact was manifest in 1857 when a site was chosen for the village of Panmure. When, in December 1856, it was known that a hundred men of the British German Legion were to be settled at the mouth of the Buffalo River, Montagu surveyed the area and chose a possible

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48. K.W.T. Gazette, 28 June 1865.

49. C.A., 1/ELN (E). Memorial from Inhabitants of East London, 21 December 1867.

site on the west bank. In a letter to Maclean, Montagu explained that he had carefully examined the ground on the west bank of the Buffalo, in the area which terminated at "point Fishbourne"[50] and had found this position suited for both building and agricultural purposes. The most important aspect of this site, however, was the availability of water in several large vleis on the top of the ridge, almost in the centre of the position he had surveyed. Montague stated, moreover, that he had no doubt that water could be obtained by sinking wells.[51]

In February 1857, Montagu referred again to his choice of a site on the west bank. It was situated, he said, to the north-east of the military post, on the rise where the Port Rex Stone had been planted in December 1836. Although Montagu suggested an alternative site to the south of the military camp, between the town and the camp of the 89th Regiment, he believed the first site to be preferable for reasons of health and its proximity to wood.[52]

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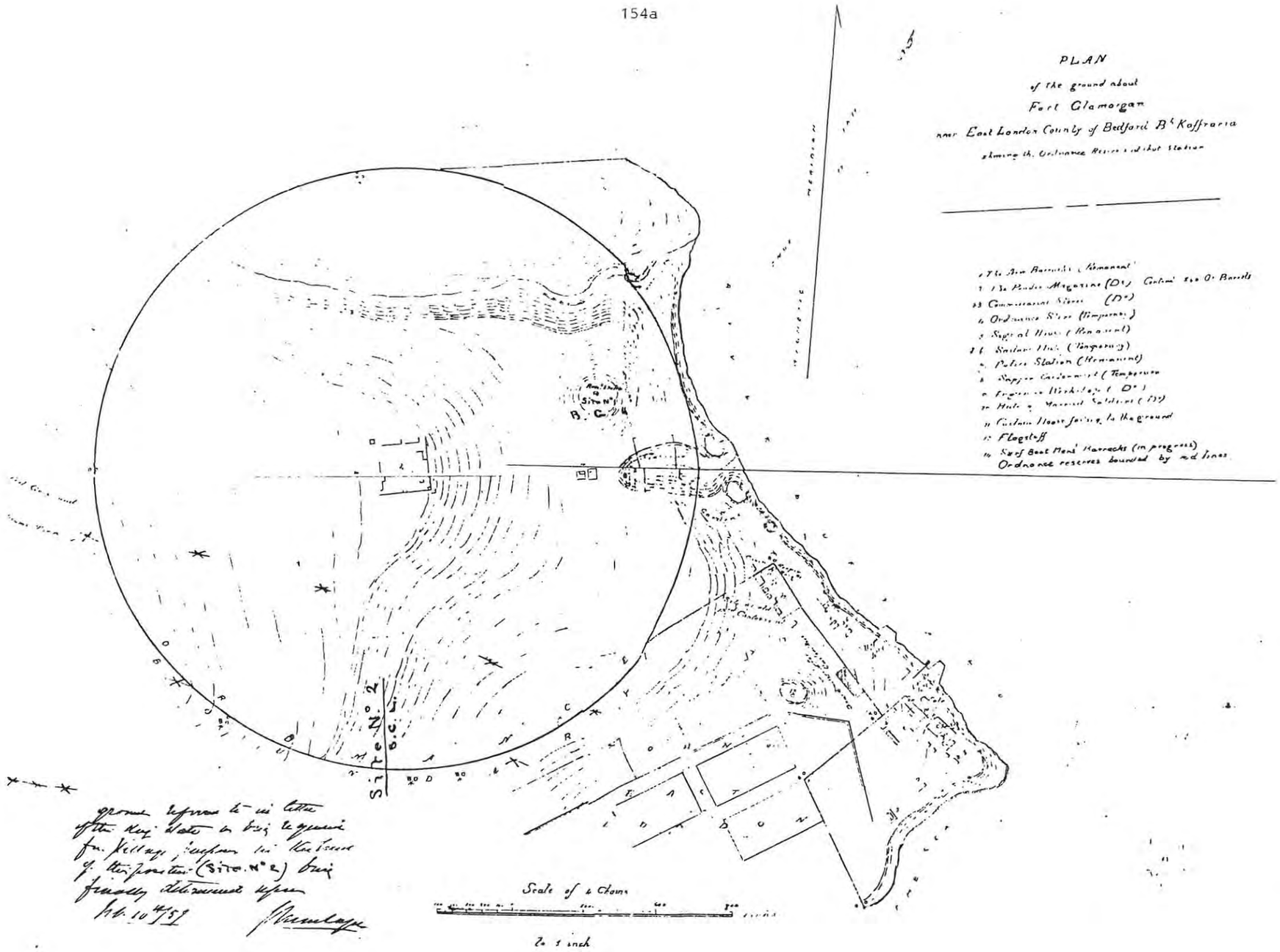
50. Point Fishbourne is not located on any contemporary map, but it seems certain that it was situated within the Buffalo River, on the western bank. It was probably named after Commander Fishbourne, R.N., who commanded the Hermes during the Mlanjeni War. P.P. 1851, XXXVIII /1352/, p. 13. Smith to Grey, 18 February 1851.

51. C.A., DSGBK 24, pp. 47 - 49. Montagu to Maclean, 26 December 1856. Gordon refers to this despatch in his thesis but he misinterpreted its contents, for he concluded that Montagu was referring to a site on the east bank. Gordon possibly made this error because he knew that the final location of Panmure was indeed on the east bank of the Buffalo. See B.C. Gordon, "East London, its Foundation and Early Development as a Port", (Unpublished M.A. Thesis, Rhodes, 1932), pp. 68 - 69. (To clarify the issue, Montagu's despatch to Maclean has been presented in full in this thesis. See Appendix 7, p. 238.

52. C.A., DSGBK 24, pp. 60 - 61. Montagu to Royal Engineer, East London, 10 February 1857. See map, p. 154a.



C.A., DSGBK 10. Plan of the Ground About Fort Glamorgan Near East London, County of Bedford, British Kaffraria Shewing the Ordinance at that Station, by G. Montagu, 10 February 1857.
(This map clearly indicates the two sites which Montagu had in mind for a village for the British German Legion).

Since both sites on the west bank were close to the military establishment, Montagu had to gain the consent of the military authorities and, in the process, was wrapped over the knuckles. It is not clear in what way Montagu contravened regulations but it seems that the military authorities were indignant that he had consulted a sub-ordinate officer which, Montagu protested, was "in accordance with Colonial practice". It is clear from Montagu's report, however, that the issue was regarded as sensitive and that the correspondence had been destroyed so as not to place the sub-ordinate officer in an embarrassing situation.[53] A further problem seems to have been that the two sites fell within an area which the military authorities were not willing to alienate.[54] Whatever the reasons, the idea of locating the Military Settlers on the west bank was scrapped and a village was built on the east bank, despite the lack of water.

When the German Legion began to arrive early in 1857, they were stationed initially on the east bank prior to transportation to Fort Murray.[55] In March 1857, Maclean instructed Montagu to make arrangements to lay out twenty-five lots on the east bank.[56] By mid-April a contingent of Legionaires, under Major Kessler, had already been stationed on the site, which by now had been called Panmure. Kessler, however, soon

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53. C.A., DSGBK 24, pp. 96 - 97. Report, 2 March 1857.

54. See map, p. 154a.

55. See Chapter 5, p. 130, footnote 53.

56. C.A., DSGBK 1. Memorandum: Maclean to Montagu, 26 March 1857.

reported that there was no water to be found within several miles of their plots.[57] Lieutenant Colley decided that it was advisable to settle the men at Cambridge until another site could be chosen.

The search began for an alternative site for Panmure. A spot between Cambridge and Fort Jackson had been suggested but Colley doubted its feasibility because of a lack of water on the western side of the road to King William's Town, and the precipitous ground along the Nahoon River to the east of the road.[58] The general lack of water in the region led to a decision to use the site which had been decided upon in March, probably because some of the Legionaires had already built mud huts there.[59] In the absence of another situation which would be clearly more suitable, the Legionaires would have been happier with the area on which they had already begun to establish themselves.

Yet, as late as May 1857, the suggestion was made that the Legionaires be removed from Panmure to East London or, failing that, a new site near Cambridge could be selected. Montague had already failed with the former plan and the authorities were not happy to adopt the latter because they preferred to increase the strength of the Legion in the vicinity of

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57. C.A., DSGBK 11. Stutterheim to Grey, 18 April 1857.

58. C.A., BK 2. Montagu to Maclean, 17 April 1857.

59. See Chapter 5, p. 131.

East London.[60] The question, however, had been settled by July 1857, when figures for the number of blacks employed at East London indicate that major public works had begun that month for the laying out of Panmure.[61]

Panmure was not as fortunate as East London in that there was no military establishment in the village to ensure the building of a well or the creation of some other permanent water source. The inhabitants had to rely on rain water and on the Gwygney Stream. Since the village was on the road to King William's Town, it became the outspan point for wagons which travelled between the port and the capital, with the result that the stream was often polluted by cattle and other animals. Another constant source of pollution was from the washing of clothes in the stream.[62] As had happened at East London, no attempt was made to create a more satisfactory system for the supply of water in Panmure until after the creation of municipal status in 1873.

Another example of the utter neglect in which East London existed may be seen from an examination of the system of health and sanitation.

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60. C.A., BK 2. Travers to Maclean, 4 May 1857.

61. K.W.T. Gazettes of 1857.

BLACKS EMPLOYED AT EAST LONDON: 1857

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
Harbour	-	26	64	105	88	182	173	198	136
New Road	175	163	163	175	290	197	208	178	210
E.L. Streets	-	-	-	-	-	-	-	-	141
Cambridge	-	46	67	75	84	-	-	-	-
Panmure	-	-	-	-	138	115	140	-	-

62. C.A., 1/ELN (E). Vix to Jennings, 18 January 1867.

During the period before municipality was established, the port degenerated into a squalid town where, it was said, only the intervention of Providence and the constant winds prevented a possible epidemic.

It has been argued that Mackinnon's regulations of March 1848 for the control of civilians at military posts in British Kaffraria were probably enforced at East London. It is probable, therefore, that clause nine of the regulations, which referred to the sanitary conditions, applied to the port. This clause stipulated that no carcasses of animals, horns of bullocks, offal, broken bottles or rubbish of any kind be seen on or near the military posts. Places to discharge all this rubbish would be pointed out by the military authorities. Every civilian was to be held responsible for the cleanliness of the neighbourhood of his house.[63]

No other sanitary regulations for East London were published until 1855. In June 1855, an Act was passed by the Colonial Government for "Abating Public Nuisances and other Mischiefs" in certain towns which were not municipalities, with specific reference to East London and Simon's Town. A proclamation of July 1855 applied this Act, with the exception of certain clauses, to East London.[64]

The Act empowered the Resident Magistrate to appoint a place for the deposit of refuse of any sort. It enabled him to appoint a person to

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63. G.T.J., 4 March 1848. Regulations Respecting Civilians at the Military Posts in British Kaffraria.

64. Government Gazette, 12 June 1855. Act No. 2, 8 June 1855. Government Gazette, 27 July 1855. Proclamation of 25 July 1855. See Appendix 8, p. 240.

inspect butcher's shops and places where animals were slaughtered, and to give directions for the cleansing of these places and the removal of offal and other refuse. The Act, moreover, covered the cleanliness of the streets, thoroughfares, squares and waste ground in the village, and regulated the conditions for the discharge of guns, lighting of fires, damaging of trees, the pollution of water, and stray animals.

Since the Act empowered the Resident Magistrate to enforce sanitation at East London, it is not clear why conditions were allowed to get so out of hand. It is possible that, since the Resident Magistrate was also the Sub-Collector of Customs, his task was over demanding to allow him to become involved in the superintendence of sanitation.[65] Another problem was the lack of a District Surgeon at East London until Dr Speedy was appointed to this post in October 1857 but even then conditions did not improve dramatically. It is possible that the people simply became accustomed to living in squalor. Certainly, although the inhabitants of East London sent many memorials to the Governor to request their various rights, none of them mentioned the poor sanitation.

Until March 1860, when Dr Charles Vix was appointed as East London's first civilian District Surgeon, all medical superintendence at the port

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65. Captain Staunton, who was Resident Magistrate from June 1850 till May 1857, was eventually forced to retire from service through illness. Jennings succeeded him as Resident Magistrate from June 1857 till June 1870 and had also been Sub-Collector of Customs from September 1851. He was not able to take leave for fourteen years because of the demands of his work. He eventually was forced into sick-leave when his physical condition deteriorated in February 1867. Even then, it was three months before a replacement was found and his sick-leave authorised.

was undertaken by the military surgeon at Fort Glamorgan.[66] It was only in September 1857 that the lack of an official District Surgeon was seen as a problem for the British Kaffrarian Government.

A difficulty had arisen over the care of black labourers employed on public works in the East London area. It was the problem of who had to pay the £15 which the Military Surgeon had charged for his services which led to the suggestion that a District Surgeon should be appointed.[67] Such a man, it was said, would be able to care for all blacks employed on public works, give medical supervision to prisoners, investigate suspicious deaths and supervise coroner's inquests.[68] In October 1857, the Governor accepted the suggestion and appointed Dr Speedy as District Surgeon, in the absence of other medical practitioners at East London.[69]

In November 1858, Dr Speedy submitted his first report on the sanitation at East London and, in doing so, revealed the squalid state in which the village existed. At no point in his comprehensive report

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66. The first recorded instance was a post-mortem conducted by Dr Gibb, Staff Assistant Surgeon, on a sailor who had died on the brig Workington on 9 April 1849. Rooper was instructed to pay his fee of £1-10-0. F.E. Balston, the clerk to the Resident Magistrate, acted as Coroner. C.A., CO 2859. Certificate of Post Mortem, 11 April 1849. C.A., 1/ELN (A). Montagu to Rooper, 26 April 1849.

67. C.A., BK 93. Pilkington to Chief Commissioner, 21 September 1857.

68. C.A., BK 93. Fitzgerald to Chief Commissioner, 8 October 1857.

69. C.A., BK 378. Schedule 508, 10 October 1857. Dr Speedy was the Staff Assistant Surgeon, Fort Glamorgan.

was Dr Speedy able to find a condition which he could describe as satisfactory.[70]

Speedy's main attack was on the sewerage system employed in the village. There was a lack of sewers, he said, which meant that refuse and "offensive filth" from some of the houses diffused itself into the streets. The stench which this caused was "highly noxious" to health, and increased in direct proportion to the heat of the season. The people employed to empty the night-soil vessels threw the contents on the beach above the high-water mark so that not even the sea could purify the area. When this filth became heated in the sun, Speedy said, East London became the "reverse of salubrious". Although an attempt had been undertaken to remove the nuisance from the beach, it had been carried out so imperfectly that it was still a hazard to health.

Very few of the houses were provided with sewers and, Speedy pointed out, it was questionable whether those that possessed them effected more harm than good because of the absence of drains to conduct the contents into the sea. Although most of the houses were large enough for the number of occupants, some were badly ventilated and most had "very close unwholesome" water-closets, the tubs of which were seldom emptied. Some of the stores contained hides and horns, the drainage from which had saturated the ground with "putrid animal matter" which, Speedy claimed, was deleterious to the health of those who occupied the buildings and it assisted in the pollution of the atmosphere.

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70. C.A., 1/ELN (B). Sanitary Report of the State of East London, n.d. Received by Brownlow at Fort Murray on 11 November 1858.

Dr Speedy then turned his attention to other pressing matters. The gaol he found was too small, was ill-ventillated and over-crowded. The black location was dirty, the huts were in close proximity to each other and some of them were over-crowded.

The District Surgeon suggested a number of remedies to the appalling conditions. He advocated the use of main drains into which the sewers from the houses could empty themselves. Offal, he said, should not be allowed to be deposited so close to the village but a place should be marked out for it below the high-water mark on the beach so that the sea could wash it away with each tide. The gaol should be enlarged or less people imprisoned there. Additional ventilators were needed in each cell, the walls should be white-washed frequently, strict attention given to cleanliness and the prisoners be made to wash at least three times a week. The huts in the location needed to be erected at a greater distance apart and the blacks needed to be made to clean their kraal at least twice a week.

In his conclusion, Speedy pointed out that only a few of the conditions which prevailed at East London were sufficient to cause disease. It was the existence of the coastal winds, which they were "so constantly blessed with", he said, which carried away or absorbed to a great extent the "exhalations arising from the putrid animal and vegetable matter allowed to accumulate over & around the Town." The sources of generating and propogating contagion existed, he concluded, and it had been purely

providential that East London had up till then been spared from disease.

Although Jennings was instructed to look into the matter and to take what measures he could to rectify the situation, his hands were tied because of the lack of funds. The Governor was not prepared to spend any money to improve the conditions at East London, even though the state of affairs constituted a health hazard. Indeed, the Resident Magistrate was instructed to take no further measures than to use chloride of lime to prevent the offensive odours.

By January 1865, the conditions at East London remained much the same. The editor of the Kaffrarian pointed out that horses, cattle and pigs roamed the village at will and the great portion of the filth and refuse of the village was still deposited on the beach above the high-water mark where, when the wind blew from the sea, it caused a stench. If the village was much larger, the editor said, and the heaps of filth proportionately greater, it would lead to a pestilence. Moreover, the slaughtering place was so close to the village that in hot weather, or when the wind blew from that direction, the stench was "nearly insupportable". In conclusion, the editor called for a more appropriate place for slaughtering "than within a few paces of the churchyard."[71]

The situation in Panmure was not much better. The drinking water in the Gwygney Stream was polluted by cattle from the transport wagons and by the washing of clothing. The District Surgeon reported, moreover,

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71. Kaffrarian, 7 January 1865.

that some cattle,which had been infected with lung sickness, had been left on the commonage by the transport riders, and that dead bodies of cattle and other animals had been left in or near the houses of the village, "there causing a great annoyance."[72]

The general policy of the government to spend money in East London only on essential services meant that the streets in the village suffered from a want of maintenance. In May 1864, the editor of the Kaffrarian complained that the streets were in such bad repair that a wagon had stuck fast in a hole in one of the principal thoroughfares and had to be completely unloaded before it could be extricated.[73] Yet the Resident Magistrate's hands were tied in that he could not spend money which had not first been authorised by the government. Although he attempted to put the streets "in tolerable order" by means of convict labour[74], this practice was forbidden when it came to the attention of the Superintendent General of Convicts, who believed that it was "highly prejudicial" to the discipline of the establishment. Moreover, he said, the mingling of convicts with men sentenced by the Resident Magistrate to short terms of imprisonment afforded an opportunity for "many irregularities". As such, he said, he could not sanction the employment of convicts for that purpose.[75]

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72. C.A., 1/ELN (E). Vix to Jennings, 18 January 1867.

73. Kaffrarian, 14 May 1864.

74. Kaffrarian, 7 January 1865.

75. C.A., 1/ELN (E). Piers to Resident Magistrate, East London, 20 September 1866.

PANMURE, n.d.

Photo: Courtesy of Cape Archives (A.G. 69)

The solution to East London's many problems lay in the establishment of a municipality. The idea had been suggested in January 1865 by the editor of the Kaffrarian who believed that it was "high time" that the people of East London attempted to obtain municipal status. Although the editor admitted that, at that stage, the village was very small, he nevertheless believed that a municipal government was the best means to foster growth. He called upon the inhabitants to send a memorial to the Governor, for the Governor would not issue a municipal ordinance unless the local residents petitioned for it.[76]

In June 1865, the editor of the King William's Town Gazette voiced a similar opinion. He attacked the government for confining East London "to its present state." At the same time, however, the editor claimed that the inhabitants could not be "wholly acquitted of the charge of apathy." He saw their reluctance to petition for municipal status as a result of fear "that the struggle of right with might would be in vain." This, the editor said, might have been the case,

> "for it is a well-known and authenticated fact that people living under despotic governments lose all desire of partaking in public concerns, and are content so long as their private property and persons are not molested."

Yet, the editor concluded, in no other town was a municipality more needed but only by a petition to the Governor would this be accomplished.[77]

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76. Kaffrarian, 7 January 1865.

77. K.W.T. Gazette, 29 June 1865.

However, the people of East London were indeed reluctant to take this step and, eventually, it was the Governor himself who suggested it. In October 1872, C.H. Caldecott, an East London merchant, petitioned the Governor for the establishment of a market. In his reply, the Governor stated that he had no objections to this request, but he suggested that the inhabitants consider the desirability of a municipality under Ordinance 9 of 1836.[78] Caldecott ignored the Governor's suggestion and, instead, called a meeting for 13 November to draft the regulations for the market. At this meeting, John Gately put forward the proposal that a municipality be formed, because a market could be established subsequently as a municipal creation. His suggestion was outvoted and the meeting proceeded to draw up the market regulations.[79]

A concerted move to create a municipality was made early in 1873. A meeting of householders was held on 7 January to decide whether municipal regulations should be drawn up for East London and Panmure. The attendance at the meeting was poor but, nevertheless, a committee was formed to formulate these regulations.[80] The regulations were read and approved unanimously at a subsequent meeting on 1 March 1873[81] and approved by the Governor by a proclamation in April 1873.[82]

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78. Dispatch, 22 October 1872.

79. Dispatch, 19 November 1872.

80. Dispatch, 8 January 1872. The committee members were: Major Lee, Messrs Gately, Contis, Bompas, Arnold, Lucas, Krohn and Captain Walker.

81. Dispatch, 1 March 1873.

82. See Chapter 2, p. 61.

Even at this stage, however, East London's reluctance for municipal status was apparent. At the first meeting of the Municipal Commissioners in May 1873, Major Lee was elected Chairman.[83] Lee, however, resigned as from 31 May, without having attended any meetings. This caused a major problem for the Board, for in the event of another member's absence, there would be no quorum and no decisions could be made.[84] Moreover, when a meeting was held in Panmure on 18 June to elect a replacement for Major Lee, nobody attended except the Civil Commissioner, the Chief Constable and a reporter from the East London Dispatch. "After waiting fully fifteen minutes," the Dispatch reported,

> "his Worship declared that there was no meeting, and accordingly the crowd dispersed. The municipal prospect has a cheering appearance!"[85]

Nevertheless, a beginning had been made and the Municipal Commissioners were able to generate funds and co-ordinate reforms. The villages of East London and Panmure were at last liberated from their dependence upon an unwilling government and a tedious method of obtaining reform by means of memorials to the Governor.

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83. J. Denfield, Pioneer Port, p. 12. The East London Dispatch, in its edition of 27 May 1873, reported that John Gately had been elected chairman of the Board of Municipal Commissioners. However, on 3 June 1873, the same newspaper referred to Major Lee as having been chairman.

84. This problem soon arose, for Venn was absent at a meeting on 4 June 1873 and Gately had to appeal to the members not to miss future meetings.

85. Dispatch, 24 June 1873.

CHAPTER 7

The Development of the Black Community at East London

Odendaal argues that white expansion in southern Africa was complemented by a European system of government, in conjunction with what he terms "agents of imperialism", that is the missionaries, teachers, traders and farmers who brought the tribal society into contact with the new European cultural norms.[1] Legassick, quoting Shula Marks' opinion, speaks of the natural tendency for the white settler to become authoritarian and despotic in his relationship with the conquered colonial people. He concludes that the last thing that can be said about the 18th and early-19th century frontier was that it fostered "group-consciousness".[2]

East London, during the period prior to the establishment of a municipal government, was a microcosm of the advance of the white settler and the system of white authoritarian rule into the centre of a black habitation. It was, furthermore, the microcosm of the breakdown of an integrated society into one which became, largely through government intervention, separated along lines of colour.

The coastal region between the Keiskamma and the Kei Rivers was inhabited by the people of the Gqunukhwebe chiefdoms, ruled during the period under study by the chiefs Phato, Khama and Kobe, commonly called the "Tribes of Congo" by the government agents at the time.[3]

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1. A. Odendaal, Vukani Bantu!, p. 1.

2. M. Legassick, "The Frontier Tradition in South African Historiography" in S. Marks and A. Atmore, Economy and Society in Pre-Industrial South Africa, pp. 52, 60.

3. C.A., LG 602. Treaty between Stockenström and the Tribes of Congo, 5 December 1836.

The relationship between the British forces and the Gqunukhwebe in the region of the mouth of the Buffalo River during the 6th Frontier War was, according to Alexander's description, one of brutality and contradiction.[4] Soon after Smith and his party had set out "to clear the country near the sea, and examine the mouth of the Buffalo", the expedition was joined by Lieutenant Moultrie of the 75th Regiment, who had with him some 1 000 warriors from the tribes of Phato, Khama and Mqhayi, who had been "persuaded" to join forces with the British after Colonel England had scoured the bush along the Fish River. They were joined, in addition, by 1 000 Khoi and Mfengu soldiers. The Gqunukhwebe warriors were then called upon to assist in scouring the bush, and in ransacking and destroying kraals of people of their own tribe along both banks of the Buffalo River.

Alexander reported that, for a day, they scoured the bush, set fire to huts and kraals, captured cattle and shot "the enemy", while the Mfengu were "burning and ravaging in the direction of the Gonubee." That night they camped near the mouth of the Buffalo "among Kaffir gardens." Next morning, they found "Kaffirs and cattle....among the strange sand hills by the sea shore; but by swimming the Kine[5] over the creek, they got clear away."

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4. J.E. Alexander, Narative of a Voyage of Observation Among the Colonies of Western Africa, in the Flag-Ship Thalia; and of a Campaign in Kaffir-Land, on the Staff of the Commander-in-Chief in 1835, Vol. 2, pp. 198 - 200.

5. i.e. their cattle.

Once the war was over, however, the mouth of the Buffalo became a trading centre. Although Rex's request for a grant of land was refused[6], he was allowed to establish trade with the Xhosa during the period in which the Knysna was anchored in the roadstead. He was reported to have taken on board a cargo of hides and nearly 20 000 horns.[7] When the Knysna sailed from the Buffalo, the brief period of white habitation ended. However, if the substance of Bailie's memorial to Smith in December 1847 is true, then a unique form of integrated society came to exist for a time in 1837, when Bailie bought land at the mouth of the Buffalo from three brothers of Phato's tribe and established a farm. When dyssentry forced Bailie to return to the Colony, he said, he left the farm in the care of one of the brothers.[8]

There were contraditory reports about the attitude of the black people at the mouth of the Buffalo during the War of the Axe. Military despatches referred to a Xhosa build up near the head-quarters camp. Major Smith was reported as having been wounded while he was walking close to the camp. Two burghers of the Albany levy were listed as killed in the area.[9] Pottinger believed that it was vital to establish a strong post there as well as at King William's Town.[10] Moreover, it was the continued war against Phato that was reported to be one

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6. See Chapter 2, pp. 37 - 38.

7. G.T.J., 12 June 1847.

8. See M.D. Nash, "John Bailie at the Buffalo River Mouth" in Africana Notes and News, Vol. 23, No. 8, December 1979, pp. 340 - 341. See Chapter 5,

9. P.P. 1847-8, XLIII /912/, p. 75. Pottinger to Berkeley, 5 April 1847.

10. P.P. 1847-8, XLIII /912/, p. 39. Pottinger to Earl Grey, 13 March 1847.

of the primary reasons for re-opening the river mouth for military supplies.[11]

However, in 1847, when the soldiers at the river mouth were ordered to hut themselves, the Xhosa who lived there gave them ready assistance. In February 1848, Wolfe reported that there were a great number of blacks at the station and many were employed in building the houses. Once the war was over,economic forces came into operation. Just as the traders moved readily into the war zone to enrich themselves through commerce with the military, so the Xhosa recognised the opportunity to trade off the white man's inexperience at hut-making.[12]

Even while the war was in operation, the merchants at the mouth had opened their trade with the Xhosa so that, as early as July 1847, the Graham's Town Journal was able to report the start of an export trade when a cargo of hides and horns was taken on board the Conch.[13] In March 1848, Wolfe reported that the Xhosa were collecting and selling gum at East London so that he hoped to be able shortly to ship a few tons to Cape Town.[14]

It is probable that, during the early months when both the military and the traders had resorted to huts for accommodation, a partially

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11. P.P. 1847-8, XLIII [912], pp. 75 - 76. Pottinger to Berkeley, 5 April 1847.

12. See Chapter 5, pp. 115 - 116.

13. G.T.J., 31 July 1847.

14. C.A., CCT 188. Wolfe to Field, 3 March 1848.

integrated society had come into existence. There was a kraal close to the white village and, in December 1849, both Maclean and Rooper reported the existence of Xhosa huts scattered in close proximity to the town and within the two mile rayon. There was a total of sixty black men, plus wives and children, within the district of East London.[15] As late as September 1857, Jennings reported that sailors were forced to take up lodgings in the Xhosa village because of the shortage of accommodation in the white sector.[16]

Apart from the blacks who lived within the two mile rayon, another twenty entered regularly to supply the town with milk. Moreover, whenever ships arrived, the population increased temporarily as more labour was needed to unload the vessels.[17]

Although, in March 1848, Mackinnon instructed that all huts within the two mile rayon of military posts in British Kaffraria be pulled down[18], this directive was not enforced at East London until December 1849. It was then that the first black location was formed at the kraal of the headman, Magomo.[19] The creation of the location was due largely to the influx of temporary labourers whenever ships called. Rooper reported that this led to a considerable number of strangers who entered the

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15. C.A., 1/ELN (A). Maclean to Rooper, 8 December 1849.
C.A., CO 4489. Rooper to Mackinnon, 1 December 1849.

16. C.A., BK 61. Jennings to Maclean, 10 September 1857.

17. C.A., CO 4489. Rooper to Mackinnon, 1 December 1849.

18. G.T.J., 4 March 1848. Regulations Respecting Civilians at the Military Posts in British Kaffraria.

19. C.A., 1/ELN (A). Maclean to Rooper, 8 December 1849.

district without authority and caused "inconvenience" at the huts already occupied by residents of the port. They were responsible, moveover, for "other irregularities", such as the creation of a squatter camp within the district.[20]

The annexation of East London into the Cape Colony had caused political ambiguity for the black community at the port. Although they now lived in a port in the Colony, colonial laws were not applied to them. They were still regarded as a part of the British Kaffrarian population. Whereas East London had been joined to the division of Victoria for judicial purposes, the black community still fell under the control of the Special Commissioner for Phato's tribe, in this case John Maclean, resident at Fort Murray. This led to a distinct separation for legal purposes. While white cases were heard in Alice, black legal issues were dealt with at Fort Murray.

Problems arose, furthermore, from another quarter. All black people who lived in British Kaffraria who desired to enter the Cape Colony were required to be furnished with a pass for this purpose, which was issued by the Special Commissioner for their tribe. This meant that, technically, any black person who lived just outside the rayon of East London but who desired to enter the rayon either to seek work when a ship arrived or to sell milk to the village, had first to travel to Fort Murray to obtain

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20. C.A., 1/ELN (A). Maclean to Rooper, 27 November 1849.

sanction. Maclean soon realised that an exception to the rule was required and gave permission for the Resident Magistrate at East London to issue such passes to all blacks who desired to enter the rayon. He made this exception, he explained to Rooper,

> "as the demand for native labourers varies according to circumstances when the arrival of vessels calls for an increased number of coolies and any reference to me would be very inconvenient."21

Free access to East London, however, was not permitted. Maclean referred to instructions from the Governor that the district of East London was to be kept free of all blacks who were not authorised to remain there. Maclean was even prepared to wave the regulation which Mackinnon had issued to Major Smith that no troops were allowed to be used as police.[22] In the case of blacks, the Resident Magistrate was empowered to employ the military in lieu of a sufficient police force "in surrounding areas where Kaffirs sleep who have entered /the/ District without Authority."[23]

The existence of a regular black community at East London, coupled with the constant influx of migrant labourers to serve the ships, led to two immediate problems for the Resident Magistrate. First, since the black people appeared at the Magistrate's Court for various reasons, Rooper requested permission to appoint an interpreter.[24] Secondly, and of

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21. C.A., 1/ELN (A). Maclean to Rooper, 27 November 1849.

22. C.A., CO 4489. Mackinnon to Montagu, 1 June 1848.

23. C.A., 1/ELN (A). Maclean to Rooper, 27 November 1849.

24. C.A., CO 4489. Rooper to Mackinnon, 1 December 1849.

greater concern, there was the need to establish some form of local authority over the black community and, for this purpose, Rooper drew up a list of regulations for the black village.[25] He requested, moreover, that Magomo[26], headman by Phato's authority at the kraal near the East London town, be recognised as the headman of all the black community employed and resident at East London.[27]

Magomo was accepted as Headman, and it was decided to pay him for his services.[28] However, the problems caused by the influx of migrant labourers and the milk-sellers who sometimes stayed overnight without authorisation was considered a disturbance to the orderliness of the community and led to the decision that all black people who lived within the district must be located at or near Magomo's kraal and under his influence.[29] Since the Headman's kraal was situated only 500 yards from the East London village, Maclean saw no difficulty in demanding that all the people who lived in huts scattered in the immediate vicinity of East London be removed to this kraal and thereby to create "but one native village."[30] Maclean further suggested that strict orders be given that

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25. Although Mackinnon made reference to these regulations and stated that he found them "very judicious", the regulations themselves appear to have been lost. A thorough search of all probable sources in the Cape Archives has revealed no more than a reference to them. See C.A., BK 405. Mackinnon to Maclean, 1 December 1849.
C.A., 1/ELN (A). Maclean to Rooper, 2 December 1849.

26. The Headman's name is spelt variously in the documents: Magomo, Magoma, Maguma, Majomo.

27. C.A., 1/ELN (A). Maclean to Rooper, 2 December 1849.

28. C.A., BK 405. Mackinnon to Maclean, 1 December 1849.

29. C.A., 1/ELN (A). Maclean to Rooper, 2 December 1849.

30. C.A., 1/ELN (A). Maclean to Rooper, 8 December 1849.

no black person be allowed within the immediate vicinity of the town after sunset and, if necessary, their visits to the village be limited to some fixed point, such as a market place, which was convenient to all parties.[31]

Maclean had made an exception to the general regulations for British Kaffraria when he had allowed the Resident Magistrate at East London to issue passes to any black person who desired to visit the village. By mid-1850, however, he decided that this exception was, in his opinion, being taken advantage of because people who lived beyond the rayon were seeking passes from the Resident Magistrate when they desired to enter the Colony. Maclean warned Staunton that he should refuse all such applications or it could involve him "in difficulties". He pointed out that the passes should normally be issued only by the Commissioner of the District to which the people belonged, which Commissioner had to keep a register of all passes and particulars of the applicant so that the property of the applicant could be seized if he committed a crime within the Colony. Maclean explained, moreover, that he did not believe that the passes should be given except for specific purposes, such as the recovery of cattle or property. He never issued passes, he said, "on the frivilous excuse of visiting, or seeing sick relations."[32]

Phato's decision to remain neutral during the Mlanjeni War[33] and his active involvement in escorting convoys along the road between East London

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31. C.A., 1/ELN (A) Maclean to Rooper, 2 December 1849.

32. C.A., 1/ELN (A). Maclean to Staunton, 1 July 1850.

33. P.P. 1851, XXXVIII [1334], p. 107. Maclean to Mackinnon, 2 December 1850.

and King William's Town[34] meant that the black community at East London was not much affected by the war. Yet it was reported during the war that the roads between East London and King William's Town were not considered safe for travellers as the blacks were said to make "a regular practice" of shooting at wagons and passengers.[35] In June 1852, the Graham's Town Journal reported that there was even apprehension of an imminent attack on East London itself, so that arms and ammunition were served to those inhabitants who did not possess them, and a guard was placed at the outskirts of the town.[36]

At East London itself there were reports of increased thefts and robberies during the war years. The blame for this was placed on the shoulders of Magomo, who was reprimanded by Maclean because he did not exert himself more to prevent "hostile Kaffirs" from entering East London. Magomo, in turn, laid the blame on the authorities at the port in that they did not enforce the regulations. Many of the robberies, he said, were caused because so many black loiterers were allowed "to keep about the Town" and that, although he had often called attention to this fact, nobody had listened to him. He believed, he was reported to have said, that all labourers ought to have been driven out of the town before dark but instead they were allowed to remain half the night and were tempted to steal anything they could lay their hands on.[37]

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34. P.P. 1851, XXXVIII [1380], P. 27. Smith to Earl Grey, 26 March 1851.

35. G.T.J., 31 July 1852; 14 August 1852.

36. G.T.J., 19 June 1852.

37. C.A., 1/ELN (A). Statement from "Maguma" to Maclean, 16 April 1852.

The year 1856 saw the beginning of the Cattle Killings which Maclean believed was a design to force another war between the Xhosa and the British. The Xhosa were aware, he said, that the British were fighting a war in the Crimea. Rumours of this war were exaggerated to the disadvantage of the British so that it was believed that in the event of another war, the Cape Colony would not receive any British aid. Maclean believed, furthermore, that the increased "thefts and outrages" which accompanied the Cattle Killings was a means to incite war. The slaughter of animals and the destruction of crops was inspired by Sarhili, Maclean claimed, as it would enable more men to fight, who would otherwise have had to guard the livestock. Moreover, Sarhili was said to have stated that the crops, in any event, would have been cut down by the British troops.[38]

Modern historians and anthropologists argue another cause of the Cattle Killings. Moorcroft links it to a moral protest and a claim to the land which had been "abused by Europeans". He believes it to have been a part of a national sacrifice to appease the national ancestors. What was unique about the Cattle Killings, Moorcroft concludes, was not the killing of the cattle, but the scale upon which the killings proceeded.[39]

The nation became divided into believers and unbelievers. At first, Sandile did not join in but Phato, Mhala and Maqoma, the chiefs resident close to East London, did. New cattle kraals were built and old ones

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38. C.A., GH 20/2/1, Despatch No. 294. Maclean to Grey, 25 March 1857.

39. E. Moorcroft,"Theories of Millenarianism Considered with Reference to Certain Southern African Movements", (Unpublished B. Litt. Thesis, Oxford, 1967), pp. 96 - 97, 120 - 124.

repaired so as to hold the new herds. New corn-pits were dug and old ones were cleaned out and enlarged.[40] By the end of January 1857, the famine had become acute and many of the Xhosa began to leave their homeland in search of food and employment. Davenport states that, of an original population of about 105 000, only 37 000 remained, although only half the loss was accountable by deaths. The rest, Davenport says, moved into the Cape Colony in search of food.[41]

Although Phato joined in the Cattle Killings, there is no evidence to suggest that the black community within the rayon of East London participated directly in the campaign. By 1856, the community had ceased to be agriculturally centred and had come to exist by selling its services to the village and port in return for wages. Moreover, the restrictions imposed upon blacks who lived at East London demanded that they work in the district if they wished to gain permission to settle there. Wages paid at East London were high in comparison to those in other parts of British Kaffraria, which meant that the black community at the port were considerably wealthier than those elsewhere.[42] This dependence on wages rather than on cattle would have tended to make them immune to the demands of the Cattle Killing Campaign.

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40. E. Moorcroft,"Theories of Millenarianism", pp. 5 - 8.

41. T.R.H. Davenport, South Africa, p. 101.

42. C.A., BK 61. Jennings to Maclean, 5 March 1856. While Maclean had quoted wages of 6d per day plus rations for labour on public works, Jennings gave the following list of wages paid at East London:

Beach Labourers	1/6^{d} -	2/6^{d} per day
Surf-Boat Labourers	3/6^{d} -	5/- per day
House Servants	20/- -	30/- per month

Although the black community at East London probably did not participate directly in the Cattle Killings, the campaign did affect both them and the white community indirectly. First, trade at the port revealed the influence of the campaign. In August 1856, the Special Magistrate with Phato reported that the Xhosa were taking large quantities of hides to the port and that "considerable numbers" of Sarhili's people were visiting East London to sell their corn. At the same time, they were buying spades "in extraordinary quantities". Moreover, migrant labour had become very scarce in the village.[43] The migrant labourers, who lived beyond the rayon of East London, were an agriculturally based community and therefore would have been more susceptible to the Cattle Killing Campaign.

Secondly, when the Cattle Killing reached its climax, it brought starvation and poverty in close proximity to the district of East London. The poor and hungry people turned to violence to survive: attacks and robberies on the road from East London to King William's Town were frequently reported.[44] This, coupled with the belief that war was imminent, led to increased tension at East London. It is in the light of this tension that the events of February 1857 should be understood.

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43. P.P. 1857-8, XL /2352/, p. 23. Vigne's Report on Pato's Country, 20 August 1856.

44. C.A., BK 61. Staunton to the Chief Commissioner, 4 March 1857. G.T.J., 14 February 1857; 17 February 1857; 28 February 1857; 16 May 1857; 16 June 1857.
In a notice published in the Graham's Town Journal in February 1857, Maclean warned travellers in British Kaffraria that, because of the want of food among the tribes, attempts at robberies would become more frequent. He therefore suggested that people travel in groups and outspan only at police stations and military posts. G.T.J., 28 February 1857.

On the evening of 24 February 1857, a soldier of the 89th Regiment was murdered and his body was discovered among the rocks close to the sea, not far from the black village. Although the post-mortem revealed that the man had been clubbed to death with a blunt instrument, there was no clue as to where or by whom the murder had been committed. The body appeared to have been carried to the place where it was found, after the murder had taken place. The Resident Magistrate claimed, however, that there were strong grounds for suspecting that the murder had been committed in one of the huts in the location. He therefore requested the authority of the Chief Commissioner to remove the entire village to beyond the rayon of East London and to dismiss Magomo, whom the Magistrate believed to be "totally unfit" to control the black community.[45]

Soldiers of the 89th Regiment, however, took matters into their own hands and burnt the village to the ground. They thereupon chased the inhabitants through the streets of East London to the water's edge, and beat them as they ran.[46] The murder, followed by the soldiers' retaliation, threw East London into a frenzy. Within a couple of days, certain inhabitants of the town produced a memorial to the Resident Magistrate in which they called for protection. They linked the murder of the soldier to the other incidents in British Kaffraria and concluded that war was about to erupt. They wished, they said, to draw attention to the fact that they were too few in number to guard the town themselves and therefore requested the protection of the military force at Fort Glamorgan.[47]

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45. C.A., GH 8/31. Staunton to the Chief Commissioner, 25 February 1857.

46. C.A., GH 8/31. Staunton to Maclean, 25 February 1857.

47. C.A., GH 8/31. Memorandum from Inhabitants of East London, 27 February 1857.

Staunton responded by appointing two Khoi Special Constables "to assist in preserving regularity in the Town, and to prevent Kaffirs from entering it." The scare, however, lasted only a week, after which the Special Constables were discharged.[48]

The murder led Maclean to insist that all black people be registered if they were to be allowed to reside at East London. He recommended, moreover, that Staunton "do away with Magoma's nest of thieves."[49] Staunton decided that, since the kraal had been burnt down, this presented him with the ideal opportunity to remove "Maguma & his assemblage of Kafirs" and to build a new kraal at a spot further from the town. Negotiations were entered into with Phato, and it was decided to appoint a new Headman, Ngogoshe, in Magomo's place.[50]

In June 1857, Maclean drew up a new set of regulations for the establishment of the new black village at East London. He explained to the Governor that it was necessary to have a village constituted with proper regulations close to East London so as to enable men who were employed on public works to be close at hand "and also to enable merchants to procure coolies, etc & to prevent idle Kaffirs from entering the Town after dark." He proposed, however, that black police be appointed for East London, and they would be stationed in the new village. The Headman

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48. C.A., 1/ELN (B). Staunton to the Chief Commissioner, 7 March 1857.

49. C.A., 1/ELN (B). Maclean to Staunton, 27 February 1857.

50. C.A., 1/ELN (B). Vigne to Staunton, 19 March 1857.

would be paid at a rate of 1/- per day, plus rations.[51]

The regulations for the new village stipulated that the site which was selected by the Resident Magistrate should be well clear of the town so that no black person, other than servants who slept on the employer's premises, was to have the excuse for being in the town after working hours. No huts would be allowed which had not first been sanctioned by the Chief Commissioner. All males who were capable of working had to be registered, together with their wives and children. The Headman was to be responsible for all strangers who visited the village. No-one was to be allowed to remain in the village for any length of time without the permission of the Resident Magistrate. No woman, other than the wife or one of the family of a registered person, would be allowed to live there. Men who wished to live in the village, or build there, had to apply for permission to the Headman who, if he approved, would recommend that person to the Resident Magistrate.[52]

In March 1858, the High Commissioner issued a set of instructions which were to followed by all Magistrates in British Kaffraria. This included East London, although still a part of the Cape Colony. These regulations introduced a hut and animal tax. Each hut in the village which belonged to a separate family but which did not stand on land held

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51. C.A., BK 378. Schedule 467, 29 June 1857.

52. C.A., DSGBK 1, p. 282. East London - Native Village, 7 August 1857. See Appendix 9, p. 244.

under a grant or on lease from the Crown, was subjected to an annual tax of 10/-, paid bi-annually. If more than one family inhabited a hut, a separate hut tax would be charged for each additional family. If, however, a family had two or more huts, only one hut would be liable for tax. If a European-style house was built which was capable of containing two or more families, only one tax was to be levied. The annual animal tax that was introduced varied according to the type of animal.[53]

These regulations, when taken as a whole, would have served to break the power of the chiefs, although many chiefs had by now been transported to Robben Island for infringements committed subsequent to the Cattle Killings.[54] Greater authority was granted to the Headmen and all the Xhosa in British Kaffraria were required to move into villages under a Headman as soon as they had harvested their crops. Du Toit points out that, soon after the Cattle Killing crisis, Grey decided to enforce a scheme to concentrate the black people of Kaffraria into villages so that they would be able to be controlled more effectively by police and, it was hoped, theft could be better controlled.[55] The Headmen, in this way, became instruments of government control. Moreover, the emphasis in the hut tax was on reward for the adoption of a European life-style, in that those who built European-style houses were not required to pay a double tax if more families lived within their house.

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53. C.A., 1/ELN (B). Maclean to Jennings, 18 March 1858. The animal tax was as follows: horse 2/6d; cattle 1/- each; sheep and goats 2d each.

54. A.E. du Toit, "The Cape Frontier: A Study of Native Policy with Special Reference to the Years 1847 - 1866" in A.Y.B. 1954, Vol. 1, p. 104.

55. ibid., pp. 105 - 107.

The tax on huts and animals was instrumental in the creation of a tighter control over the movement of the black population. Because it was believed that many of the people moved into new districts as a means to avoid the payment of the taxes, new regulations were introduced in May 1860 whereby no black person could be received into another district unless he produced the necessary receipts to prove that he had paid all the requisite taxes.[56] Furthermore, the necessity of paying the tax in European currency demanded that the Xhosa entered into the white economic world, which in turn served to force white standards onto the black people and further eroded the power and values of tribal authority.

Resistance to the new tax regulations led the British Kaffrarian Government to re-assess the method of tax collection. In September 1864, a system was adopted which gave the Headman of each village an interest in the collection, by allowing him a commission of 3d on each 5/- he collected on the hut tax. Unnecessary restrictions, however, negated the advantage of this system in that the commission was not to begin until the greater part of the arrears in the hut and animal tax had been collected.[57] By January 1865, the futility of these restrictions was realised and the Headman was then allowed a percentage of the arrear tax as well.[58]

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56. C.A., 1/ELN (C). Maclean to Jennings, 1 May 1860.

57. C.A., 1/ELN (D). Brownlow to Jennings, 19 September 1864.

58. C.A., 1/ELN (D). Circular No. 2 of 1865. Brownlow to Jennings, 18 January 1865.

There is no information about the conditions within the East London black location between 1857 - 1873. Although Circular No. 3 of 1860 demanded that the Resident Magistrate visit each village within his district once a month and submit a report[59], the reports from the Resident Magistrate at East London cannot be located in the Cape Archives.

Statistics published in June 1860 reveal that there were only two black villages in the district of East London at that time. The principal village was at East London itself. It had 87 huts and a population of 397. The black village at Cambridge had only ten huts and a population of 36. There was no village at Panmure. The male inhabitants at the East London location were all labourers who were employed by the merchants, traders and at the wharf for the discharge of surf-boats. The men in the Cambridge location were employed by the German community there.[60] Statistics for August 1866 indicate that the black location at Cambridge had ceased to exist and that the location at East London was the only black community in the immediate vicinity of the port.[61]

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59. C.A., 1/ELN (D). Brownlow to Jennings, 19 September 1864. In September 1864, the Resident Magistrate was instructed that he need visit the location only once every two months.

60. C.A., BK 61. Special Report of the State and Disposition of the Natives Located in the East London District, 20 June 1860.

	EAST LONDON	CAMBRIDGE
Men	110	10
Women	92	14
Children	195	12
Total Population	397	36
Villages	1	1
Huts	87	10

61. C.A., CO 3101. Schedule of Native Villages Situate in the East London Division, 15 August 1866.

Newlands Reserve	2
Fingo Village, Hlabata Reserve	1
Buffalo Reserve	5
East London	1
Fort Grey	1

Although there were indications of a peaceful and natural intercourse between white and black people when a village was first established at the mouth of the Buffalo, this ability was steadily eroded through government interference during the entire period under study. The years which followed the Cattle Killings was particularly notable for the advance of government control and for the separation of the white and black communities. Once the majority of the chiefs had been transported to Robben Island for extended sentences, the government gained the opportunity to subjugate the black population under a European-style dictatorship. Yet, by 1874, little attempt had been made at East London to introduce any form of education for blacks along the lines of the policy which Grey had introduced into British Kaffraria. Indeed the only agency for the "elevation of the natives", the Civil Commissioner for East London reported in February 1874, was the Church of England mission in the Newlands Reserve, which supplied a black teacher to East London.[62]

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62. Annex., G27 - 74, p. 17. Blue Book on Native Affairs, p. 17.

CHAPTER 8

Church and Education

The Church at East London during the period prior to 1873 was dominated by the Church of England. There was also a strong Wesleyan presence during the early years, fostered as an outstation of the Mount Coke Mission near King William's Town, and this resulted in a degree of denominational rivalry. Yet the size of the East London community and the limited facilities available to it forced the two churches to co-operate and to share their resources. Ultimately, it was the Church which proved to be the unifying factor at the port and which became responsible for the establishment of elementary education at East London.

Two other factors, however, were manifest at this time. First, the Church of England was firmly under state control and had to tread warily lest it lose state support. Secondly, although the Church of England became deeply involved in mission work amongst the blacks in British Kaffraria from 1854, its ministers at East London tended to give prior attention to the white community rather than to the black.

Goedhals asserts that the Church of England had a largely undefined status in southern Africa prior to 1848 and that its life was at a low ebb. There was, she says, no parochial structure and no awareness of the Church as a corporate body. Robert Gray, consecrated in 1847, was the first bishop and his diocese stretched from Cape Town to Natal.[1] As a result, as the Church of England was attempting to establish itself at East London, it was also in its infancy in southern Africa as a whole.

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1. M.M. Goedhals, "Anglican Mission Policy in the Diocese of Grahamstown under the First Two Bishops, 1853 - 1871", (Unpublished M.A. Thesis, Rhodes, 1979), pp. 3 - 4.

The Church of England at East London was cared for at its foundation by the military chaplain at Fort Glamorgan, the Reverend Buchner. There is no evidence to indicate when Buchner arrived at or departed from East London. However, church registers which were signed by him, date from December 1849 to April 1852.[2] It is certain that he had left Fort Glamorgan by early 1853, as in March that year a despatch from the Cape Town diocese[3] requested the Resident Magistrate at East London to forward the baptismal and marriage registers which Buchner had left behind when he had departed.[4]

There is no evidence to explain how the Church of England continued its operations at East London between Buchner's departure and the arrival of a resident clergyman during the latter half of 1857. It is possible that, after October 1854 when a mission was established at St Luke's at Mhala's Place, about twenty miles from East London, the port relied on the occasional visit of a missionary from this station.[5] The Wesleyan Church, during this period, relied on monthly visits from a missionary at Mount Coke.[6] Services were conducted in a store, used by both the Wesleyans and the Church of England.[7] The Wesleyans were the first to build a chapel and this was shared by the Church of England until that Church could construct its own building in 1862.[8]

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2. C.L., MS 16 826. Register of Baptisms at East London, 1849 - 1852.

3. The Diocese of Graham's Town was formed in 1853.

4. C.A., 1/ELN (A). Davidson to Staunton, 7 March 1853.

5. See below, p. 207.

6. The Mount Coke Mission was founded about 1825.

7. R. Gray, Journals of Two Visitations in 1848 and 1850, Part 2, p. 109.

8. C.L., MS 16 605, p. 59. Kitton's Diary, 8 April 1859.
C.L., MS 16 721/5. Lees to Kitton, 4 November 1862.

In June 1857, less than a month after his installation as the second Bishop of Graham's Town[9], Bishop Cotterill[10] began a visitation of his missions, a journey that was to take him to East London. He visited both communities at the mouth of the Buffalo, East London and Panmure, neither of whom had a resident minister. As soon as the knowledge of Cotterill's intended visit became known, Jennings called a meeting at the Magistrate's Court to consider the "urgent necessity" of establishing a church at the port. Subscription lists were opened and an amount of £30 - 14 - 0 was collected, and further donations of £32 were promised. A committee was then appointed to draw up a memorial to present to the bishop on his arrival. It was stated in this memorial that East London "confidently expected" to be able to contribute £75 per annum towards the income of a clergyman despite "the smallness of the inhabitants of this place in number."[11] The committee, moreover, promised to erect a temporary church and a parsonage to serve until such time as a permanent establishment could be built.[12]

Another problem soon became apparent to Cotterill. When the initial arrangements were made to bring out the Anglo-German Legion, one chaplain was promised for every thousand men. However, when the final conditions were drawn up, nothing was said about a chaplain.[13] Cotterill found that

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9. The first Bishop of Graham's Town was John Armstrong, 1853 - 1856.

10. Henry Cotterill: Bishop of Graham's Town, 1856 - 1871.

11. K.W.T. Gazette, 27 June 1857.

12. C.A., BK 61. Jennings to Maclean, 22 August 1857. Also C.A., 1/ELN (B). Jennings to Maclean, 25 August 1857. Permission was granted to build a temporary church and parsonage on Erf 73 but the work was not begun on the chapel until 1862, probably because of the murder of the Reverend Willson and the temporary nature of Greenstock's sojourn there. See below, pp. 192 - 195.

13. E.L.G. Schnell, "German Immigration to the Cape", (Unpublished Ph.D. Thesis, Rhodes, 1952), p. 76.

there was no clergyman to care for the German settlements which had been established along the Buffalo River at Panmure, Cambridge, Berlin and Potsdam. He responded to the needs of these communities by appointing resident clergymen at East London and Panmure, the latter to care for the needs of the German settlers along the Buffalo River. Reverend Joseph Willson[14], a missionary who had been at Post Retief since 1849, was appointed to East London and arrived at the port during the first week of October 1857.[15] Rudolph von Hube, a German-speaking Pole, became pastor for the German community, with his residence at Panmure.[16]

The establishment and operation of the Church of England at East London was dependent upon the military government of British Kaffraria. Willson's appointment as pastor of the East London community had to be authorised by the Governor before Willson was allowed to move to his new station.[17] Then, when Willson was murdered in 1858 and his successor, the Reverend Greenstock[18] baptised the alleged murderers in the King

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14. Reverend Joseph Willson: first Resident Minister at East London, October 1857 - February 1858. Although his name is spelt "Wilson" in many primary and secondary sources, the clergyman himself spelt his name "Willson". See C.A., BK 91. Willson to Maclean, 10 October 1857.

15. C.A., BK 61. Jennings to Maclean, 22 August 1857. See also C.A., BK 91. Willson to Maclean, 10 October 1857.

16. Rudolph von Hube: Resident Minister at Panmure, August 1857 - 1862. Von Hube arrived in Graham's Town with Bishop Cotterill in May 1857 and was ordained a deacon on 7 June 1857. He served at Panmure as a deacon until his ordination as a priest on 3 June 1860. It is not clear when he left Panmure. His last letter to Henry Kitton was written in April 1862. He returned to England and became a chaplain of Eastwood, Nottingham from 1863 - 1864.

17. C.A., BK 91. Rawson to the Chief Commissioner, 5 September 1857. See also C.A., BK 91. Willson to Maclean, 10 October 1857.

18. Reverend William Greenstock: Resident Minister at East London, late 1858 - February 1859.

William's Town prison, a conflict broke out between the Government of British Kaffraria and the Church.

Willson's charge included the troops who were quartered at the military posts in the East London neighbourhood. The clergyman left East London on foot to preach at Fort Pato on the afternoon of 28 February 1858 and was murdered near Fort Grey.[19] Maclean linked the murder to the general state of unrest which existed in British Kaffraria as a consequence of the Cattle Killings and its aftermath.[20] There was, he said,

> "so strong a feeling of irritation and disaffection among the Kaffirs that no white man, on foot and unarmed, can travel with safety."21

Towards the end of 1858, Greenstock was transferred to East London.[22] Soon after he had taken over the East London congregation, however, he found himself in a clash with the British Kaffrarian authorities, a fight in which he lost the support even of his bishop. Three men of Phato's tribe had been arrested, tried and found guilty of Willson's murder. However, while they were awaiting execution in the King William's Town prison, Greenstock visited, converted and baptised them. Conflict immediately erupted between Maclean and Greenstock. Although the prisoners had been convicted, the authorities were not certain of the

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19. Willson's greatly mutilated body was found only ten days after the murder. G.T.J., 13 March 1858, 16 March 1858. C.A., B.K. 61. Certificate signed by Jennings and Ten Others, 9 March 1858.

20. See Chapter 7, pp. 180 - 185.

21. C.A., BK 379. Schedule 42, 15 March 1858.

22. Greenstock had been stationed at St Luke's at Mhala's Place since 1854.

guilt of all three and were hoping for a confession from one of them. Maclean believed that Greenstock's action in baptising the prisoners had deprived the authorities of the opportunity of obtaining such a confession. Maclean demanded to know of Greenstock whether he believed the prisoners guilty or whether the prisoners themselves were convinced of the justice of their sentences.[23] Greenstock, however, believed that everything which the prisoners had communicated to him was a secret. He made it clear to the prisoners, he wrote to Maclean, that his visits were on purely spiritual grounds and that he was in no way connected with the civil authorities. He therefore did not feel at liberty to give Maclean the information which had been requested.[24]

When Maclean failed to gain the required information from Greenstock, he turned to Cotterill for aid. He explained to the bishop that Greenstock had had no permission to visit the prison[25], a claim which is of questionable validity since it would have been strange had Greenstock been able to gain access to the prisoners without authorisation. The appeal to Cotterill, however, sent the bishop into a frenzy of letter writing in which he roundly condemned Greenstock's actions. Although the bishop believed that the act of sentencing a man and then awaiting a confession was totally against English notions[26], he was indignant, nevertheless. First, the bishop presumed that the men were

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23. C.L., MS 16 713/2. Maclean to Greenstock, 28 October 1858.
24. C.L., MS 16 713/2. Greenstock to Maclean, 30 October 1858.
25. C.L., MS 16 713/2. Maclean to Cotterill, 1 November 1858.
26. C.L., MS 16 713/2. Cotterill to Kitton, 10 November 1858.

indeed guilty and, as such, he believed that they should have made reparation for their crime by a full confession to the magistrate. It was Greenstock's duty, Cotterill wrote to Kitton[27], to have pointed this out to the prisoners. To have administered the sacrament of baptism without such evidence of repentance was to profane the sacrament and to confirm the men in their impenitence. "I am sorry for it," the bishop concluded,

> "Greenstock is a very nice fellow, but his judgement is not to be trusted especially in any question between Kafirs & Govt. - in which he is sure to take the Kafir side however wrong."28

Furthermore, Cotterill claimed that Greenstock had become implicated in a political matter and, perhaps, had even committed a serious political offence for which he expected the British Kaffrarian Government to demand that Greenstock be removed from the territory.[29] Cotterill further believed that Greenstock had failed his duty on six different counts. He had not consulted his bishop before he had baptised the prisoners. He had baptised them without proof of their sincerity which, Cotterill stated, could only have been indicated by a confession of their crime to the magistrate. Greenstock had heard a secret confession from men who were under sentence. He had not informed the authorities whether he thought the prisoners were innocent. He had undertaken a duty which had not been assigned to him by his visit to a prisoner at King William's

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27. Henry Kitton: In 1858, Cotterill decided to divide his diocese into two regions, each with a secretary who would be responsible for details of mission work in his region. Henry Kitton, stationed at King William's Town, was appointed secretary for the southern region. He was meticulous in filing his correspondence and it is largely to him that the letters of von Hube, Greenstock and Lees have been preserved.

28. C.L., MS 16 713/1. Cotterill to Kitton, 6 October 1858.

29. C.L., MS 16 713/2. Cotterill to Kitton, 3 November 1858.

Town and, finally, Greenstock had entered a prison without permission from the civil authorities.[30]

Cotterill's chief anxiety over Greenstock's actions was that he had possibly alienated the Government from the Church. It was of utmost importance to the missions, the bishop wrote to Kitton, that it should be made very plain to the Government that the Church did not sanction the ignoring of the civil authorities. Cotterill saw this as especially true in the light of the amount of financial aid which the Government was giving to the Church of England schools.[31] The bishop feared, moreover, that the Government might decide to support the Wesleyans instead.[32] It is clear from the correspondence that another issue was also at stake. Cotterill was of the Low Church while Greenstock was of the High Church. Cotterill objected to the idea of Greenstock's hearing secret confessions and, the bishop wrote to Kitton, he believed Greenstock's "High Church views" affected his judgement.[33]

The British Kaffrarian authorities eventually commuted the death sentences to ones of imprisonment because of the uncertainty of the prisoners' degree of guilt.[34] Greenstock himself did not stay much longer at East London. Four months later he was transferred to St Matthew's Mission at Keiskamma Hoek.

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30. C.L., MS 16 713/2. Cotterill to Kitton, 3 November 1858.
Cotterill to Kitton, 6 November 1858.

31. Governor Grey was giving a tithe to the Church of England from the grant which the British Government was giving to British Kaffraria. See below, p. 197.

32. C.L., MS 16 713/2. Cotterill to Kitton, 10 November 1858.

33. C.L., MS 16 713/1. Cotterill to Kitton, 6 October 1858.

34. Matthew, H.M., "Grahamstown Diocese: Historical Notes", Vol. 2, (Unpublished Manuscript, Cory Library, Rhodes University), p. 133.

Rudolph von Hube's letters to Kitton[35] consisted mostly of requests, especially a continual reminder for money. These letters give the impression of a missionary who was struggling continuously to make ends meet on a mission station which was not considered as of great importance. Von Hube's work, moreover, was complicated by the fact that, after Willson's death, and again after Greenstock's transfer from East London in February 1859, he was expected to provide for the pastoral care of the East London community in addition to Panmure.

Because of the greater initial permanency at the Panmure Mission[36] in contrast to East London, church matters were more organised during the period in which von Hube was pastor. By mid-March 1859, he reported that he had opened his "Grace Chapel" and had commenced immediately with Sunday School. A day school came into operation in April 1859. Von Hube also organised a burial fund for the destitute where, upon the payment of a penny per head per week[37], a widow could receive £2 - 10 - 0 for the burial of her spouse, a widower £1 - 10 - 0 and £1 would be paid out for the burial of a child.[38]

Ironically, von Hube's charitable concern for others did not resolve his personal financial difficulties. His salary was £150 per annum, of which the bishop paid £50 from diocesan funds, while the balance was

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35. See C.L., MS 16 719. von Hube's Letters to Kitton.

36. Von Hube called his mission "Gnadenthal at Panmure". See C.L., MS 16 719. von Hube to Kitton, 3 December 1858.

37. Children under the age of fourteen were exempt.

38. C.L., MS 16 719. von Hube to Kitton, 19 March 1859.

provided by the Society for the Propogation of the Gospel, in England. The problem was not that his salary was inadequate but that he was paid per quarter in arrears whereas many of the other missionaries received their salaries in advance.[39] Furthermore, von Hube had financial troubles over the running of his school, partly because of a misunderstanding as to who would pay the costs which, in consequence, were sometimes met out of the missionary's own pocket.[40] Although this problem was solved temporarily by a grant from the bishop, by December 1860 uncertainty had again arisen when von Hube was informed that the grant would cease.[41] The difficulty was caused largely because of Grey's policy towards British Kaffraria. Of the grant of £40 000 which the British Government had made to subsidise Grey's policy for the territory, the Governor had granted £4 000 towards the work of the Church of England missions. However, as the British Government began to cut back on its grant, so Cotterill found it difficult to raise the necessary money to meet diocesan expenses.[42]

Although there was the appearance of stability at Panmure during this period, the same was not true for East London. When Greenstock left the port in February 1859, he organised that Jennings, as Resident Magistrate and Church Warden, would take care of the house and the "Kaffir Chapel".[43]

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39. C.L., MS 16 719. von Hube to Kitton, 11 November 1858.
von Hube to Kitton, 18 June 1859.

40. C.L., MS 16 719. von Hube to Kitton, 26 October 1859.

41. C.L., MS 16 719. von Hube to Kitton, 21 December 1860.

42. M.M. Goedhals, "Anglican Mission Policy", pp. 14, 80 - 82.

43. The "Kaffir Chapel" was a small, portable building of wood, set on wheels.

Although Jennings was to act as caretaker for the East London Church, its spiritual future was not organised. Cotterill had been about to sail for England when he had transferred Greenstock and it seems that his mind was preoccupied with his forthcoming voyage and, as a result, he failed to make full arrangements for the Church at East London. He was already in Cape Town when he wrote to Kitton and requested him, in conjunction with Jennings, to make the best arrangements he could with regard to the port.[44]

The day after he had received this letter, Kitton journeyed to East London, where he spent nine days and helped to establish the interim organisation of the Church. He found that von Hube had already decided to hold evening services at East London as soon as he could, and that he had started a service in English at his own chapel at Panmure so that people from East London could attend.[45] In his summary of his stay at the port, however, Kitton painted a very gloomy picture of the state of Church affairs. The chapel which was being used was Wesleyan, he wrote, "- a poor place. very untidy & out of repair." It was not very promising yet he believed that there would be no sectarian rivalries for a long time to come if the Church of England could take hold at that point. Yet, he wrote in his diary, religious life appeared then to be at a very low ebb.[46]

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44. C.L., MS 16 605, p. 47. Kitton's Diary, 29 March 1859.

45. C.L., MS 16 605, p. 55. Kitton's Diary, 5 April 1859.

46. C.L., MS 16 605, p. 59. Kitton's Diary, 8 April 1859.

Von Hube, on the other hand, expressed his satisfaction at the East London congregation. It was visibly on the increase, he wrote to Kitton in July 1859, and Divine Service had been well attended during the previous four weeks. The collection had also increased so that he was able to report a taking of 18/9^{d} as opposed to 2/6^{d} on the first Sunday after Greenstock's departure. This gave him an average collection of 6/6^{d} per Sunday.[47]

However, by March 1860, the sectarian rivalries of which Kitton had written appeared to be surfacing. Von Hube reported in his letter to Kitton that there was a growing dissent in the congregation at East London. He wrote of "dissenting instigators" who had invited a Wesleyan minister to preach to the congregation once a month. There was, at the same time, a "Church of England" party who, although few in number, would gladly offer a locality for public worship if any church minister was prepared to preach to them.[48]

The dissent within the East London community possibly stemmed from several factors. First, von Hube followed a High Church ritual which was not acceptable to the traders at East London. Secondly, the absence of a Resident Minister meant that the inhabitants at the port would gladly accept any minister, whether he was Wesleyan or Church of England. Thirdly, it is possible that von Hube himself, as a German-speaking Pole,

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47. C.L., MS 16 719. von Hube to Kitton, 8 July 1859.

48. C.L., MS 16 719. von Hube to Kitton, 21 March 1860.

was not fully acceptable. Certainly, some of von Hube's letters reveal a man who had an incomplete grasp of English. The fact that von Hube was only a deacon until June 1860 meant that he was not able to celebrate the full rites and had to rely on the occasional visit of an ordained clergyman for the celebration of the Divine Eucharist.

However, once a fully ordained minister was appointed, in the person of Edward Lees[49], the Church of England grew as a stabilising force in the community and dominated the port both in the spiritual and educational spheres. In marked contrast, the influence of the Wesleyan Church weakened until, in 1864, the editor of the Kaffrarian commented on how the Wesleyan Chapel had been allowed to go to ruin and that it was hardly possible that that Church would become in any way involved at Panmure.[50] The East London Anglican parish soon outstripped Panmure in prosperity. The prospects for East London were better than for Panmure, for the Resident Minister at the port was not quite as dependent upon the bishop for funds. His role as chaplain to Fort Glamorgan and to the prison enhanced his salary, and the merchants at East London were generally wealthier than the German community at Panmure.

Nevertheless, conditions at East London were not altogether bright for the pastor. Although Lees, when he was offered the post at the port,

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49. Reverend Edward Lees: Resident Minister at East London, July 1860 - May 1863.

50. Kaffrarian, 6 August 1864.

believed that the extra stipends as chaplain to the military and to the prison would make life there relatively free from financial difficulties[51], this was not to be. For the first six months, Lees received no extra stipend, even though Cotterill had explained to Maclean that neither the diocese nor the East London community would be able to provide the amount needed to support a clergyman at the port unless he was paid a government salary as convict chaplain.[52] In January 1861, Maclean recommended Lees' appointment as convict chaplain at a salary of £75 to £100 per annum[53] but the appointment was made only in October that year[54] at a stipend that was much less than was expected.[55] In July 1861, Lees wrote to Kitton in despair of the financial situation. "The Bps. letter to me is an enigma," Lees stated.

> "Funds may be low but East London occupies a lower place in someones estimation....However the weak must take things as they are and growl in silence."56

Education at East London and Panmure during the period under study was firmly in the hands of the Church. The government took little interest in the need for local elementary schools to serve the two villages, other than the payment of an annual grant. It was left to the

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51. C.L., MS 16 721/1. Lees to Kitton, 2 July 1860. Lees understood that he might receive £100 as military chaplain, £100 as prison chaplain and £50 as a stipend from the East London congregation.

52. C.A., BK 380. Schedule 81, 30 July 1860.

53. C.A., BK 382. Schedule 3, 23 January 1861.

54. C.A., BK 92. Lees to Brownlow, 4 September 1861.

55. The stipend was quoted in 1867 as £50 for the Convict Chaplaincy and £30 as Military Chaplain. Annex., G1 - 68. Report of the Superintendent-General of Education for 1867, p. 48.

56. C.L., MS 16 721/2. Lees to Kitton, 10 July 1861.

Church and the local community to establish the schools, provide the teachers and supply the buildings. As a result, the establishment of educational institutions at both East London and Panmure had shaky beginnings.

The Wesleyan Church was the first to turn its attention to education. It is not clear when a school was started at East London but it probably evolved as a natural off-shoot of the missionary work at the port, possibly in the mid-1850's when the Wesleyan Chapel was built. In April 1859, Kitton mentioned the existence of this school which used the Wesleyan Chapel as its classroom. Kitton reported that he had found

> "about half a score children, taught by a female. a Wesleyan professedly. a middle aged married woman, who was gossipping with one of her neighbours...."57

By mid-1864, however, with the Wesleyan Chapel in ruin, it is probable that the school no longer existed. There is no reference to this school in the government educational statistics for 1867.[58]

Because of the uncertain situation at East London after Willson's death, it was at Panmure that the first Church of England school was established. It was started about April 1859 by von Hube as a day school[59] and by July that year had thirty-two pupils.[60] However, almost

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57. C.L., MS 16 605, p. 59. Kitton's Diary, 8 April 1859.

58. Annex., G1 - 68. Report of the Superintendent-General of Education for the year 1867, pp. 48 - 52.

59. See above, p. 196.

60. C.L., MS 16 719. von Hube to Kitton, 8 July 1859.

from the start von Hube was beset with financial difficulties in the operation of his school.[61] Although the bishop, from July 1861, made a grant of £30 per annum towards the costs of the school[62], von Hube's various letters reveal the uncertainty of the duration of that grant.[63] The school, therefore, lived under a cloud, with no assurance for its future. In April 1862, von Hube protested that the King William's Town district claimed a large share of the government grant for schools in the German settlements, yet he doubted whether the £30 subsidy to Panmure would pay even for the support of a catechist.[64]

Von Hube's school closed soon after he left Panmure. An attempt to revive it was made in September 1863 by a certain C.G. Roske, who opened another day school at Panmure for English and German children.[65] This school failed after only a few months. In August 1864, a third attempt to establish a school was made, again under the auspices of the Church of England, with the Reverend Wallis[66] as chairman of the school committee. The editor of the Kaffrarian applauded the Church of England for supplying this need. "The children have been so far thoroughly neglected," the editor wrote.

> "There has been no public school of late for them to attend, and the people are not sufficiently wealthy to support a private one....If

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61. See above, p. 197.

62. C.L., MS 16 719. von Hube to Kitton, 25 August 1860.

63. C.L., MS 16 719. von Hube to Kitton, 21 December 1860, 29 December 1860.

64. C.L., MS 16 719. von Hube to Kitton, 9 April 1862.

65. Kaffrarian, 12 September 1863.

66. Reverend William Charles Wallis: Resident Minister for East London, 1863 - 1867.

there is one place in Kaffraria that requires a school more than another, that place is Panmure."67

An application for government aid for this school met with success when a grant of £30 per annum was authorised in April 1865. The diocese granted another £50 per annum towards the hire of a catechist.[68] Despite these two grants, however, funds were insufficient to erect a school building.[69]

By 1869, this school had also failed. The inspection report for that year was disparaging. The chapel, the report stated, was in bad order and the furniture defective. Although the teacher took "great pains" in his work, nevertheless local differences prevented proper attendance. Furthermore, the report stated, the managers of the school took no interest in its success.[70] As a result of this inspection and the poor report that was submitted, the grant to the school ceased as from 1 July 1869.[71]

A fourth and much more successful attempt at a school was undertaken in 1872 when the Lutheran Church stepped into the gap left when von Hube had departed from Panmure.[72] Statistics indicate that the Lutheran school

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67. Kaffrarian, 6 August 1864.

68. O. Broedelet was hired as the Catechist for this school.

69. C.A., BK 92. Wallis to Brownlow, 9 September 1864. See also Kaffrarian, 8 April 1865.

70. Annex., G31 - 69. Report of an Inspection of Schools in the Middle and Eastern Districts in 1869, p. 32.

71. C.A., 1/ELN (G). Superintendent-General for Education to Jennings, 10 July 1869.

72. Once von Hube had left Panmure in 1862, the German community no longer had a resident clergyman until the Lutheran establishment.

had three times more pupils on its register than the Church of England school at East London.[73] The school, moreover, employed two assistant teachers in addition to the school-master, who was the Lutheran clergyman.[74] In contrast to the inspection report of the earlier school at Panmure, an inspection in March 1873 led to lavish praise being awarded to the institution. The chapel schoolroom, the report stated, was fair-sized and in good repair. The furniture was in good condition and the discipline satisfactory. The inspector concluded that the school was well-conducted and the standard of work well above that of the ordinary 3rd Class Public Schools.[75] As a result of this inspection, the government grant was raised from £30 to £75 per annum.[76]

In contrast to Panmure, the Church of England school at East London was slower in its foundation but, once established, proved more permanent. The first attempt was made in September 1860, when Lees formed a school committee and informed Kitton that there was a "very fair prospect" of opening a school.[77] However, the inability to acquire

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73.

	EAST LONDON			PANMURE		
	Boys	Girls	Total	Boys	Girls	Total
1867	17	9	26	27	17	44
1868	35	21	56	12	13	25
1869	22	12	34	-	-	-
1870	27	7	34	-	-	-
1871	21	11	32	-	-	-
1872	30	-	30	56	43	99
1873	52	-	52	61	43	104

74. Schoolmaster: Reverend Muller. Assistants: Miss Robson and Miss von Linsingen.

75. Annex., G38 - 73. Report on Schools in the Eastern Districts, 31 March 1873, pp. 15 - 16.

76. Annex., G11 - 74. Report of the Superintendent-General of Education for the year 1873, p. 49.

77. C.L., MS 16 721/1. Lees to Kitton, 5 September 1860.

a suitable schoolmaster delayed its opening until January 1861.[78] The school had a hesitant start, beset with difficulty in maintaining schoolmasters, and suffering from inadequate facilities until November 1862, when a new chapel at East London was completed and could be used as a schoolroom.[79] Eventually, with the arrival of the Reverend Wallis in 1863, the minister himself acted as schoolmaster. However, by 1869, the school was still floundering. The main reason for this, the Inspector of Schools reported, was the difficulty in creating any local interest in the school.[80]

The number of pupils on the register remained small but constant throughout the period till 1873.[81] Nevertheless, the school maintained its annual grant of £75. Furthermore, the quality of the school appeared to improve between 1869 and 1873. The inspector's report in March 1873 praised the school and commented particularly on its excellent discipline and healthy tone about the work.[82]

There is little evidence to indicate clearly the role of the Church in the black community at East London. Much of the information has to be gleaned from comments made by the clergy when they were writing about other matters. However, when all has been put together, the indication is that, apart from Greenstock, few of the clergy at East London did much

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78. C.L., MS 16 721/1. Lees to Kitton, 1 January 1861.

79. C.L., MS 16 721/3. Lees to Kitton, 2 July 1862, 2 November 1862.

80. Annex., G31 - 69. Report of an Inspection of Schools in the Middle and Eastern Districts in 1869, p. 33.

81. See footnote No. 73, p. 205.

82. Annex., G38 - 73. Report on Schools in the Eastern Districts, 31 March 1873, p. 15.

for the advance of the black community.

Greenstock was clearly the exception. His defiance of the British Kaffrarian Government over the baptism of Willson's alleged murderers, together with the bishop's comments concerning him, albeit they were made in anger, portrays a man who had the black community at heart. Greenstock, moreover, had spent several years, from 1854 to 1858, at the St Luke's Mission at Mhala's Place and had therefore come to be involved deeply in the affairs of the black people. During the Cattle Killings, when some of his congregation had settled at East London in search of work, Greenstock visited them at the port, although he was still stationed at St Luke's.[83] Evidence from the letters of both von Hube and Lees indicate that, after a very short stay at East London, Greenstock had already established a "little woodden building or Chapel near the Kaffir locations of East London" which he possibly used as a school as well as a chapel.[84] Lees, in particular, refers regularly to this "Kaffir Chapel" which was on wheels and mobile and, therefore, formed a versatile and ready building for the creation of a congregation at the black location.

The letters which Lees wrote to Kitton give the impression that, although Lees was interested in the black congregation and a black school,

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83. M.M. Goedhals, "Anglican Mission Policy", p. 46.

84. C.L., MS 16 719. von Hube to Kitton, 19 March 1859.

he believed that it would enrich the black people if they were forced to become more involved with the whites at East London. In this he differed from Greenstock. Whereas Greenstock took religion and a chapel to the black village and attempted to work with the people at their homes, Lees believed that the blacks had to be made to leave their homes to come into closer association with the missionary at his residence in the hope that white Christian civilisation and education would rub off onto the black community. For this purpose, Lees sought to remove the "Kaffir Chapel" from its position at the location to a new site in the white village. There, he said, it could be made use of as a school for East London. His excuse was that it was decaying where it stood[85], yet he also believed that the town was the better place for it as it would be an advantage, he said, "in the case of the natives that their school shd. be in the Town. away from their own crawl and as near the Parsonage as may be!! ....A mission unconnected with our Church in the Town wd not do!"[86]

The attitude which Lees reveals was in keeping with much of the missionary spirit at the Church of England missions at the time. Bishop Gray's criticism of the Wesleyan Mission at Mount Coke in July 1850 indicates a similar attitude. The eight black people at the Wesleyan school, he wrote in his journal, lived in the institution but not under the roof of the missionary. "Yet," Gray stated,

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85. C.L., MS 16 721/1. Lees to Kitton, 18 August 1860.

86. C.L., MS 18 721/1. Lees to Kitton, 19 September 1860.

> "if characters are to be formed, if men are to be educated, and not merely instructed, it surely is of the utmost importance that they should live in the very presence of their teacher."87

Although the Church of England clergy at East London appeared to do little for the black community, their hands were nevertheless tied by a shortage of funds. East London was not treated as equal to the other mission stations in British Kaffraria. As a result, there was little money available to support even the employment of a catechist for the black community. Lees decried this situation. "I think," he wrote in a letter to Kitton,

> "for exclusively Spiritual work the natives in This place, are entitled to some aid from the funds received from the revenue of B. Kaffraria." 88

There is little other evidence to explain the evolution of either religion or education among the blacks prior to 1873, except for the statistics issued annually from 1867 by the Superintendent-General of Education for the Cape Colony.[89] We learn from these that a state-aided

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87. R. Gray, Journals of Two Visitations in 1848 and 1850, Part 2, p. 108.

88. C.L., MS 16 721/2. Lees to Kitton, 7 January 1862.

89.

	1871	1872	1873
Annual Grant	£30	£30	£30
Grant Actually Issued	£20	£30	£22 - 10 - 0
Voluntary Contributions	£1 - 3 - 0	-	-
School Fees	-	-	-
Other Sources of Income	£22 -10 - 0	£26	-
TOTAL	£43 -13 - 0	£56	£22 - 10 -0
Boys	31	31	-
Girls	26	25	-
TOTAL	57	56	-
AVERAGE	26	25	-
Teacher	1	1	-

school, run under the auspices of the Church of England, was founded for the black community at East London in 1871. A catechist for this school was provided by the St Luke's Mission in the Newlands Reserve. Although the school had more pupils than the white school at East London, it was nevertheless closed after it had been condemned during an inspection in March 1873. The inspector wrote that the school consisted of no more than a hut which was in a deplorable condition and only by extensive repairs could it be made more serviceable to hold a school. The standard of education, the inspector reported, was very low and the work elementary.[90]

By 1870, other Churches were becoming involved in the spiritual life of East London. However, up until then the Church of England, despite its tendency to involve itself more in the pastoral care of the white community, had been the back-bone of spiritual and educational development at the port.

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90. See Annex., G4 - 72, G3 - 73, G11 - 74. Reports of the Superintendent-General of Education for the years 1871 - 1873. See also Annex., G38 - 73. Report on Schools in the Eastern Districts, 31 March 1873, p. 15.

CHAPTER 9

Conclusion

East London, up until 1873, had natural advantages which no other port in the Cape Colony possessed. There was the river mouth to act as a haven for the landing and loading of surf-boats. The road to the interior was free from river valleys and mountain ranges, was well-grassed and well-watered, unlike the arid karoo lands which lay to the interior of the ports both at Cape Town and Port Elizabeth. The village itself had an adequate water source to supply a town of a fair size, provided that sufficient funds could be set aside for its development. Had East London's foundation been the result of natural economic circumstances, it is probable that the port would have grown rapidly into a major harbour town.

However, by 1873, East London was still small and insignificant. Indeed, the rapid expansion of the railway network from mid-1873, which saw the karoo no longer as a transport barrier, together with major harbour developments at both Cape Town and Port Elizabeth, meant that East London had already lost the race to compete with these two ports and was doomed to continue as a minor port in southern Africa. East London's birth, therefore, and the political factors which governed the first quarter-century of growth, were to play a critical role in determining that port's future in South Africa. By 1866, with the incorporation of British Kaffraria into the Cape Colony, East London's fate was already sealed.

East London, however, held a unique position on the frontier of the British Empire. There was no economic factor behind the creation of the port. Its establishment was due solely to political and military

circumstances because of East London's situation at the mouth of a river which flowed through the centre of a new province in the Empire. The fact that the port was on the periphery of this new province and was not in the middle of an area of conflict, presents an opportunity to examine the dynamism of this expanding empire as it was revealed through the development of this harbour town. Had East London been at the centre of the conflict, other factors might have entered to cloud the issue.

What then does the early life of East London reveal of the dynamisms of the expanding empire? First and foremost, there was the demand for economy. The Colonial Office desired that each colony pay its own way. In the case of British Kaffraria, this was not initially possible but it was hoped that, ultimately, once the people of the new territory could be taxed, even this province would become self-sufficient.[1] That this proved unsuccessful, at least until 1866, meant that for a period of seventeen years British Kaffraria was a drain on the British Treasury. The Governor, therefore, was compelled to cut expenses to the utmost and this meant expenditure only where it was vital. East London was not vital. The port's importance was solely as a supply route for the military establishment and this could be maintained without expenditure. Provided that the river mouth remained open and surf-boats could discharge their cargo with ease and efficiently, there was no need for further expenditure to maintain the port. As such, it is questionable

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1. See Chapter 1, pp. 6, 16.

whether a significantly greater sum of money would have been channelled into the port even had East London not been annexed to the Cape Colony in January 1848.

The need for economy, however, was one of the major factors behind East London's stagnation until 1870. Evidence is clear that money was made available to the port only when it was manifestly necessary. In this, the needs of the local inhabitants were not considered as important. Indeed, the Governor, from 1848 - 1850, ignored all pleas for the erection of a jetty when these appeals were based upon the economic hardship of the local inhabitants. Yet, when a jetty was seen as necessary for the movement of troops, it was built within a matter of weeks.[2]

The existence of the Commissariat Surf-Boat Establishment was another instance of the need to economise. The Establishment was seen as essential for the military supply route, yet it was considered as adequate as long as it was able to handle the military cargo efficiently. Private merchandise was accepted only when there was no military cargo to transport. The fact that the military requirements were given preference meant that the use of three surf-boats was considered as adequate and the number was not increased from 1847 till 1872, when a private company took over the Establishment. Indeed, since even the operation of three boats was not economical, the Surf-Boat Establishment

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2. See Chapter 3, pp. 73 - 77.

was not prepared to expand, even though ships with private cargo had to remain at anchor sometimes for as long as four months. On the other hand, however, because the Surf-Boat Establishment was considered a crucial factor in the maintenance of British Kaffraria, a private company was not allowed, even in addition to the existing one, on the grounds that its operations might interfere with the efficiency of the military establishment.[3]

The annexation of East London to the Cape Colony between 1848 - 1859 complicated the issue, for the Governors saw this condition as a temporary arrangement only. They therefore were not prepared to authorise any expenditure of Cape funds on a port which might soon be alienated from that colony. Expenditure on East London between 1848 - 1865, therefore, can be seen under two headings. First, expenditure which was essential for the maintenance of an effective peace-keeping force in British Kaffraria, money which was to come from British Kaffrarian military funds, as in the erection of the jetty in May 1850. Secondly, expenditure on essential civil departments to maintain East London as a port in the Cape Colony, namely the maintenance of a magistracy, a customs department, police and a gaol. In both of these cases, the key-word was economy for different reasons but, ultimately, the Cape Colony and British Kaffraria scored at East London's expense.

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3. See Chapter 3, pp. 81 - 87; Chapter 4, pp. 95 - 98.

A second aspect of the imperial advance into southern Africa, and closely connected with the economic factor, was the position of the Governor himself. Before a new territory could come to exist as a full Crown Colony with a Governor of its own, it was attached to an older colony. In this case, British Kaffraria came under the direct authority of the Governor of the Cape Colony, even after 1860 when the territory acquired its own Lieutenant-Governor. Because of this, the Governor came to have three functions: he was the representative of British interests in southern Africa, he was the Governor of the Cape Colony and he was the Governor of British Kaffraria. Each individual Governor placed emphasis on different aspects of his responsibility. But in all cases, British Kaffraria was subordinate. No Governor allowed the interests of British Kaffraria to take prior importance to the interests of the Cape Colony.

East London was a complicating factor for it had full existence neither in British Kaffraria nor in the Cape Colony until 1859. Hence the port tended to be ignored in both capacities of the Governor's role. The legal issue was apparently not particularly important. Mackinnon often tended to point to the illegality of treating East London as a part of British Kaffraria. For the Governor, however, this was not an issue of major consequence. If he wished to regard East London as a part of British Kaffraria when it was legally a part of the Cape, then he was entitled to do so and he did.[4] The result was no great obstacle to the

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4. See Chapter 2, especially pp. 44 - 48.

existence of either the Cape Colony or British Kaffraria, but it was an undue burden on the fortunes of the inhabitants of East London who depended on stability and security for the successful operation of their businesses.

Another characteristic of the expanding British Empire was its military nature. The empire expanded reluctantly to the Kei River as an attempted solution to a problem of frontier instability. However, had a peaceful solution been found to the frontier crisis, it is questionable whether Britain would have allowed a further expansion of her empire at that stage. But the annexation of British Kaffraria was a military solution to the crisis and the military characteristic was manifest in East London, even when it existed as a port in the Cape Colony. Until 1857, the Commander of Fort Glamorgan doubled as the Resident Magistrate of the port.[5] The Staff Assistant Surgeon at the fort helped out as the local doctor until 1857 when he was officially appointed as District Surgeon. Only in 1860 did a civilian become the District Surgeon. The Surf-Boat Establishment remained in military hands until 1865.[6] Even the Church of England was in military hands until 1852, and after that it was still subject to the authority of the Chief Commissioner for British Kaffraria.[7]

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5. See Chapter 2, pp. 45 - 50; Appendix 1, p. 225.

6. See Chapter 3, pp. 81 - 87.

7. See Chapter 8, pp. 189, 191 - 195.

The need to maintain East London as a semi-military establishment was the result of its location on the periphery of the empire. There were a number of consequences to this decision. Although Mackinnon suggested that a Board of Local Administration be formed at the port as early as 1848, the idea was not acceptable.[8] Any form of civilian authority at the port would infringe on military necessity. A military establishment based its operations on authority and command whereas a civilian body centred its authority on democracy. Because of East London's position as the main supply route for the British Kaffrarian army, such a clash of interests was untenable. Furthermore, even though East London existed as a port in the Cape Colony and under civil law, it was considered important to maintain the whole of British Kaffraria and its supply route under a single authority, at least in the initial years.

This meant that the civilians who were resident at East London existed as little more than camp-followers. Indeed, the civilians at the other posts of British Kaffraria were considered de facto as camp-followers for some years to come. It was because of East London's strange legal position that a compromise had to be reached. The Cape of Good Hope Punishment Act could be applied to the civilians of British Kaffraria because that territory was situated beyond the frontier of the Cape Colony. This was not so for East London once the port had become part of the Colony.[9] Some form of Colonial law had to be recognised merely for

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8. See Chapter 5, pp. 118 - 119.

9. See Chapter 2, p. 50.

the legal conduct of business at the port. Yet the inhabitants were given a voice neither in the new Colonial Parliament nor in their own local affairs. They remained subject to the dictatorial authority of the Resident Magistrate and his superiors through to 1873, with no power to initiate private action even in so small a field as the maintenance of the public drinking well.[10] Furthermore, even the Resident Magistrate was given little power of initiative and could give his opinion only when it was asked.[11] This, in turn, meant that the inhabitants' sole means of obtaining improvements in the village or redress for wrongs lay in the memorial to the Governor, a system of doubtful utility in view of the Governor's ignorance of local needs and of the day-to-day existence at the port. The result of this dictatorial system which was applied consistently for so many years, the editor of the King William's Town Gazette wrote in 1865, was that the inhabitants tended to become apathetic and lost the desire to participate in public concerns but remained contented so long as they and their property were left unmolested.[12]

Another effect of the military control over the new province and over East London was that military men of promoted rank found themselves in the situation of superintending civil laws which they sometimes did not know or understand. Even the Governor was sometimes not fully versed

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10. See Chapter 6, p. 153.

11. See Chapter 5, pp. 136 - 137.

12. See Chapter 6, p. 165.

in the implications of civil law. Perhaps the best example is Sir Harry Smith. It is doubtful whether he understood the legal implications of his annexation of East London to the Cape Colony in 1848. It is possible, moreover, that Grey's procrastination over East London stemmed partially from his ignorance of the law.

This hesitance to apply civil law is reflected in the actions of the Chief Commissioner of British Kaffraria. The exact nature of East London's existence was inclined to baffle him and, at times, he was unable to make decisions because of his insufficient legal ability.[13] This lack of knowledge was indeed a serious handicap for those military men who found themselves in direct control of civilians for whom civil regulations applied. While British Kaffraria was still regarded as the new frontier of the empire, and was under martial law, the situation was simple: martial law was applied to all civilians in minor cases and the Cape of Good Hope Punishment Act was applied in serious issues.[14] The situation was not so easy for Major Smith at East London for here the civilians were under Colonial law. Furthermore, the early traders were, on the whole, a group of men who did not hesitate to infringe on the law if they could. It needed an astute men to maintain control in such circumstances.

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13. See Chapter 2, p. 56.

14. See Chapter 2, p. 50.

East London presents an fair example of the type of civilian who was prepared to settle on the frontier of the expanding empire. On the whole, the early traders at East London were young men with limited resources, who were prepared to gamble in the hope of a quick profit. Edward Syfret, one of the first traders[15], was twenty-six when he settled at East London. The memorials which were presented to the Governor during 1848 reveals that Syfret was one of the leading men, with his name at the head of almost every memorial. Such young men could withstand hardship but, at the same time, had little use for the niceties of operating within the law. Major Smith, when asked to appoint two men from East London as police constables, claimed that all the tradesmen from the most respectable downwards carried on illicit dealings.[16] Unlike the more sophisticated civilians in the already established towns such as Graham's Town, who were concerned for public health and cleanliness, the East London community were quick to adapt to poor conditions and were capable of living in squalor without complaint.[17] On the other hand, they were men who reacted quickly when their business interests were endangered.

The German community at Panmure and Cambridge were generally older than the original East London traders. Yet they too tended not to complain about the unhygienic conditions which surrounded their villages. They were, on the whole, a poor people who had been prepared to settle on

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15. See Chapter 2, p. 42.

16. See Chapter 6, p. 142.

17. See Chapter 6, pp. 151 - 164.

a remote frontier in the hope that conditions would be better than those from which they were attempting to escape. Furthermore, their families and property forced them to withstand adverse conditions in as much as they simply did not have the funds to move a second time and their responsibility prevented them from taking a gamble. The were, moreover, people who were unaccustomed to a voice in public affairs, which explains their indifference to the election of a successor to Major Lee in June 1873.[18]

By the mid-1860's, when East London had virtually ceased to be on the periphery of the frontier and the trans-Kei territory had now become the true frontier, there was a change in the type of person who settled at the port. A maturer population was being created, people who were not just traders but professional men, shipping agents, artisans and literary men. These people devoted part of their energy to the establishment of some of the social forms of community life such as the creation of a Church Community with its resident minister, elementary schooling, a library, a theatre[19] and a newspaper.

East London presents perhaps the clearest picture of the British military attitude towards the black population. Because British

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18. See Chapter 6, p. 167.

19. The St George's Theatre opened at East London on 22 September 1863 with a drama entitled "Sink or Swim" by Thomas Morton. See Kaffrarian, 15 August 1863, 12 September 1863.

Kaffraria was the centre of conflict on the frontier, the authorities there could argue that the black population was the "enemy" which had to be controlled. This was not true of the black community at East London. There is little evidence to indicate that the blacks in the neighbourhood of the port were militant. On the contrary, they were presented in most reports as friendly, willing to assist and willing to display hospitality to the white community.[20] Furthermore, whereas the majority of the black population of British Kaffraria participated in the Cattle Killings of 1856 - 1857, those of East London refrained.[21] The annexation of East London to the Cape Colony, moreover, set aside the black community at the port as an exception, and stringent regulations saw to it that this exception was maintained.[22]

However, the military authorities in British Kaffraria refused to view the black community at East London as an exception and lumped them together with the general population of the territory. Conditions created at East London were severe. Their freedom of movement was restricted by the need to carry passes to enter into and depart from the rayon. They lost their freedom to settle where they pleased but were forced to gather together into one location for ease of supervision. They were subjected to martial law at a time when the white community was placed under civil law. Their livelihood was dictated to them in as much as only blacks who

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20. See Chapter 5, pp. 115 - 116; Chapter 7, pp. 171 - 172.

21. See Chapter 7, pp. 178 - 180.

22. See Chapter 7, p. 174.

hired themselves as labourers in the East London rayon were allowed to settle within that rayon. House and animal taxes were foisted on them as a means to control their movement and to make them pay to maintain the military control over them.[23]

Although it might be true that the frontier fostered group-consciousness[24], nevertheless the British authorities did more to foster segregation and group-consciousness at East London than any other single agent. However, whereas in British Kaffraria proper, Grey went through the motions of initiating education and what he called civilization, and attempted to raise the standards of the black population, albeit to a standard acceptable to whites, no such attempt was made at East London, where the black population would possibly have been willing to adopt such measures had they been offered. Moreover, the East London black community was the victim of a strange paradox. Whereas the Anglican Church in British Kaffraria tended to confine its ministry to the black population, the black community at East London was generally ignored by the Church of England ministers there.[25]

East London was given its birthrite during the period 1847 - 1865. It was a mediocre birthrite which led to a truncated growth and caused East London to occupy an inferior position as a port in southern Africa.

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23. See Chapter 7, pp. 173 - 176, 182 - 185.

24. See Legassick's comment, Chapter 7, p. 168.

25. See Chapter 8, pp. 206 - 210.

The port never recovered from this inferior position. However, by 1873, with the establishment of a municipality and the upturn in the economy of the Cape Colony, prospects for East London looked brighter than they had ever looked. The port would not grow into a great city - the opportunity for this was already lost - but it had now the means at its disposal to put aside its painful beginnings and to face the future with confidence.

APPENDICES

APPENDIX 1

OFFICE BEARERS

1. COLONIAL OFFICE

1.1 Secretaries of State for War and Colonies

Lord Glenelg 1835 - 1839
Marquess of Normandy 1839
Lord John Russell 1839 - 1841
Lord Stanley 1841 - 1845
William Ewart Gladstone 1845 - 1846
Earl Grey 1846 - 1852
Sir John Somerset Pakington 1852
Duke of Newcastle 1852 - 1854

1.2 Secretaries of State for the Colonies

Sir George Grey 1854 - 1855
Sidney Herbert 1855
Lord John Russell 1855
Sir William Molesworth 1855
Henry Labouchere 1855 - 1858
Lord Edward Henry Stanley 1858
Sir Edward George Earle Lytton Bulwer-Lytton 1858 - 1859
Duke of Newcastle 1859 - 1864
Edward Cardwell 1864 - 1866
Earl of Carnarvon 1866 - 1867
Duke of Buckingham 1867 - 1868
Earl Granville 1868 - 1870
Earl of Kimberley 1870 - 1874

2. CAPE OF GOOD HOPE

2.1 Governors

Major-General Sir Benjamin D'Urban 1834 - 1838
Major-General Sir George Thomas Napier 1838 - 1844
Lieutenant-General Sir Peregrine Maitland 1844 - 1847

2.2 High Commissioners and Governors

Major-General Sir Henry Eldred Pottinger 1847
Major-General Sir Henry George Wakelyn Smith 1847 - 1852
Lieutenant-General the Honourable George Cathcart 1852 - 1854
(Acting Administrator: Charles Henry Darling 1854)
Sir George Grey 1854 - 1861
(Acting Administrator: Lieutenant-General Robert Henry Wynyard 1859 - 1860)
Sir Philip Edmond Wodehouse 1862 - 1870
(Acting Administrator: Lieutenant-General Charles Crawford Hay 1870
Sir Henry Barkly 1870 - 1877

3. BRITISH KAFFRARIA

3.1 Chief Commissioners

Lieutenant-Colonel George Henry Mackinnon 1847 - 1852
Lieutenant-Colonel John Maclean 1852 - 1860

3.2 Lieutenant Governor

Lieutenant-Colonel John Maclean 1860 - 1864

3.3 Governor's Deputy

Robert Graham 1864 - 1866

4. EAST LONDON

4.1 Resident Magistrates

(Justice of the Peace: Lieutenant-Colonel George Henry Mackinnon March - April 1848)
(Justice of the Peace: Major Smith April - November 1848)
Lieutenant-Colonel George Henry Mackinnon June - December 1848
(Justice of the Peace: Captain Edward Rooper November - December 1848)
Captain Edward Rooper January 1849 - May 1850
Captain Edward Staunton June 1850 - May 1857
Matthew Jennings June 1857 - June 1870
Arthur Richard Orpen July 1870 - August 1878

4.2 Sub-Collector of Customs

Charles Wolfe January - May 1848
George Reuben Midgeley May 1848 - May 1851
(Acting Collector: Patrick Murray June - September 1851)
Matthew Jennings September 1851 - June 1870
Arthur Richard Orpen July 1870 - August 1878

4.3 Church of England Clergy

Rudolph von Hube (Panmure) August 1857 - 1862

Joseph Willson October 1857 - February 1858
William Greenstock (late) 1858 - February 1859
Edward Lees July 1860 - May 1863
William Charles Wallis June 1863 - 1867
Charles Frederick Overton 1868 - 1874

APPENDIX 2

Unpublished Letters Patent for British Kaffraria, 14 December 1850[1]

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith **to all whom** these presents shall come Greeting **Whereas** by Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the fifteenth day of December One thousand eight hundred and forty seven in the eleventh year of Our Reign We did constitute and appoint Our trusty and well-beloved Sir Henry George Wakelyn Smith Baronet Knight Grand Cross of the Most Honorable Order of the Bath Lieutenant General of Our Forces to be Our Governor and Commander in Chief in and over Our Settlement of the Cape of Good Hope in South Africa with its Territories and Dependencies as also of the Castle and all Forts and Garrisons erected or established or which should be erected or established within the said Settlement Territories and Dependencies **and whereas** it hath seemed good to Us that the Territories situate between the Rivers Keiskamma and Kei and comprehended under the name of British Kaffraria in South Africa as they are most particularly defined in the proclamation issued by the said Sir Henry George Wakelyn Smith under the date of the twenty third of December One thousand eight hundred and forty seven should be erected into a distinct and separate Government to be administered in manner hereinafter mentioned **now know ye** that of Our especial Grace certain knowledge and mere motion We have ordained and appointed and by these presents Do ordain and appoint that the said

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1. C.A., H 26. Letters Patent Providing for the Government of British Kaffraria, 14 December 1850.

Territories of British Kaffraria shall henceforth become and be constituted a distinct and separate Government to be administered in Our name and on Our behalf by the Governor and Commander in Chief for the time being in and over Our said Settlement of the Cape of Good Hope or by a Lieutenant Governor to be by Us for that purpose appointed by Warrant under Our Royal Sign Manual and Signet to be countersigned by one of Our Principal Secretaries of State **Provided nevertheless** and We expressly declare Our pleasure to be that no law custom or usage now in force within Our said Settlement of the Cape of Good Hope shall by force or virtue hereof extend to and become in force within the said Territories of British Kaffraria and that no Court or Magistrate of or within Our said Settlement of the Cape of Good Hope shall by force or virtue hereof acquire or exercise any jurisdiction within the said territories of British Kaffraria **and** We do hereby give and grant to Our said Governor and Commander in Chief for the time being in and over Our said Settlement of the Cape of Good Hope or to the said Lieutenant Governor for the time being all such powers and authorities within such Districts as by the said recited Letters Patent of the fifteenth day of December One thousand eight hundred and forty seven in the eleventh year of Our Reign are granted to and vested in the said Sir Henry George Wakelyn Smith as Governor and Commander in Chief in and over the said Settlement of the Cape of Good Hope Subject nevertheless to all such rules and regulations as shall be made and established by such Instructions as are hereinafter mentioned for the practicable and convenient exercise of such power and authority **AND** We do hereby give and grant to Our Governor of the Cape of Good Hope for the time being or Our Lieutenant Governor for the time

being of the said Territories of British Kaffraria full power and authority to make enact ordain and establish Laws for the order peace and good government of the said Territories of British Kaffraria Subject nevertheless to all such rules and regulations as We at any time by any Instruction or Instructions with the advice of Our Privy Council under Our Sign Manual and Signet may think fit to prescribe in that behalf **AND** it is Our Will and Pleasure that in the execution of the powers hereby vested in Our said Governor and Commander in Chief he do in all respects conform to and obey all such orders and instructions as shall for that purpose be addressed to him by Us in Our Privy Council under Our Signet and Sign Manual or through one of Our Principal Secretaries of State **AND** it is Our further Will and Pleasure that in the execution of the powers vested in the said Lieutenant Governor for the time being or in the person so provisionally to be appointed as aforesaid he do in all respects conform to and obey all such orders and instructions as shall for that purpose be addressed to him by Us in Our Privy Council under Our Signet and Sign Manual or in through one of Our Principal Secretaries of State or by Our said Governor and Commander in Chief for the time being AND We do reserve to Ourselves full power and authority to revoke or alter these presents as to Us shall seem meet **IN WITNESS** whereof We have caused these Our Letters to be made Patent **WITNESS** Ourself at Westminster the fourteenth day of December in the fourteenth year of Our Reign.

By Writ of Privy Seal.

Crowhurst.

APPENDIX 3

Letters Patent for British Kaffraria, 7 March 1854[1]

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these Presents shall come, Greeting:

WHEREAS, we did, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the fourteenth day of December, one thousand eight hundred and fifty, in the fourteenth year of our reign, make provision for the Government of the Territories comprehended under the name of British Kaffraria, as upon relation being thereunto had will more fully and at large appear, and we did, by the said Letters Patent, reserve to ourselves full power and authority to revoke or alter the same as to us should seem meet:—NOW KNOW YE that, in the exercise of the power so reserved to us, we have revoked and determined, and by these presents do revoke and determine the said recited Letters Patent. 1. AND we do by these presents declare and appoint that the boundary of British Kaffraria shall be the Western Bank of the Keiskamma River, as it ascends from its mouth, to its confluence with the Chumie River, thence up the Western Bank of the last mentioned River to its northern most source, thence along the summit of the Katberg Range, to the centre of the Luhuri Mount, or Guikas Kop, thence along the Amatola and Kabousie Ranges to the Cacazalie Mountains, thence by the Great Northern Road, as far as the well defined ridge from the said road descends into the valley of the River Dagana at the north east angle of the Windvogelberg, and thence in a north easterly direction, following the line of the well defined mountain ridge until it strikes the Zwart Kei, exactly opposite the corresponding mountain ridge which forms the boundary of the Tambookie location, in the Queen's Town division of the Colony of the Cape of Good Hope, and thence along the middle of the Great Kei River down to its mouth: AND we further declare and appoint that that part of the Territories, heretofore comprised in British Kaffraria, which lies between the Klip Plaat River and the Zwart Kei, commonly known as the Windvogel country or Mapassa's Location, north of the Amatola and Kabousie range, to the Cacazalie mountains, thence by the great northern road as far as the well-defined ridge from which the said road descends into the valley of the river Dagana, at the north-east angle of the Windvogelberg mountain, and thence in a north-easterly direction following the line of the well defined mountain ridge until it strikes the Zwart Kei exactly opposite to the corresponding mountain ridge, which forms the boundary of the Tambookie location, in the Queen's Town division, shall be annexed to and form part of the Territory of the Cape of Good Hope: 2. AND we do hereby ordain and appoint, that the said Territories of British Kaffraria shall continue to be a distinct and separate Government, to be administered in our name, and on our behalf, by the Governor and Commander-in-Chief for the time being, in and over our said colony of the Cape of Good Hope: PROVIDED, nevertheless, and we expressly declare our pleasure to be that no Law, custom, or usage now in force within our said Colony of the Cape of Good Hope, shall, by force and virtue hereof, extend to and become in force within the said territories of British Kaffraria, and that no Court or Magistrate of or within our said Colony of the Cape of Good Hope shall by force or virtue hereof acquire, hold, or exercise any jurisdiction within the said Territories of British Kaffraria. 3. AND we do hereby give and grant to our Governor and Commander-in-Chief for the time being in and over the Cape of Good Hope, full power and authority to make, enact, ordain, and establish laws for the order, peace, and good government of the said territories of British Kaffraria, subject nevertheless to all such rules and regulations as are prescribed in that behalf by the Instructions under our sign-manual and signet accompanying this our Charter, or as we at any time hereafter, by any instruction or instructions under our sign-manual and signet may, with the advice of our Privy Council, think fit to prescribe or address to our said Governor through one of our principal Secretaries of State: 4. AND it is our will and pleasure that, in execution of all the other powers hereinafter vested in our said Governor and Commander-in-Chief, he do also in all respects conform to and obey all such orders and instructions as shall for that purpose be addressed to him by us under our signet and sign-manual, with the advice of our Privy Council, or through one of our principal Secretaries of State. 5. AND WHEREAS we deem it expedient that there should be an Executive Council to advise and assist our said Governor and Commander-in-Chief for the time being in and over the Cape of Good Hope, in the administration of the Government of the said Territories of British Kaffraria: NOW we do hereby authorize our said Governor to summon as an Executive Council such persons as may be named or designated by us in any instructions under our signet and sign-manual, which may be addressed to him in that behalf. 6. AND we hereby authorise and empower our Governor and Commander-in-Chief for the time being in and over the Cape of Good Hope, to keep and use the Public Seal of the said Territories of British Kaffraria for sealing all things whatsoever that shall pass the Public Seal of our said Territories. 7. AND we do hereby give and grant to our Governor and Commander-in-chief for the time being in and over the Cape of Good Hope full power and authority, but subject

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1. Government Gazette, 30 October 1860.

nevertheless to such regulations and directions as may be contained in any instructions which may from time to time be addressed to our said Governor by us for that purpose, to make and execute, in our name and on our behalf, under the Public Seal of our said Territories, grants of waste land, to us belonging within the same, to private persons for their own use and benefit or to any persons, bodies politic or corporate, in trust for the public uses of the inhabitants of the said Territories, or any of them. 8. AND we do authorize and empower our said Governor and Commander-in-chief in and over the Cape of Good Hope, to constitute and appoint Judges, and, in cases requisite, Commissioners of Over and Terminer, Justices of the Peace and other necessary Officers and Ministers in our said Territories for the due and impartial administration of Justice, and for putting the laws into execution and to administer, or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of their offices and places, and for the clearing of truth in judicial matters. 9. AND we do give and grant to our said Governor and Commander-in-chief for the time being in and over the Cape of Good Hope full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or forfeitures which may accrue or become payable to us provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds until our pleasure thereon shall be made known and signified to him. 10. AND we do give and grant to our said Governor and Commander-in-chief for the time being in and over the Cape of Good Hope full power and authority, as he shall see occasion, in our name and on our behalf, to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within our said Territories a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance in force in our said Territories may be thereunto annexed, or any respite of the execution of the sentence of any such offender, for such period as to our said Governor may seem fit. 11. AND we do hereby give and grant to our said Governor and Commander-in-chief for the time being in and over the Cape of Good Hope full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office within our said Territories any person exercising the same during our pleasure, which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to our said Governor: AND we do hereby strictly require and enjoin our said Governor in proceeding to any such suspension, to observe the directions in that behalf given to him by our Instructions under our signet and sign-manual accompanying this our Charter. 12. AND WHEREAS the exigencies of our service in the Colony of the Cape of Good Hope may rarely permit our said Governor and Commander-in-chief to be present in the said Territories of British Kaffraria: IT IS our will and pleasure that the Government of the said Territories be, in his absence therefrom, administered by a Lieutenant-Governor to be appointed and commissioned by us, to whom we do hereby give and grant all such powers and authorities as by this our Charter are granted to and vested in our said Governor and Commander-in-chief for the time being in and over the Colony of the Cape of Good Hope: And upon the death or absence of our said Lieutenant-Governor from the Territories of British Kaffraria, or if there be no person on the spot commissioned and appointed by us to be our Lieutenant-Governor, we do hereby authorize and empower our said Governor and Commander-in-chief in and over the colony of the Cape of Good Hope, by an Instrument under the Public Seal of the said Territories of British Kaffraria, to assign, depute, and appoint any person to be his Deputy within our said Territories, to whom we do likewise hereby give and grant all such powers and authorities as by this our Charter are granted and vested in our said Governor and Commander-in-chief for the time being in and over the colony of the Cape of Good Hope: AND we do strictly enjoin our said Lieut.-Governor and our Governor's Deputy, that, in the exercise of the powers hereby vested in them they do in all respects, conform to and obey all such orders and instructions as shall, for that purpose, be addressed to them by our said Governor and Commander-in-chief, for the time being, in and over our colony of the Cape of Good Hope. 13. AND we do hereby require and command all Officers, Civil and Military, and all other Inhabitants of the said Territories of British Kaffraria, to be obedient, aiding, and assisting unto our said Governor and Commander-in-chief for the time being in and over the Cape of Good Hope, or our said Lieut.-Governor of the said Territories, or our Governor's Deputy in the execution of this our charter. 14. AND we do reserve to ourselves full power and authority to revoke or alter these Presents as to us shall seem meet.

IN WITNESS whereof we have caused these, Our Letters to be made patent.

WITNESS Ourself at Westminster, the seventh day of March, in the seventeenth year of our Reign.

By Warrant under the Queen's Sign Manual.

(Signed) C. ROMILLY.

APPENDIX 4

Municipal Regulations For East London[1]

PROCLAMATION

BY HIS EXCELLENCY SIR HENRY BARKLY,
Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope, in South Africa, and of the Territories and Dependencies thereof, and Her Majesty's High Commissioner, &c., &c., &c.

WHEREAS, under and by virtue of the provisions of the Ordinance No. 9, 1836, certain Regulations for the Municipality of East London have been framed and adopted by the Resident Householders of that place, and have been transmitted to me for my approval or disallowance, by and with the advice of the Executive Council; And whereas the said Regulations have been approved and allowed by me, by and with the advice of the Executive Council; I do, therefore, by virtue of and in conformity with the provisions of the said Ordinance No. 9 of 1836, proclaim and make known that the aforesaid Regulations have been approved and allowed; which said Regulations I have directed to be published herewith in the *Government Gazette*, in the usual manner.

GOD SAVE THE QUEEN!

Given under my Hand and the Public Seal of the Colony of the Cape of Good Hope, this 22nd day April, 1873.

HENRY BARKLY, Governor.

By command of His Excellency the Governor i Council,

J. C. MOLTENO.
Colonial Secretary

No. 37, 1873.

MUNICIPAL REGULATIONS FOR EAST LONDON.

Limits of Municipality.

No. 1. The municipality shall comprise the villages on the east and west banks of the Buffalo and the adjoining village of Panmure, together with the unoccupied pasture land for public commonage within the following lines of boundary:—

For the west bank.—From the mouth of the spruit which bounds sections 1, 2, 4, and 5, following the spruit to its eastern source at the Fort Grey road; thence along this road to the continuation of the south-eastern boundary of section 3; thence along this boundary to the Buffalo River; down the Buffalo River to the sea; thence along the coast to the spruit aforesaid.

For the east bank.—From the mouth of the spruit in the bend of the Buffalo River above the 2nd creek, up the course of that spruit and in a line with corner beacon of discharged soldiers' lots 112, 113; along the boundaries of the lots 67, 68, 54, 74, 73, 72, A23, 70; from corner beacon of lot No. 70, in a straight line to the corner beacon of No. 4 (Tapson's lot); along boundary of that lot to the wagon road; thence along the wagon road to Smith's Drift on Nahoon River; and down the Nahoon River to the sea; along the sea coast to the Buffalo River, and up that river to the spruit first mentioned.

Divided into Wards.

No. 2. The municipality shall be divided into two wards. The one shall comprise all that portion of land allotted for township on the western bank of the river, and the other all that allotted for the like purpose on the eastern side of the river, together with the land apportioned as the village of Panmure; and the ward on the west bank of the river shall elect three commissioners and the ward on the east bank two commissioners.

Valuation.

No. 3. That the valuation of the property within the municipality for the present purposes of the same shall be taken to be the same as has been taken in 1872 for divisional council purposes, and that at any future time when it may be found necessary or expedient to cause a fresh valuation to be made for municipal purposes, the commissioners for the time being or a majority of them at any meeting held for dispatch of business shall appoint a fit and proper person or persons to make such valuation and render a roll thereof to the commissioners, and which roll of assessment shall be kept in the municipal office for the inspection of householders during office hours.

Meeting of Commissioners.

No. 4. The commissioners shall meet at the municipal office, or such place as they shall appoint, on the first Wednesday in every month, at 4 o'clock in the afternoon, for the dispatch of public business; and such meetings shall be termed "ordinary meetings," and shall be held open to the public.

Quorum.

No. 5. At all such meetings, and at any special meeting so held, three members shall form a quorum.

Proceedings of Meetings to be entered by Secretary.

No. 6. At every meeting held the secretary or clerk shall attend for the purpose of taking down in writing all such proceedings, acts, and orders that may be passed by the said meeting, and shall so soon as the chairman of the meeting shall have taken his seat enter the name of each commissioner present; and should at any time there not be sufficient members to form a quorum, the chairman shall after waiting thirty minutes declare the meeting adjourned, and shall fix a time for another meeting to be held in its stead, of which twenty-four hours' notice shall be given in writing to each commissioner.

Minute Book of Meetings.

No. 7. The secretary or clerk shall keep a book in which shall be recorded all acts, orders, and proceedings, passed or entered into at any meeting held as is above stated, and which book shall be produced at all such meetings of the commissioners so held; and the proceedings of every former meeting so recorded shall be read over and confirmed and shall be signed by the chairman of such meeting.

No Act confirmed at any former Meeting to be reopened.

No. 8. No act, order, or proceeding, having been passed and confirmed at any previous meeting, shall be reopened at any future meeting without notice being given of that intent of one month.

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1. Government Gazette, 29 April 1873.

All Motions and Notices to be made in writing.

No. 9. All motions, propositions, or notices shall be made in writing at any meeting and handed to the secretary, who shall read the same to the meeting, and when seconded by a member present may be discussed and put to the vote by the chairman, and carried by a majority, the chairman having the casting vote; but no proposition or motion shall be entertained unless duly seconded by a member present; and in all cases of division the secretary shall record the names of the several members voting for and against the proposition or motion so made and seconded.

No Money Vote to be made without Notice given.

No. 10. No money vote shall be made or proposed without a notice being given in manner above mentioned by such member so intending of at least one month; and any member desirous to propose any public work to be undertaken or the improvement of any existing work, shall notify in like manner to the meeting of proposing such work or alteration at the next following meeting.

No Payments to be made without consent.

No. 11. No payment shall be made out of the funds of the municipality without the order and consent of the majority of members of any meeting of the commissioners present when such payment shall be brought forward, and all such payments so ordered shall be made by drafts or cheques, and which shall be drawn and signed by the treasurer and endorsed by the chairman of the meeting at which such payment was ordered.

Treasurer to produce Monthly Statements of Receipts and Disbursements.

No. 12. The treasurer shall produce to the commissioners at each ordinary meeting held as aforesaid a monthly account of all moneys received by him and disbursed, showing what balance may exist at the time either for or against the municipality, and which statement shall be accompanied and supported by the bank book fully written up to the end of each month.

The right of Householders to run Animals on the Town Commonage.

No. 13. Every proprietor or occupier of a house or who is a resident householder within the limits of the municipality shall be entitled to depasture on the town commonage as is under set forth, provided that the animals so depastured are his own *bonâ fide* property or are at the time in his employ.

The occupier of premises of the value of £100, or who may pay a rent of £10 per annum, shall be entitled to run three animals (in all) on the town commonage.

The occupier of premises of the value of £200, or who may pay a rent of £20 per annum, shall be entitled to run twelve animals (in all) on the town commonage.

The occupier of premises valued at £400 and upwards, or who may pay a rent of £30 or more, shall be entitled to run eighteen animals (in all) on the town commonage.

As to Dairymen and Butchers.

No. 14. All persons carrying on the trades of dairyman or butcher shall, over and above the number of animals set forth in the preceding rule that he may be entitled to graze, be allowed to depasture any further quantity of stock he may require for the use and carrying on of such trades, being actually his own property, not exceeding one hundred head of horned cattle, horses, or mules, and two hundred and fifty sheep, goats, or swine, at any one time, upon obtaining a licence from the commissioners so to do and on payment in advance to the said commissioners of the sum of ten shillings per annum for so doing for the benefit of the municipality.

As to Travellers and Carriers.

No. 15. Any person or persons coming to town, and not being a resident householder therein, may for the period he remains allow all such animals (free from contagious disease) as he may have brought, either for his conveyance or for sale, to graze upon the public commonage, subject to the rules and regulations touching thereon, for a period not to exceed five days. After which time such person or persons so remaining and desirous to depasture his animals on the town lands shall be permitted so to do upon paying in advance the sum of one halfpenny per head per day for every horse, mule, or head of horned cattle, and one shilling per hundred for sheep or goats, which shall be paid to the commissioners for the benefit of the municipality.

Infected Animals running on Public Commonage.

No. 16. All animals found at large on the town commonage or within the limits of the municipality infected with any contagious disease shall be destroyed in the event of the owner being unknown, but if known, such owner shall take immediate steps to remove such animals to some place where contact with other animals cannot take place, and some competent person shall be appointed to declare, after duly examining such animals, whether they should be killed, and if so declared the owner of the animal shall cause the same to be killed and the carcase buried at such place as the commissioners may have appointed for that purpose; but in either case, prior to any animal being destroyed a full and thorough examination of such animal shall be made by some person duly appointed for that purpose, and all the expenses of burying any such animal where the owner is unknown shall be borne by the municipality, but any person knowingly allowing animals affected with any contagious disease, or not taking the necessary precautions in ascertaining whether any sick animal is affected with contagious disease, and turning such out to run on the town commonage, on being convicted of the same, shall pay a fine of not less than three pounds sterling.

All Animals running loose on Town Commonage.

No. 17. All horses, mules, cattle, sheep, goats, and swine found running loose within the town or on the commonage, and not permitted as is provided in the preceding rules, shall be impounded.

No one to use Town Commonage without permission.

No. 18. No person shall occupy or in any way make use of for any purpose whatsoever any portion of the town commonage without the permission or licence of the commissioners first had and obtained.

Dead Animals found on Town Lands.

No. 19. All dead animals found within the limits of the municipality shall be forthwith buried at such place appointed for that purpose, and the owner of such animal shall be subject to pay all the expenses incurred in so doing, together with any expenses incurred in recovering the same.

Butchers' Shops and Slaughter-houses. Of Bad Meat Of Fish.

No. 20. No person shall be allowed to slaughter any animals except at such place or places as shall be set aside for that purpose by the commissioners, excepting pigs, poultry, &c., and which may be killed within some enclosed space or yard sufficiently parted off from all public thoroughfares; and the commissioners shall be empowered, or some person or persons appointed by them for that purpose, to enter every such slaughter-house, and such butcher's shop or place where meat is offered for sale within the limits of the municipality, and examine the same both as to the state of cleanliness as well as to the wholesome condition of the meat offered

for sale, and should they find it necessary to direct the removal of any unwholesome meat or substance which they may consider deleterious or injurious to the safety or comfort of the inhabitants, such butcher or person slaughtering shall cause the same to be forthwith removed to such place fixed upon for the same; and it shall not be allowed to any person to clean fish or throw the garbage thereof into the streets or public thoroughfares, or in the river within the bounds of the town, but all such garbage shall be taken away and disposed of as above set forth; and no person shall slaughter any animal for purposes of sale between nine a.m. and four p.m. on the sabbath.

Suppress Nuisances,

No. 21. It shall be the duty of the commissioners to use all lawful ways and means to suppress and do away with all nuisances of whatsoever nature such may be, and should any such nuisance at any time existing be found to arise from any particular cause or through the action of any resident householder or other person or persons within the municipality, and after due notice being given to such person or persons to abate or remove the same by the said commissioners, then such commissioners are empowered to enter upon any place where such nuisance may arise or exist and suppress the same. The expenses of so doing shall be paid by the parties offending, together with such fine as the magistrate may inflict on conviction.

To rent Quarries, Brick Land, &c.

No. 22. The commissioners shall be empowered to let or rent out all quarries, brick lands, lime kilns, found or that may be found within the limits of the municipality, on such terms and conditions as may be agreed upon by a majority of the members at any ordinary meeting held as hereinbefore mentioned.

Ruinous or dangerous Buildings, &c.

No. 23. The commissioners or any person duly appointed by them bringing to their knowledge that any building, wall, or other erection is in such a dangerous state as to imperil the safety or convenience of the inhabitants of the town, shall cause notice to be given to such owner or proprietor to remove the same or so to repair such building, wall, or erection, that the danger may no longer exist, forthwith or within a reasonable time, and should such owner or proprietor fail to comply, or should such owner or proprietor not be known or ascertained after reasonable inquiry being first made, then the commissioners or some one duly appointed by them shall be authorized to take down and remove the same, and shall cause the materials so taken down or removed to be sold and the proceeds thereof applied towards defraying the expenses incurred in such taking down and removal, and should the sale proceeds of such materials be insufficient to meet the expenses incurred, then the proprietor, his agent in that behalf, or assigns, when ascertained, shall be held liable to make good to the municipality any such deficiency, together with any costs incurred in recovering the same.

Making Fire in the Street or throwing Combustible Materials in the same.

No. 24. No person shall be allowed to leave straw, rush, or other combustible material on or about any street or thoroughfare during the night, nor shall any one be allowed to kindle a fire nor carry fire or lights through the streets without being protected by a lanthorn or other proper means, nor throw lighted pipes or cigars in any public thoroughfare, nor shall a fire be lighted in any building without the same having a chimney, nor shall any straw huts or other building or erection of a like nature be erected so contiguous to any other building as to endanger the same from fire within the limits of the municipality, nor shall any one have or store upon or within his premises more than 100 lb. of gunpowder, or more than 50 gallons of paraffine, at any one time.

Furious riding in Streets.

No. 25. No person shall ride or drive through the public street or thoroughfare within the limits of the municipality so furiously as to endanger the persons or property of the inhabitants or persons present.

Throwing Poison in Streets.

No. 26. No person shall set or cast poison in any public street or thoroughfare for the destruction of any animal or for any other reason whatsoever.

Letting off Guns or Fireworks in Streets.

No. 27. No fireworks or firearms shall without lawful cause be discharged in the streets or public thoroughfares.

Restriction of use of Streets for Building Materials, &c.

No. 28. No person erecting, taking down, or repairing any building on or adjoining any thoroughfare shall be allowed to use more than quarter of the breadth of such thoroughfare, and the portion so used shall be sufficiently fenced in so as to avoid all accident to passers by, and during the existence of such occupation there shall on every night be placed a lanthorn at each end of the said fence, which shall be kept burning from sunset to sunrise at the expense of the proprietor.

Holding Auctions in Public Streets.

No. 29. No auctioneer shall hold a public sale in any public thoroughfare except with permission of commissioners, who are empowered to point out the space to be occupied in the public thoroughfare for that purpose.

Removal of Night Soil.

No. 30. All night soil shall be removed only between the hours of ten o'clock at night and four o'clock in the morning, and it shall be only deposited at such place as shall be set apart for that purpose by the commissioners from time to time.

Insufficient Clothing.

No. 31. Any person whatsoever appearing in any public street or walk in a state of nudity or insufficiently clothed so as to offend against decency, or in any way indecently exposing their persons, or using obscene language, shall be subject to such fine as is hereinafter mentioned.

Bathing.

No. 32. No person shall be allowed to bathe in the river or on the sea-shore where there may be any public thoroughfare in use, between the hours of six o'clock in the morning and sunset, except at such place or places as may be appointed from time to time for the purpose of bathing by the commissioners, who shall give due thereof.

Fountains, Wells, and Streams.

No. 33. No person shall be allowed to wash, bathe, or otherwise pollute any fountain, well, or stream of water within the limits of the municipality, nor shall any person allow any animal to drink or disturb the water in any well or fountain, or other water set aside for public use or from which water is obtained for household purposes, nor shall any rubbish, dirt, filth, or other polluting matter be so thrown or cast near any such well fountain, or water so set aside for public use, as to endanger the same or to render it liable to be injured or polluted, and the commissioners are empowered to cause to be removed all such noxious matter at the expense of the party placing it there, who on conviction shall be subject to such fine as is hereinafter mentioned, and the commissioners are authorized from time to time to point out some suitable place or places where washing of clothes can be done, and at which place or places all such washing shall be done, and at no other.

Pounds.

No. 35. There shall be a public pound established at Panmure for the convenience of the inhabitants of the eastern side of the Buffalo River, also a pound on the western side of the river, and which said pounds shall be subject to the rules and regulations as well as fees now in force, subject to such alterations as may hereafter be found expedient to be made.

Disease.

No. 36. In event of any infectious disease appearing, the commissioners are empowered to make such sanitary regulations as may be esteemed beneficial for the public health.

Weights and Measures.

No. 37. The commissioners or such person or persons as they may from time to time appoint, shall be empowered to inspect and examine all weights and measures that may be in use at any and every public store or place of business where buying and selling are carried on, and shall assize the same according to the standard authorized by law, and in the event of such weights and measures being so assized and found incorrect to seize the same and cause such to be destroyed, and every person found guilty of using such incorrect weights and measures for the purposes of trade shall be subject to such fine on conviction as the magistrate shall inflict according to the penalty hereinunder set forth.

Penalty Clause.

No. 38. For or in respect of the contravention of any of the preceding rules and regulations for which no penalty is specially set forth, every such person so contravening any such rule or regulation shall on conviction be liable to to a fine not exceeding five pounds nor less than five shillings, and shall in default of payment be subject to imprisonment, with or without hard labour as the magistrate shall see fit, for a period not exceeding three months.

APPENDIX 5

Port Instructions for Buffalo Mouth[1]

Should it be the intention of the Master of a Vessel to discharge or receive on board any considerable quantity of cargo, &c., a convenient berth will be pointed out by the Harbour Master, either by signal or communication, according to circumstances, and as close to the landing-place as the safety of the Vessel and other circumstances will admit. The Vessel must then be anchored with a Bower Cable, with a scope of about 70 to 80 fathoms. And especial care must be taken not to overlay the anchors of other Vessels, or in any way to give them a foul Berth; the other Bower Cables should be ranged, and the Anchors kept in perfect readiness to let go; the Shackles of the Cables should be in readiness for slipping, and the Vessel's Canvas snug and perfectly prepared for making Sail in the event of being obliged to slip.

The situation of the Vessels must be taken by land marks and the depth of water, and should any accident occur by which she may drift from such situation or loose her Anchors, the same must be notified either by signal or writing to the Harbour Master.

Vessels having Marryat's Code of Signals can make their wishes known, in blowing weather, through the Port Office; Vessels not having the Code can make the following Signals with their Ensigns.

1st Ensign, (in the Foretop-mast Rigging),—I am in want of a Cable.

2nd do., (Main do. do.),—I am in want of an Anchor.

3rd do. (Fore Rigging),—I have parted a Bower Cable.

4th do. (Main do.,)—I am in want of an Anchor and Cable.

5th Whift (where best seen),—send off a Boat.

☞ Whenever a Black Ball may be hoisted at the Port Office Signal Staff, it denotes that it is impracticable to cross the Bar.

A light will be hoisted at the upper Signal Staff every night during the Kafir disturbance, so as to point out, the situation of the Anchorage to Vessels approaching.

No communication should be attempted at night, except in cases of emergency.

Rules to be observed in landing private Cargo in the Government Boats, &c.

1. Requisitions, instead of being made for Tonnage, will be required in future to be made for Boats, the capacity of each Boat will be estimated, and will be charged for at the rate of 7s. per Ton, according to the estimated Tonnage of the Boat, and without reference to the cargo. The Boats will be numbered and the Tonnage marked on the stem and stern of each Boat. To prevent Boats being overloaded, and risk incurred therefrom, a deep water line will be marked on each Boat, beyond which the Boat must not on any account be loaded.

2. For the use of the Government Warps, One Pound will be charged for each trip of a private Boat. Requisitions will have to be made for this, as well as for the preceding Service, to be addressed to the Commissariat Officer, to whom also payment will be made, as soon on the completion of the service.

3. To prevent Boatmen from being attracted from the Government Establishment, and to check extortion on their part, the following Rule will be observed:—A Register will be kept by the Harbour Master, of the names of all persons, who will be allowed to hire for *temporary* service, in private Surf-boats and will be paid at the rate of 5s., and the Coxswains at 7s. 6d. per diem.

4. Person hiring the Surf-boats must have Kafir, or other Labourers in attendance to land private Cargo, and £1 extra to be charged as soon as a Boat has been one hour at the Wharf undischarged, and £1 for every succeeding hour. To enable persons hiring the Surf Boats to discharge them without interference, and in the shortest time, the private Cargo will be landed under their direction, and they, and not the owners of the Cargo, will be held responsible for any detention beyond the regulated time.

5. Private Cargo must be landed at the Upper Wharf, whenever the lower one is required for Government Stores.

6. All persons applying for Government Boats, or for the use of the Warps, must state in their Requisition their willingness to abide by these rules, and they will forfeit all claim to the use of either Boats or Warps in case of non-compliance.

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1. Government Gazette, 18 September 1851.

APPENDIX 6

TRADE STATISTICS

	SHIPPING			TOTAL IMPORTS	IMPORTS FOR CONSUMPTION	TOTAL EXPORTS
	TOTAL	COASTAL	OTHER			
1848	20	20	-	-	-	1 114
1849	13	12	1	55	No Record	25
1850	12	12	-	-	-	420
1851	54	48	6	1 869	No Record	154
1852	60	54	6	614	No Record	-
1853	49	35	14	3 082	No Record	414
1854	29	25	4	4 414	No Record	-
1855	43	43	-	334	No Record	92
1856	65	64	1	75 930	No Record	52 214
1857	106	82	24	42 892	39 544	23 705
1858	78	64	14	13 895	13 637	14 846
1859	54	40	14	41 254	40 568	5 750
1860	49	35	12	87 133	84 432	28 471
1861	61	39	22	104 987	104 767	21 540
1862	52	36	16	129 013	127 855	43 872
1863	64	43	21	154 013	152 375	21 969
1864	60	38	22	103 648	106 370	21 141
1865	48	29	19	79 485	78 348	28 927
1866	34	19	15	26 957	29 339	77 720
1867	74	51	23	44 844	44 038	104 502
1868	73	43	30	47 246	53 157	112 460
1869	41	24	17	21 496	23 009	27 899
1870	55	38	17	51 117	52 052	33 169
1871	62	39	23	96 144	96 595	69 234
1872	79	41	38	299 682	300 342	142 343
1873	96	51	45	338 687	338 857	79 492
1874	102	57	45	527 521	527 409	96 985
1875	144	68	76	552 033	551 817	131 800
1876	177	95	82	785 919	786 944	168 429

(For a comment on the figures for the years 1856 - 1865, see Chapter 4, p. 108.)

APPENDIX 7

Site for the British German Legion on the West Bank of the Buffalo River, East London[1]

KgW. Town

26th Decr. 1856

My dear Col. Maclean

I have carefully examined the ground on the West Bank of the Buffalo. East London - which terminates in "point Fishbourne". The ground is well adapted to building and agricultural purposes, and a village could with ease be established, through which the new road between K.W. Town and East London would pass - the soil is far superior to all in the vicinity of East London on the opposite side, and the ground being free from bush and nearly level a village capable of defence could without difficulty be laid out. Some doubts were entertained about a sufficiency of water but although there is no stream or Kloof water which is permanent several large vleis of water are situated on the top of the ridge almost in the centre of the proposed site . Of these I find on enquiry one has not been known to fail, that is during the last 6 or 8 years added to which, I have no doubt from the appearance of the grass &c in several parts water would be obtained by sinking wells. There is a good quarry in the immediate vicinity and timber in abundance. There would therefore be no objection so far as the capabilities of the spot are concerned in locating Germans on the West side of the Buffalo immediately opposite Fort Glamorgan

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1. C.A., DSGBK 24, pp. 47 - 49. Montagu to Maclean, 26 December 1856.

Water on the side now occupied is bad, and not abundant and the soil is sandy and poor, but a good site for a German village close to the Town could be found, and agricultural land might be obtained if required, on the western side of the river

It seems however premature to fix upon a site for the village or incur any expense on account thereof until the question now at issue with regard to the annexation of Fort Glamorgan and its rayon to British Kaffraria has been definitely settled, and it would therefore perhaps be advisable to delay marking out a village or taking any steps in the matter for the present. I should like to be made acquainted with your wishes on this land, before making a commencement.

I return all the papers & plans &c, you gave me with the exception of the one referring to erven at East London held by military officers dated Colonial Office 6th August 1849, the others are of no use to me or my department. I enclose a memo shewing the state of matters with regard to the ground at East London for which Mr. Webster has made application.

Yrs very truly

(Sig) G Montagu

APPENDIX 8

AN ACT

FOR

Abating Public Nuisances and other Mischiefs of a Public Nature in certain Towns and Villages, not being Municipalities. [1]

Preamble.

WHEREAS, in certain of the towns and villages of this colony not being municipalities, public nuisances and other mischiefs of a public nature are constantly committed, against the continuance or recurrence of which the inhabitants have, at present, no effectual protection: And whereas it is expedient to make provision for the repression of such evils, be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows:—

Towns or villages to which this act extends.

I. This act shall extend and apply to every town or village in the colony, being the seat of, or where a court is holden by a resident magistrate, and not being a municipality, and not to any other town or village: Provided that it shall be lawful for the Governor aforesaid, as often as it shall be made to appear to him that the provisions of this act, or some of them, are unsuitable to any town or village which is, or shall be, the seat of, or where a court is holden by resident magistrate, and not a municipality, by any proclamation to be by him issued and published in the *Government Gazette*, to declare, from time to time, what sections, if any, of this act shall extend and apply to such town or village, and, thereupon, so much only of this act as shall by any such proclamation be declared to extend and apply to such town or village, shall extend and apply thereto. Or the Governor may, by any such proclamation as aforesaid, declare that none of the provisions of this act shall apply to such town or village.

Limits of towns and villages to be fixed by proclamation.

II. The limits, also, for the purpose of this act, of every town and village to which this act, or any part of it, shall apply, shall be such limits as shall, from time to time, be fixed by any proclamation to be by the Governor aforesaid issued and published in the *Government Gazette*.

Towns or villages becoming municipalities, this act to cease to apply thereto.

III. As often as any town or village to which this act, or any part thereof, extends and applies shall become a municipality, then this act shall continue to extend and apply to such town or village until the first set of municipal regulations for such municipality shall be promulgated in the *Government Gazette*, but no longer. And with respect to towns and villages to which this act shall apply, be it enacted as follows:—

Weights and measures to be assized and marked.

IV. No weights or measures shall be used within the town or village for the purpose of trade or dealing, unless the same shall have been duly assized and marked by such person as the resident magistrate may appoint, under a penalty not exceeding three pounds sterling.

What weights and measures to be legal.

V. The standard of weights and measures for the time being legally in force in the colony shall be deemed, for the purpose of this act, to be the standard of weights and measures.

Assizing, how to be effected.

VI. Once in each year, the person so appointed as aforesaid to assize weights and measures shall, upon a day, and at a place,—of which day and place not less than seven days' previous notice shall be given,—

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1. C.A., C.P.P. 6/2/1/1. Act No. 2, 8 June 1855. All the clauses of this Act applied to East London, except the fourth, fifth, sixth, seventh and eighth. See Government Gazette, 27 July 1855. Proclamation of 25 July 1855.

attend for the purpose of assizing all weights and measures kept or used as aforesaid; and all persons using weights and measures for the purpose of trade or dealing shall then and there attend to have their weights and measures assized; and if any person shall, after such notice, and after his weights and measures might have been assized as aforesaid, use in his trade or dealing, or have in his shop, store, or place of dealing or trade, any weights or measures which have not been assized, such weights and measures shall be forfeited and destroyed, and such person shall be liable, over and above such forfeiture, to a fine not exceeding three pounds sterling.

Weights and measures in use may be examined.

VII. It shall and may be lawful for the person appointed as aforesaid to enter any shop or store, or other place of trade or dealing, and to require that all weights and measures, scales, steelyards, or other balances used therein, be produced and shown to him; and if such person shall find any such weights and measures, scales, steelyards, or other balances, which have not been duly marked, and which shall be deficient in weight or measure, or any false or unjust weights or measures, or defective scales or balances, such weights and measures, scales, steelyards, or other balances, shall be forfeited and destroyed; and the person or persons in whose shop, store, or place of trade or dealing, such weights and measures, scales, steelyards, or other balances, or any one of them, shall be found, shall be liable to a penalty not exceeding three pounds sterling.

Penalty upon persons eluding or impeding such examination.

VIII. Any owner or proprietor of such shop, store, or place of trade or dealing, or any other person in his or her employ, who shall refuse to produce or shall wilfully keep back such weights and measures, scales, steelyards, or other balances when required so to be produced, or any person whatever obstructing or hindering such person in the execution of his duty, shall incur and be liable to a fine not exceeding three pounds sterling.

Weights, &c., may be assized at any time, on application.

IX. It shall be lawful at any time for any person desiring to have any weights or measures assized, to apply to the resident magistrate, who shall thereupon cause the same to be done.

Sum payable for assizing.

X. There shall be paid to the assizer for every weight or measure assized and marked the sum of two pence each.

Slaughter houses, &c., to be visited, and offal, &c., to be removed.

XI. For the purpose of preserving the health and cleanliness of the town or village, it shall be lawful for any person appointed by the resident magistrate aforesaid, from time to time, and when and so often as he shall see fit, to visit all butchers' shops and places where cattle and sheep are slaughtered for the purpose of sale, and to give such directions as he may deem expedient for the cleansing of the same, and for the removal of all blood, offal, filth, and other refuse; and if the proprietor or person in charge of such shop or slaughtering place shall fail, neglect, or refuse to remove such blood, offal, filth, or other refuse, he shall incur and be liable to a penalty not exceeding two pounds sterling.

Places to be fixed where offal, &c., may be laid down.

XII. The magistrate shall appoint one or more place or places to which the blood, offal, filth, and other refuse, mentioned in the foregoing section, shall be removed, and any person or persons who shall remove and deposit such blood, offal, filth, and other refuse, in any other place than by this section appointed, shall incur and be liable to a fine not exceeding one pound sterling, and shall, moreover, at his, or her, or their own cost and charge, remove such blood, offal, filth, or other refuse, and deposit the same at the places appointed by the said magistrate.

Persons casting filth, &c., in any street, &c., to be liable to a penalty.

XIII. Any person who shall cast any filth, soil, earth, or rubbish into any street, thoroughfare, square, or waste ground within any town or village, excepting upon such place or places as shall be fixed and appointed by the magistrate, and who shall refuse after warning to remove the same, shall incur and be liable to a fine of ten shillings sterling, and shall, moreover, be obliged to remove the same at his own expense, and deposit it at the place or places appointed for that purpose. Building materials or earth may be left, provided that the same be spread by way of repairing such street.

XIV. No person shall be allowed to discharge any gun or firearms without lawful cause, or let off any fireworks in any part of any such town or village as aforesaid, under a penalty not exceeding one pound sterling. Guns not to be fired without lawful cause.

XV. No person shall be allowed to make any open fire, except on such place or places as may be appointed by the magistrate, or carry any open fire through the streets, nor shall any person be allowed to smoke an open pipe in any street, public thoroughfare, or square, nor be allowed to throw away a burning cigar, under a penalty not exceeding ten shillings sterling. No open fire to be carried through any street.

XVI. Any person who shall wilfully, or by negligence, break down, spoil, or damage any tree or plant, in any street, road, avenue, or square, whether the same shall be public or private property, shall forfeit and pay a fine not exceeding three pounds sterling, and shall also make full satisfaction for the damage done. Persons damaging trees, &c., to be liable to a penalty.

XVII. All cattle, sheep, or goats, found straying in any of the public streets, thoroughfares, or squares, without being in charge of some one, shall be impounded, and the owner be compelled to make good any damage, irrespective of the usual pound fees. Stray cattle may be impounded.

XVIII. No horses or mules shall be allowed to graze in any public street, thoroughfare, or square, without being kneehaltered, under a penalty not exceeding ten shillings sterling. Horses, &c., to be kneehaltered.

XIX. In case a pig or pigs be found straying in any public street, thoroughfare, or square, or watercourse, the owner of such pig or pigs shall be liable to a fine not exceeding ten shillings sterling, and such pig or pigs may be impounded; and ducks and geese may be destroyed when found in public fountains, dams, or watercourses. Stray pigs may be impounded. Their owners liable to a penalty. Ducks and geese found in the public fountains, &c., may be destroyed.

XX. No person shall be allowed to make a sawpit or other excavation in or near any public street, thoroughfare, or square, or to make any gutter or new watercourse in or across any street without the previous consent of the magistrate, under a penalty not exceeding one pound sterling. No one to make sawpits, &c., in public streets, &c.

XXI. Any person breaking, injuring, damaging, or destroying any public dam or dams now existing, or which may hereafter be erected, or any aqueduct, watercourse, sluice, or reservoir within any such town or village as aforesaid, to which the public may have any right of property or use, shall be liable to pay a fine not exceeding ten pounds sterling, and shall be bound, over and above such fine, to make good the damage so done. Penalty on persons damaging public dams, &c.

XXII. Any person who shall cast or throw any filth or rubbish in any such watercourse, aqueduct, fountain, drain, dam, or reservoir, as aforesaid, or in any manner or way pollute the water running or being in such course, aqueduct, fountain, drain, dam, or reservoir, or who shall place, cast, or put any filth or rubbish so near to any such course, dam, or reservoir, as to be likely to pollute the water thereof, shall incur and be liable to a penalty not exceeding two pounds sterling. Penalty on persons polluting public fountains, &c.

XXIII. No person shall wash clothes or any other article or thing in any public aqueduct, watercourse, dam, fountain, reservoir, or at any public pump, excepting at such places as shall have been appointed by the resident magistrate, under a penalty not exceeding ten shillings sterling. No person to wash clothes in public fountains, &c.

XXIV. The chief constable, or any person whom the Governor aforesaid may be pleased to appoint, shall be the public prosecutor in all cases falling under the provisions of this act. Who to prosecute for penalties under this act.

XXV. The fines levied under this act to be distributed in the following manner:—One third to the informer, and the remaining two thirds to the Colonial Treasury. Fines, how to be applied.

XXVI. In case any of the penalties enumerated in the foregoing sections be not paid, the magistrate shall have the power to adjudge the party offending to imprisonment, with or without hard labour, until such fine be paid, such imprisonment not to exceed one month. In case of non-payment of fine, offender may be imprisoned.

XXVII. In the construction of this act, the word "governor" shall mean the officer for the time being administering the government of this colony; the word "magistrate" shall mean the resident magistrate of the district in which the town or village is situated, or the officer for the time being acting as such; and words importing the plural number shall include the singular number, and words importing the singular number shall include the plural number; and words importing the masculine gender shall include females, unless in any case there be something in the subject or context repugnant to such construction. Construction of words.

XXVIII. This act shall commence and take effect from and after the promulgation thereof. Act, when to commence.

Given at Government House, this 8th day of June, 1855.

By Command of His Excellency the Governor,

RAWSON W. RAWSON,

Colonial Secretary.

APPENDIX 9

East London—Native Village.[1]

1. The site to be selected by the Resident Magistrate, and should be well clear of the town in order that no Native, not a servant actually sleeping on his master's premises, may have an excuse for being in the town after working-hours.

2. No other huts will be allowed without the sanction of the Chief Commissioner.

3. All males capable of working to be registered with the number of their wives and children. Printed Tickets will be supplied.

4. The Headman to be responsible for all strangers visiting the kraal. No one to be allowed to remain there for any time without permission from the Magistrate, and no woman, not being the wife or one of the family of a duly registered native, to be allowed to take up her abode there.

5. Men applying for continuous work, and leave to build or to live in the Native Village, to apply first to the Headman, who, if he approve of them, will recommend them to the Magistrate.

6. Men working for private parties in the town to be allowed to live in the Native Village under the same regulations as the men employed upon the public works.

7. The men to be mustered occasionally, and at irregular intervals, at their huts, and, if thought necessary, the whole of the inhabitants of the Native Village also.

8. The number of huts to be noted, and no new hut to be built without application from the Headman and permission from the Magistrate. When new labourers are registered, the number of huts they intend to build to be stated at the time.

9. The Headman will be bound to assist in following the spoors of stolen property, if called upon by the Magistrate or other authorities.

10. He will receive 1s a-day pay, besides rations, with a promise of increase for good conduct after a certain time. This increase to be sanctioned by the Chief Commissioner, and defrayed from funds at his disposal.

11. The Native Police at present stationed at East London may be attached to this Kraal; and if the site is eligible, a Protection Cattle Kraal may be made in the centre of the village—a small sum (to be fixed by the Magistrate) being paid by persons making use of it, to the head-man of the Police.

MEMO.—If, however, any European be willing to erect a Protection Kraal in the immediate vicinity of the Town, a limited number of Natives will be permitted to be established around it in addition to those in the Native Village.

JOHN MACLEAN,
Chief Commissioner.

Chief Commissioner's Office,
7th August, 1857.

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1. C.A., DSGBK 1, p. 282.

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BIBLIOGRAPHY

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2. MANUSCRIPT SOURCES

2.1 Cape Archives

2.1.1 British Kaffraria (Accession Code: BK)

Vol. No.	Description
1	High Commissioner, 1847 - 1856
2	High Commissioner, 1857 - 1858
3	High Commissioner, 1859
4	High Commissioner, 1860
5	High Commissioner, 1861 - 1863
6	High Commissioner, 1864 - 1866
7	Colonial Secretary, 1852 - 1859
8	Colonial Secretary, 1860 - 1862
9	Colonial Secretary, 1856 - 1866
10	Lieutenant-Governor, 1852 - 1864
11	Secretary to Lieutenant-Governor, 1856 - 1863
12	Attorney-General, 1858 - 1863
13	Attorney-General, 1864 - 1866
15	Judge Fitzpatrick, 1861 - 1865 Clerk of Peace, 1847 - 1865 Deeds, 1858 - 1866
16	Master of the Supreme Court, 1862 - 1866
17	Surveyor-General, 1853 - 1858
18	Surveyor-General, 1859
19	Surveyor-General, 1860
20	Surveyor-General, 1861
21	Surveyor-General, 1855 - 1866
40	German Military Settlers, 1856 - 1861
41	Irish Female Immigrants, 1858 - 1865
42	Captain Mills: German Military Settlers, 1858 - 1865
44	Miscellaneous Letters, 1847 - 1858
45	Miscellaneous Letters, 1859
58	Civil Commissioners and Resident Magistrates, 1848 - 1866
61	Civil Commissioner and Resident Magistrate, East London, 1856 - 1860
62	Civil Commissioner and Resident Magistrate, East London, 1861 - 1864
63	Civil Commissioner and Resident Magistrate, East London, 1858 - 1866
64	Customs, East London, 1853 - 1866
90	Missions, 1848 - 1856
91	Missions, 1857 - 1860
92	Missions, 1861 - 1866
93	Civil Engineer, 1855 - 1860
94	Civil Engineer, 1861 - 1866
95	Military, 1852 - 1858
96	Military, 1859 - 1866

Vol. No.	Description
107	Kaffrarian Gazette, 1864
108	British Kaffrarian Government Gazette, 1865
109	Government Notices, 1847 - 1866
110	Index to Government Notices, 1861 - 1866
111	Superintendent of Convicts, 1857 - 1866
141	Revenue and Expenditure, 1856 - 1866
371	Letters to High Commissioner, 1848 - 1854
372	Chief Commissioner, 1852
374	Schedules, 1852 - 1854
375	Schedules, 1852 - 1854
376	Schedules, 1852 - 1858
377	Schedules, 1855 - 1856
378	Schedules, 1857
379	Schedules, 1858
380	Schedules, 1859 - 1860
381	Schedules, 1859 - 1863
382	Schedules, 1861 - 1863
383	Schedules, 1864
384	Schedules, 1864 - 1866
385	Enclosures to Schedules
386	Letter Book, Chief Commissioner, 1858 - 1859
387	Letter Book, Miscellaneous, 1860 - 1862
389	Letter Book, Departmental, 1864 - 1865
392	Letters Despatched to Treasurer-General, 1848 - 1856
393	Chief Commissioner to Auditor, 1853 - 1861
405	Miscellaneous Letter Book, 1849 - 1856
406	Miscellaneous Letter Book, July 1856 - December 1857
415	Miscellaneous, 1848, 1853 - 1864
425	Letters Received, 1848 - 1852
433	Letters Received, 1848 - 1851
434	Letters Received, 1848 - 1865
435	Letters Received, 1851 - 1853

2.1.2 Collector of Customs, East London (Accession Code: CEL)

Vol. No.	Description
1/1/1	Letters, 1836 - 1858
1/1/2	Letters, 1859 - 1865

2.1.3 Colonial Office (Accession Code: CO)

Vol. No.	Description
444	Military and Naval Officers, 1835
455	Military and Naval Officers, 1836
553	Military, 1846 - 1847
556	Naval, 1846 - 1847
568	Naval and Military, 1847
634	Chief Commissioner, British Kaffraria, 1854 - 1856

Vol. No.	Description
654	Customs and Post Office, 1855
672	Collector of Customs, 1856
690	Chief Commissioner, British Kaffraria, 1857
693	Collector of Customs, 1857
862	Sundry Committees, 1866
867	Collector of Customs, 1867
878	Sundry Committees, 1867
894	Sundry Committees, 1868
911	Sundry Committees, 1869
1036	Military, 1846 - 1847
2859	Magistrates, E - M, 1849
2869	Magistrates, E - P, 1850
2878	Magistrates, E - M, 1851
2887	Magistrates, E - R, 1852
2895	Magistrates, E - K, 1853
2905	Magistrates, C - F, 1854
2917	Magistrates, C - G, 1855
2930	Magistrates, C - K, 1856
3094	Civil Commissioners, E - G, 1866
3101	Resident Magistrates, C - G, 1866
3108	Civil Commissioners, E - G, 1867
3116	Resident Magistrates, C - F, 1867
3126	Civil Commissioners, E - G, 1868
3134	Resident Magistrates, C - F, 1868
3144	Civil Commissioners, E - F, 1869
3156	Resident Magistrates, C - F, 1869
3167	Civil Commissioners, C - G, 1870
3174	Resident Magistrates, C - F, 1870
3182	Civil Commissioners, C - F, 1871
3189	Resident Magistrates, C - H, 1871
3202	Resident Magistrates, E - K, 1872
3207	Civil Commissioners, C - F, 1873
3213	Resident Magistrates, C - F, 1873
3989	Memorials, Vol. 6, P - R, 1836
3994	Memorials, Vol. 3, M - R, 1837
4428	Arrears: Civil Commissioners and Resident Magistrates, 1871 - 1873
4430	Arrears: Miscellaneous and Heads of Departments, 1872 - 1874
4489	Colonel Mackinnon, 1848 - 1850

Also consulted but revealing no information:
445, 836, 850, 884, 898, 2851, 2852, 4387, 4393, 4394, 4395, 4397, 4398, 4399, 4402, 4499.

2.1.4 Controller of Customs, Cape Town (Accession Code: CCT)

Vol. No.	Description
188	Letters from East London and Waterloo Bay, 1848 - 1850
189	Letters from Sub-Collector, East London, 1866 - 1868
190	Letters from Sub-Collector, East London, 1869 - 1870

2.1.5 Deputy Surveyor General for British Kaffraria (Accession Code: DSGBK)

Vol. No.	Description
1	British Kaffrarian Government: Letters, 1856 - 1858
2	British Kaffrarian Government: Letters, 1859 - 1860
6	Miscellaneous Letters, 1855 - 1859
10	Miscellaneous Papers
11	Letters and Authorities: British German Legion, 1856 - 1864
12	Letters and Documents re British German Legion, 1857 - 1861
19	Extracts from Schedules, 1856 - 1857
20	Letters: Surveyor-General, 1855 - 1856
21	Miscellaneous Letter Book, 1856 - 1858
24	British German Legion: Miscellaneous Letters, 1856 - 1868
32	Index to Letter Book, 1855 - 1856
40	Surveyor's Diaries, 1856 - 1865
48	Assignment of Lands to British German Legion
56	Sketches and Plans
57	Sketches and Plans
64	Letters Received: British German Legion, 1856 - 1857

2.1.6 D'Urban Papers (Accession Code: A 519)

Vol. No.	Description
5	Letters Received, August - December 1836

2.1.7 Government House (Accession Code: GH)

Vol. No.	Description
1/109	General Despatches, March - May 1836
1/110	General Despatches, June - August 1836
1/111	General Despatches, August - October 1836
8/1	Lieutenant-Governor Stockenström: Despatches Received, 1836
8/23	British Kaffraria, 1846 - 1852
8/24	British Kaffraria, 1853 - 1854
8/25	Chief Commissioner, British Kaffraria, 1853 - 1854
8/26	Chief Commissioner, British Kaffraria, January - June 1855
8/27	Chief Commissioner, British Kaffraria, July 1855 - January 1856
8/28	Chief Commissioner, British Kaffraria, January - June 1856
8/29	Chief Commissioner, British Kaffraria, July - October 1856
8/30	Chief Commissioner, British Kaffraria, November - December 1856
8/31	Chief Commissioner, British Kaffraria, January - April 1857
8/43	Chief Commissioner, British Kaffraria, December 1847 - March 1855

Vol. No.	Description
8/49	British Kaffraria, 1854 - 1856
8/50	British Kaffraria, 1857 - 1858
19/4	Border Tribes, Treaties and Miscellaneous Papers
19/9	Papers Relative to Construction and Improvement of Harbours of Cape Town, East London, and Durban, 1855 - 1859
20/2/1	Papers Relative to British Kaffraria, 1853 - 1858, and Other Matters
22/1	Miscellaneous Papers Received, 1815 - 1847
22/2	High Commissioner: Miscellaneous Papers, December 1847 - January 1848
22/9	Miscellaneous, 1857 - 1858
23/11	General Despatches, 1833 - 1838
28/31	Enclosures to Despatches of Sir P. Maitland
28/41	Enclosures to Despatches of Sir H.G.W. Smith
30/4	Letter Book, 1852 - 1858
30/5	Letter Book, 1858 - 1860
30/6	Letter Book, 1860 - 1862

2.1.8 Instructions and Letters Patent (Accession Code: H)

Vol. No.	Description
23	Instructions to Sir Henry George Wakelyn Smith, Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, its Territories and Dependencies, 22 December 1847
26	Letters Patent Providing for the Government of British Kaffraria, 14 December 1850
34	Letters Patent Providing for the Government of British Kaffraria and Appointing the Governor of the Cape Colony to be Governor of British Kaffraria, 7 March 1854
35	Royal Instructions to the Governor and Commander-in-Chief of the Cape Colony Providing for the Administration of British Kaffraria, 7 March 1854
37	Additional Royal Instructions to the Governor and Commander-in-Chief of the Cape of Good Hope, its Territories and Dependencies, 20 November 1858
38	Letters Patent Annexing the Port of East London to the Territory of British Kaffraria, 19 December 1859

2.1.9 Lieutenant-Governor (Accession Code: LG)

Vol. No.	Description
321	Letters Received: Resident Magistrate, East London, 1855 - 1857
602	Kaffir Treaties: List of Documents
616	Despatch Book, 1836 - 1837

Also consulted but revealing no information:
137, 138, 139, 591, 595

2.1.10 Publications of the Government of the Cape Colony (Accession Code: CCP)

Vol. No.	Description
1/1/3	Votes and Proceedings of the House of Assembly, 1856
1/1/4	Votes and Proceedings of the House of Assembly, 1857
1/1/19	Votes and Proceedings of the House of Assembly, 1872
1/1/20	Votes and Proceedings of the House of Assembly, 1874
1/2/2/2/1	Customs, 1854 - 1872
4/3/2/1	Harbours
6/2/1/1	Acts of Parliament, 1854 - 1858
6/2/1/2	Acts of Parliament, 1859
6/2/1/4	Acts of Parliament, 1861
6/2/1/5	Acts of Parliament, 1863
8/4/1	British Kaffrarian Government Gazette, 1864 - 1866

2.1.11 Surveyor-General (Accession Code: SG)

Vol. No.	Description
1/1/1/10	Letters: Civil Commissioners, Eastern Province E - H, 1829 - 1859
1/1/1/13	Letters: Civil Commissioners, Eastern Province, 1860 - 1868
1/1/1/22	Letters: Civil Commissioners, Eastern Province E, 1869 - 1877
3/1/7/6	Land Grants: German Military Settlers, Eastern Frontier, 1856 - 1880

2.1.12 Unsorted Archives: East London (Accession Code: 1/ELN)[1]

Vol.	Description
A.	General Correspondence, 1848 - 1854
B.	General Correspondence, 1855 - 1858
C.	General Correspondence, 1859 - 1862
D.	General Correspondence, 1863 - 1865
E.	General Correspondence, 1866 - 1867
F.	General Correspondence, 1868
G.	General Correspondence, 1869
H.	General Correspondence, 1870
I.	General Correspondence, 1871 - 1872
J.	General Correspondence, 1873 - 1874

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1. The Cape Archives uses only the classification 1/ELN for this unsorted archival collection. The individual volumes are then stored under the volume description. For ease of reference, I have given each volume an alphabetic numeration (A, B, etc) when referring to these volumes in the various footnotes. However, when ordering a volume in the Archives, the full description must be given.

2.2 Cory Library, Rhodes University (Accession Code: MS)

MS. No.	Description
2033	Records of the Province of Queen Adelaide
6305 - 6	U. Long. **East London: Draft Chronological Index.**
10 187	Appointment of Sprigg as Justice of the Peace for East London District, 9 December 1868
10 217 - 10 257	Letters: Sprigg to Ellen Fleischer, 1863 - 1878
15 613	Documents of Reverend C.F. Overton.
16 276	**The People's Blue Book - British Kaffraria.** (King William's Town, 1863)
16 605	Diary of Reverend Kitton, 1859 - 1860
16 606	Heavyside Diary, 1856 - 1858
16 611	"Hewitt's Crockford" - Register of Clergymen in South Africa
16 713	Bishop Cotterill's Letterbook
16 719	Letters from Reverend von Hube to Reverend Kitton
16 721	Letters from Reverend Lees to Reverend Kitton
16 775	J.A. Hewitt. **Short History of Grahamstown Diocesan Missions.**
16 826	Baptismal and Marriage Registers: East London, 1849 - 1852

2.3 Mendelssohn Library, Parliament Buildings, Cape Town.

Vol. No.		Description
7006	Cl.a968.7056	J. McKay. **J. Mackay's Note Book in South Africa, 1876 - 7.**

3. PRINTED PRIMARY SOURCES

3.1 Annexures to Papers Submitted to the Cape Colonial Parliament

Number	Description
1854	Report of the General Board of Commissioners of Public Prisons, 7 August 1854.
G10 - 55	Appendices to Report of the General Prisons Board for 1854.
G37 - 59	Returns Showing Population of British Kaffraria.
A48 - 62	Memorial....from Farmers of East London District.
G44 - 62	Correspondence....re. Question of Annexation of British Kaffraria to the Cape.
G48 - 62	Letters Patent for Government of British Kaffraria, 1862.
G52 - 62	Receipts and Payments of British Kaffraria, 1861.
G30 - 63	Revenue and Expenditure of British Kaffraria.
A38 - 65	Population and Land Returns of British Kaffraria.
G 6 - 65	Amount Expended Annually on Harbour Works at East London, September 1856 - 1864.
G 7 - 65	Sums Expended on East London Convict Dept., March 1859 - December 1864.

G26 - 65 Revenue and Expenditure of British Kaffraria, 1864.

A 1 - 66 Governor's Speech, Third Session of Third Parliament, 6 September 1866.

A 7 - 66 Report of an Inspection of the Harbour Works at the Mouth of the Buffalo River, 26 August 1866.

G36 - 66 Population and Land Return for British Kaffraria, 1865.

A11 - 67 Report on Convict Diet.

G21 - 67 Report on Public Works, 1866.

A 5 - 68 Papers Re. East London, Port Elizabeth and Kowie Harbour Works.

A11 - 68 Petition of German Immigrants near Panmure and Cambridge, 19 June 1868.

A16 - 68 Report of the Chief Inspector of Roads, Bridges and Public Works on the Harbour Works at East London, 10 January 1868.

A55 - 68 Memorial Received from German Immigrants Residing at Panmure and Cambridge.

G 1 - 68 Report of the Superintendent-General of Education for the year 1867.

G21 - 68 Report on Public Works, 1867.

G38 - 68 Revenue and Expenditure of Surf-Boat Establishment at East London.

G31 - 69 Report of an Inspection of Schools in the Middle and Eastern Districts in 1869.

G 9 - 70 Memorandum on Discipline and Maintenance of Convicts, 1869.

G15 - 70 Report on Public Works, 1869.

G22 - 70 Revenue and Expenditure of the Cape of Good Hope, 1869.

G24 - 70 Reports by Mr Coode....on Harbours of Port Elizabeth, East East London and Port Alfred.

A11 - 71 Petition from King William's Town re. East London Harbour Improvement.

A16 - 71 Petition of Landowners and Residents in Division of East London.

A20 - 71 Petition of the Municipality of Burghersdorp and Divisional Council of Albert.

C 1 - 71 Return of Total Cost....of Harbour Works at Port Elizabeth, Kowie and East London.

G17 - 71 Revenue and Expenditure of Cape of Good Hope, 1870.

G 4 - 72 Report of the Superintendent-General of Education for 1871.

G19 - 72 Revenue and Expenditure of Cape of Good Hope, 1871.

G28 - 72 Report of Chief Inspector of Public Works, 1871.

A 3 - 73	Petition of German Immigrants Residing at Panmure.
A 8 - 73	Customs and Wharfage Dues, East London, 1872 - 1873.
A22 - 73	Statistics....of Weight of Traffic Between King William's Town and East London, 1872.
G 3 - 73	Report of the Superintendent-General of Education for the Year 1872.
G19 - 73	Revenue and Expenditure of the Cape of Good Hope, 1872.
G28 - 73	Report on Public Works, 1872.
G38 - 73	Report on Schools in the Eastern Districts, 31 March 1873.
C 3 - 74	Report of Superintendent of East London Harbour Works, 1873.
G11 - 74	Report of the Superintendent-General of Education for the Year 1873.
G21 - 74	Memorandum upon Discipline and Maintenance of Convicts, 1873.
G24 - 74	Revenue and Expenditure of Cape of Good Hope, 1873.
G27 - 74	Blue Book on Native Affairs.
G42 - 74	Report on Public Works, 1873.

3.2 British Parliamentary Papers Contained in the Imperial Blue Books

This list has four columns: 1. The date of the paper; 2. The House of Commons or House of Lords volume number; 3. The sessional or command number of the paper; 4. A brief description of the contents of the paper.

1836	XXXIX	(279)	Papers re. Kaffir War and Hintza, 1835-6.
1837	XLIII	(503)	Papers re. Kaffir War, 1835-7.
1847	XXXVIII	/786/	Correspondence re Kaffirs, 1845-6.
1847-8	XLIII	/912/	Papers re. Kaffirs, 1846-8.
1847-8	XLIII	/969/	Papers re. Kaffirs, 1846-8.
1847-8	XL	(54)	Supplementary Estimate for Kaffir War.
1849	XXXVI	/1056/	Correspondence re. Kaffirs, 1848-9
1850	XXXVIII	/1288/	Papers re Kaffirs, 1848-50.
1851	XXXII	(227)	Estimate for Kaffir War.
1851	XXXVIII	(424)	Papers re Kaffirs, 1837-46.
1851	XXXVIII	/1334/	Correspondence re Kaffirs, 1850-1.
1851	XXXVIII	/1352/	Correspondence re Kaffirs, 1850-1.
1851	XXXVIII	/1380/	Correspondence re Kaffirs, 1850-1.
1852	XXIX	(107)	Kaffir War: Estimate.
1852	XXX	(516)	Kaffir War Expenses, Treasury Minute, 24/2/52.

1852	XXX	(544)	Kaffir War Expenses, Treasury Minute, 22/6/52.
1852	XXXIII	(124)	Cape and British Kaffraria: Return re. Population.
1852	XXXIII	/1428/	Correspondence re. Kaffir Tribes, 1851-2.
1852-3	LXVI	/1635/	Correspondence re Kaffir Tribes.
1854-5	XXXVIII	/1969/	Correspondence re Gov. Grey and Orange River Territory, 1853-5.
1856	XLII	/2096/	Correspondence re Gov. Grey and Orange River Territory, 1855-6.
1857, Sess.1,	X	/2202/	S.A. Correspondence, 1856.
1857, Sess.2,	XXVIII	(97)	S.A., Civilization of Native Tribes.
1857-8	XL	(389)	S.A., German Immigrants, 1856-8.
1857.8	XL	/2352/	Correspondence re. Kaffirs, 1856-7.
1862	XXXVI	(403)	Cape: Correspondence re German Settlers, 1860-1.
1865	XXXVII	/3436/	Correspondence re. Annexation of British Kaffraria, 1864-5.
1871	XLVII	/C. 459/	Cape: Correspondence, 1867-71.
1872	XLIII	/C. 508/	Cape: Correspondence, 1871-2.
1873	XLIX	/C. 732/	Cape: Correspondence, 1872-3.

3.3 Cape of Good Hope Almanacs, 1848 - 1876.

3.4 Cape of Good Hope Statistical Blue Books, 1847 - 1874.

3.5 Cape of Good Hope Government Gazettes, 1847 - 1873, 1880.

3.6 Eastern Province Directory and Almanac, 1848 - 1849.

3.7 Kaffrarian Almanac and King William's Town Directory, 1865.

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11. MAP SOURCES

11.1 Cape Archives

Source	Description
DSGBK 10	Plan of the Ground About Fort Glamorgan Near East London, by G. Montagu, 10 February 1857.
DSGBK 56	Sketch of the Buffalo Mouth, by Lieutenant Forsyth, 1 January 1848.
DSGBK 57	General Plan of the Building Alotments at East London, June 1849.
GH 20/2/1	Sketch of the Mouth of the Buffalo River, Shewing Proposed Wagon Tracks, by Major Robertson, 23 March 1855.
GH 28/41	Plan of the Ground About the Buffalo Mouth, by Lieutenant Jervois, n.d.
M 1/1482	Plan of Panmure, by Lieutenant Pomeroy Colley, 16 May 1857.

11.2 Mendellsohn Library, Parliament Buildings, Cape Town

Source: 7006 (Cl.a968.7056) J. McKay. **J. Mackay's Note Book in South Africa, 1876 - 7.**

Description: Sketch Maps of the Buffalo River: 1835 - 1877.

11.3 Imperial Blue Books

Source	Description
1847-8, XLIII [969].	Sketch Map of British Kaffraria and Victoria, to accompany H.G.W. Smith's despatch of 4 January 1848.

12. PHOTOGRAPHIC SOURCES

12.1 Cape Archives

A.G. 69. Panmure, no date.

12.2 Mendellsohn Library, Parliament Buildings, Cape Town

Bowler, T.W. Pencil Drawings: Seascapes, 1852 - 1856. No. 11, East London. No. 6543 (xi)

McKay's sketches of the Buffalo River are a rare and valuable collection of pencil sketches and notes, contained in a note-book which is housed in the Mendellsohn Library, Parliament Buildings, Cape Town.[1]

McKay appeared to have spent about two years at East London, from 1876 - 1877, and during that time he sketched the Buffalo River in it changing moods. Furthermore, he sketched the river mouth from 1835, basing his drawings on oral and written reports on the river. The sketch-book is a valuable collection, for not only does it show the continual changes to the shape of the river mouth but also the development of the harbour works at East London at its various stages.

Although many of the sketches fall outside of the period set for this thesis, it was felt that McKay's collection was too valuable to break. The drawings have been reduced by 5% so as to afford an easier presentation.

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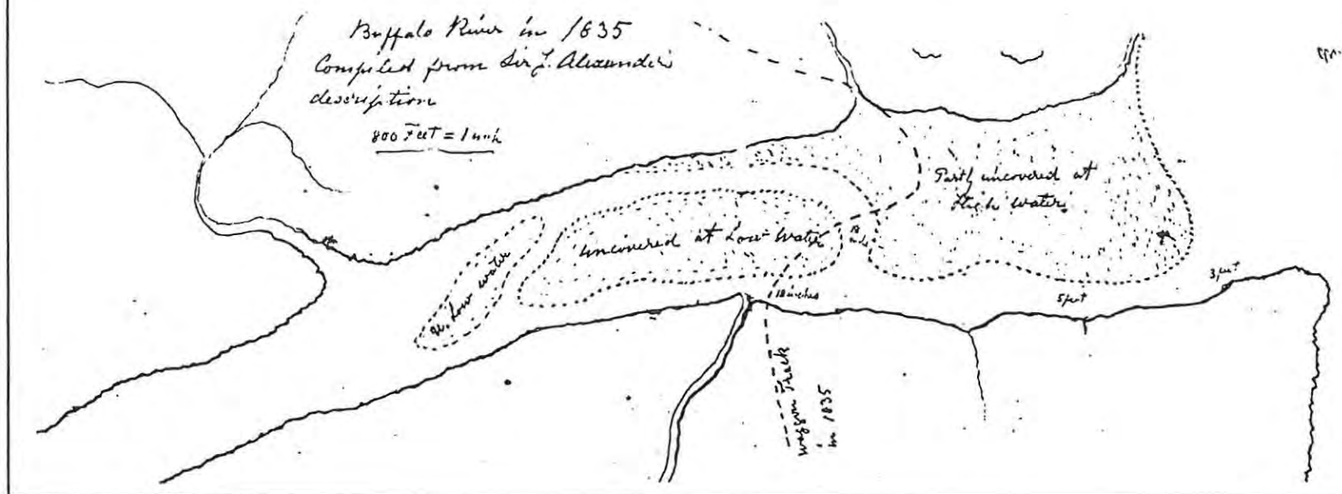
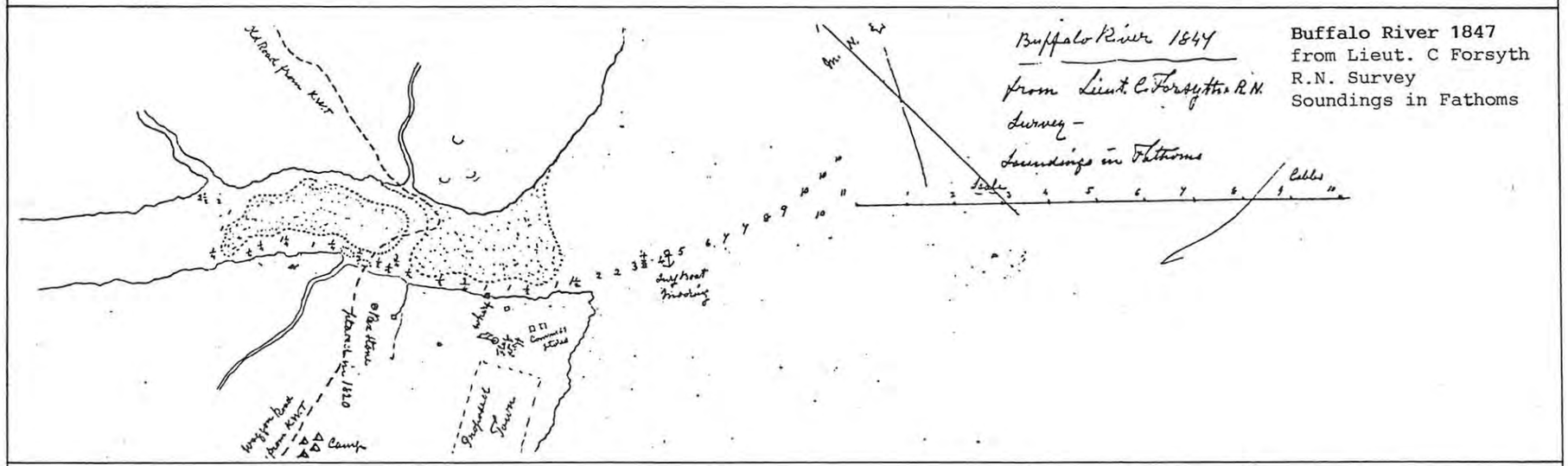
1. 7006 (Cl.a968.7056) J. McKay. **J. Mackay's Note Book in South Africa, 1876 - 7.**

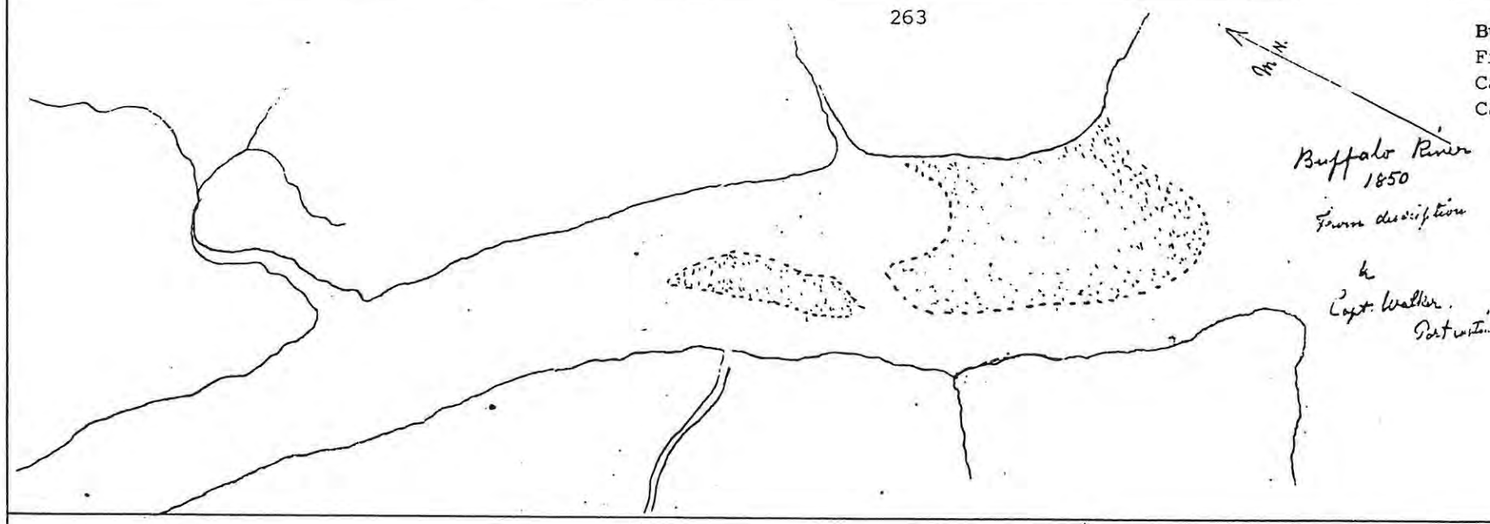


Buffalo River in 1835
Compiled from Sir J. Alexander's description

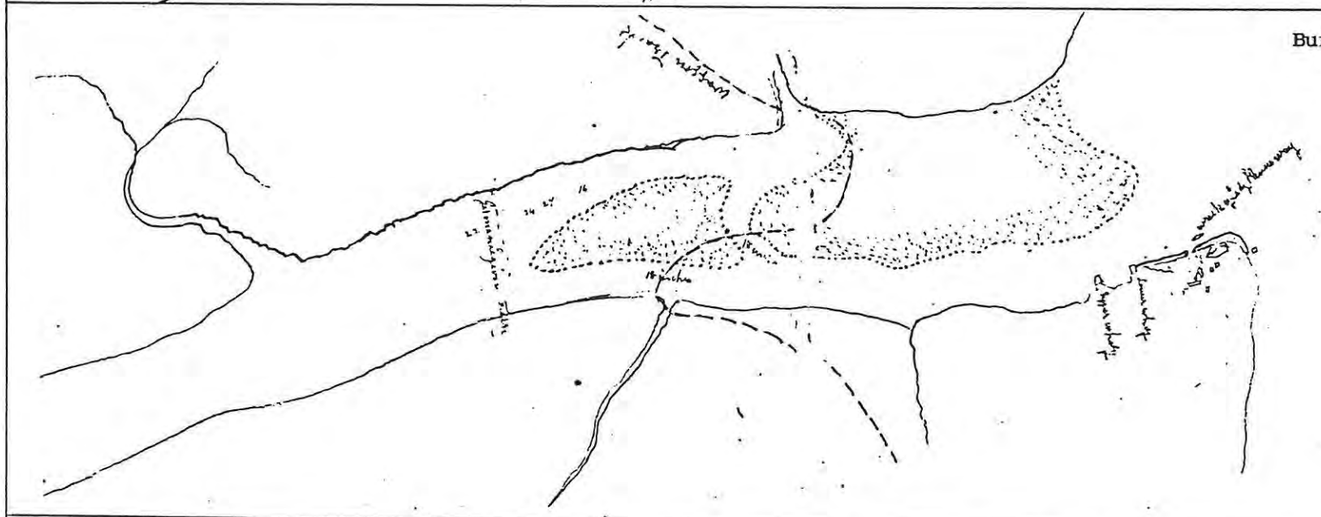


Buffalo River 1847
from Lieut. C Forsyth
R.N. Survey
Soundings in Fathoms

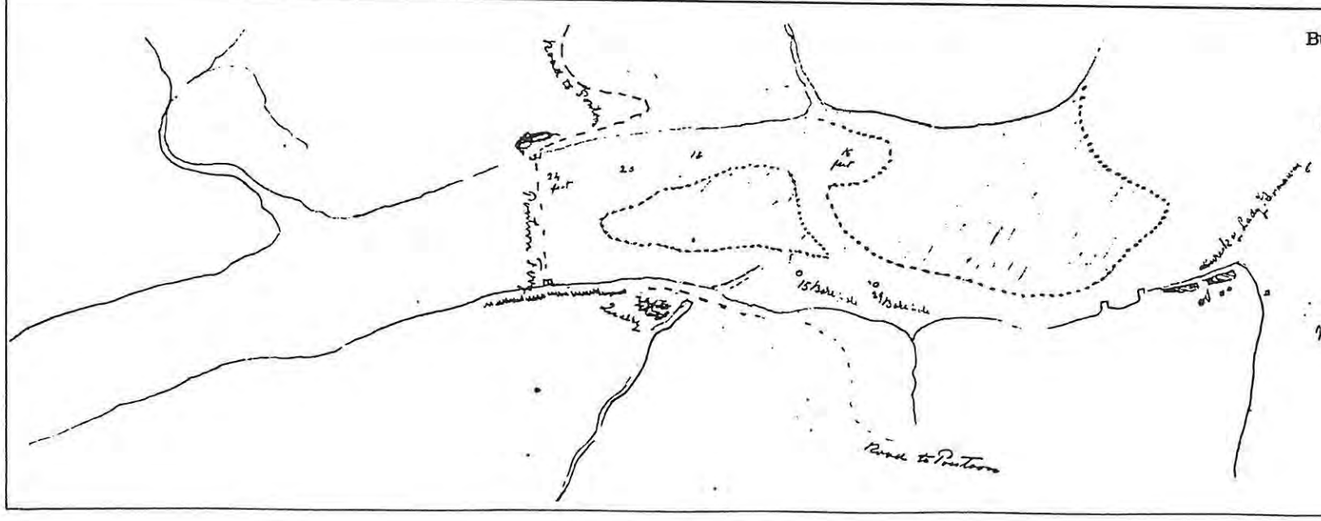
Buffalo River 1848
From descriptions after the freshet in October



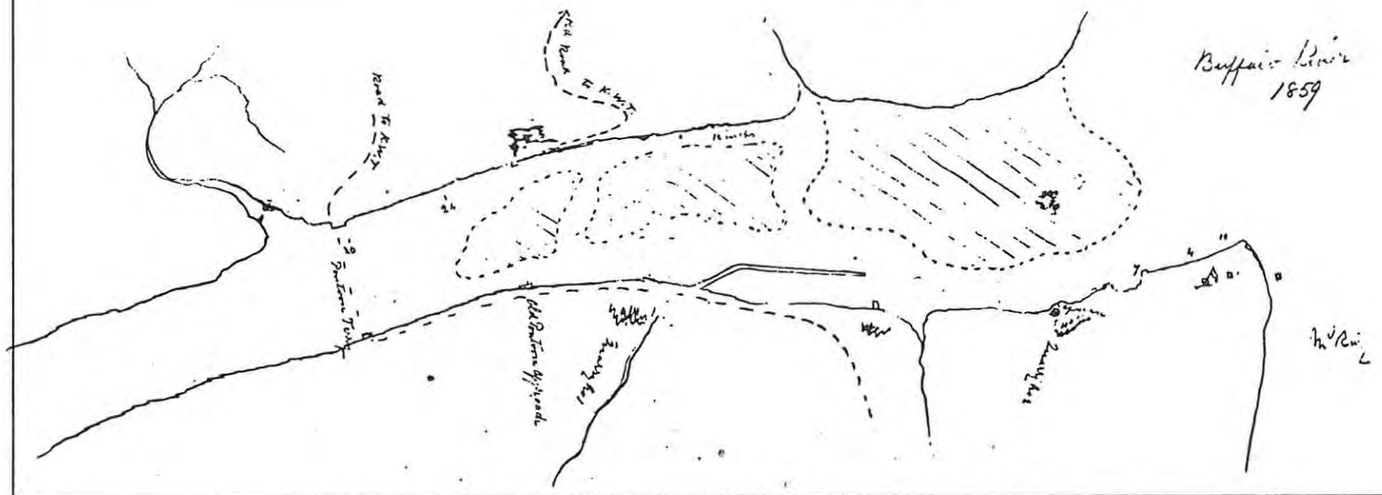
Buffalo River 1850
From description by Capt Walker, Port Captain



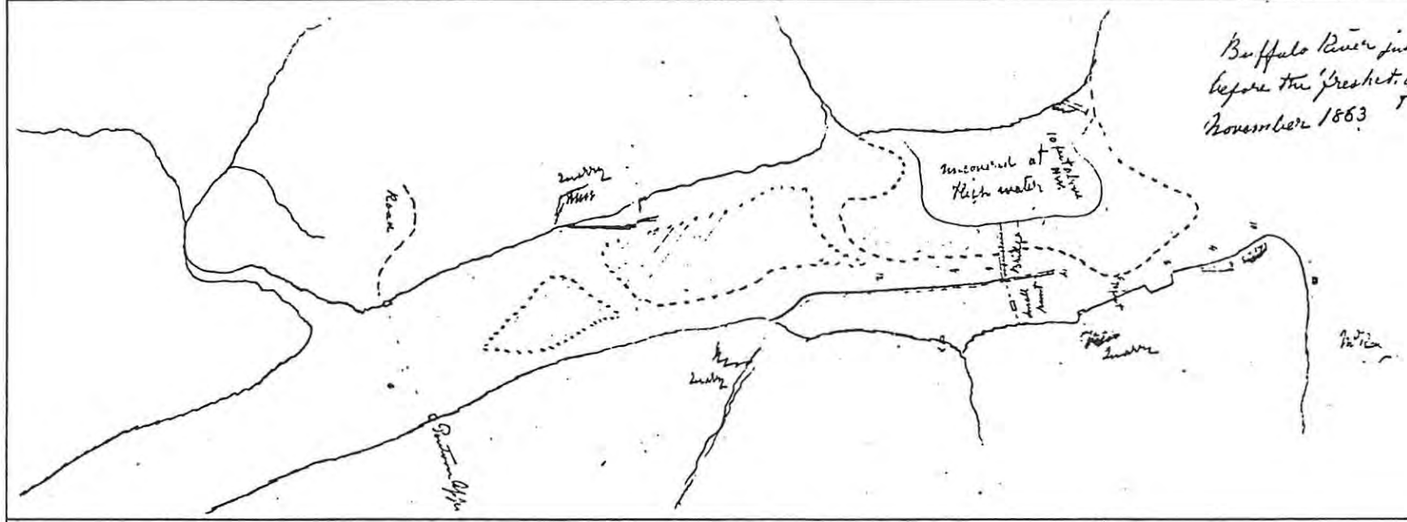
Buffalo River at the end of 1857



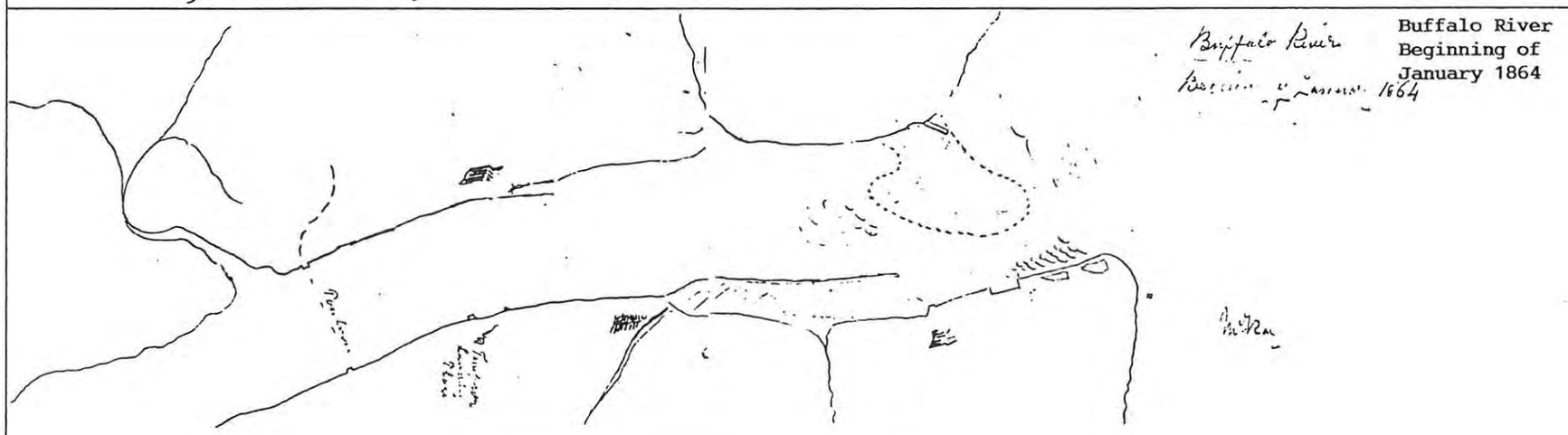
Buffalo River at the end of 1858



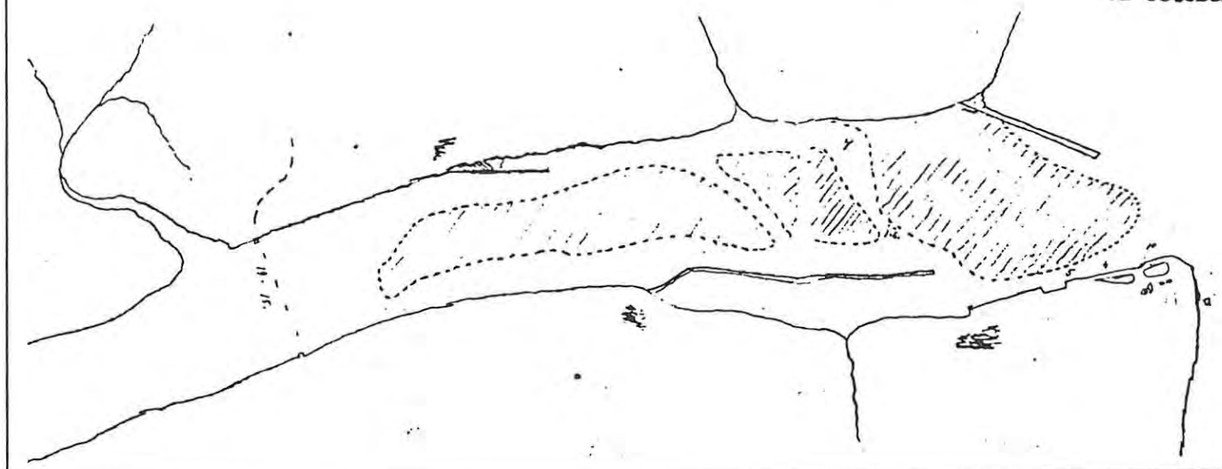
Buffalo River 1859



Buffalo River just before the 'freshet' of November 1863



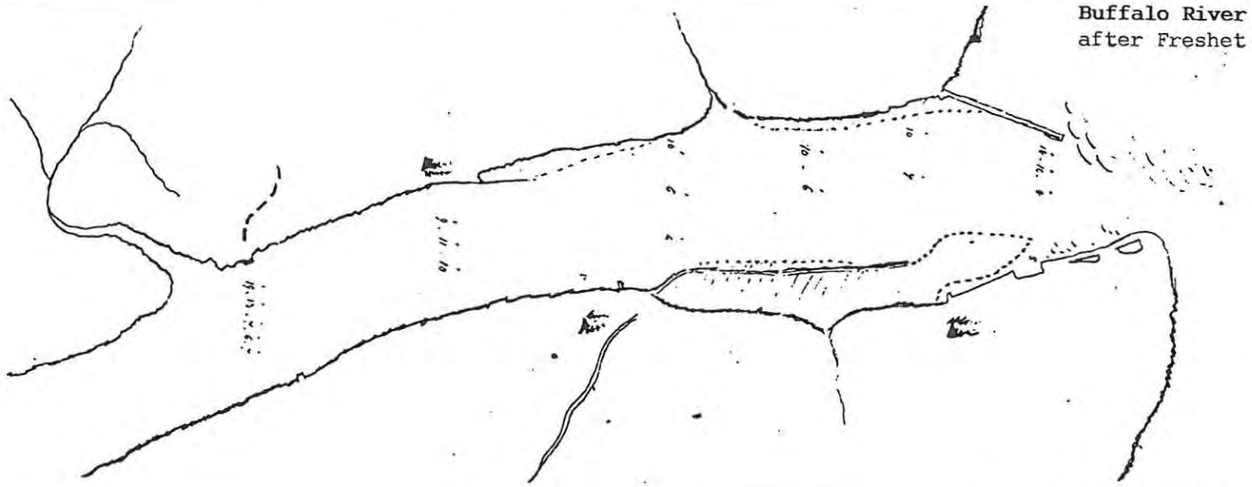
Buffalo River Beginning of January 1864



Buffalo River at L.W.A.S.T. (Low Water at Spring Tide)
12 October 1871

Buffalo River at L.W.A.S.T.
12 October 1871

W. McRay

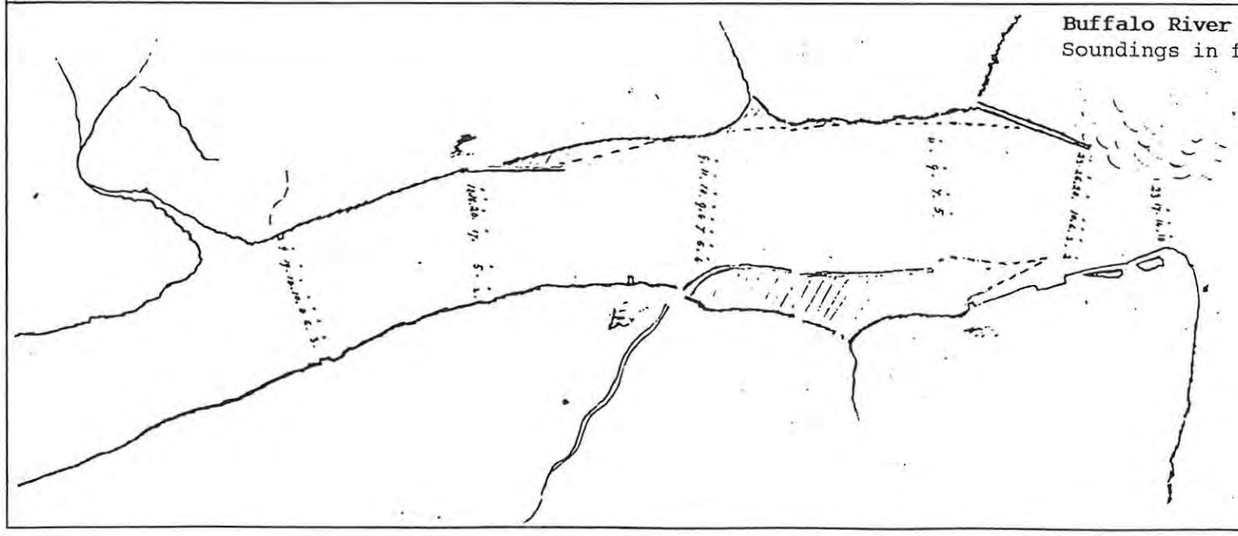


Buffalo River on the 17th Oct. 1871
after Freshet on 15 Octo. 1871

Buffalo River on the
17th Oct. 1871

after Freshet on 15th Oct. 1871

W. McRay



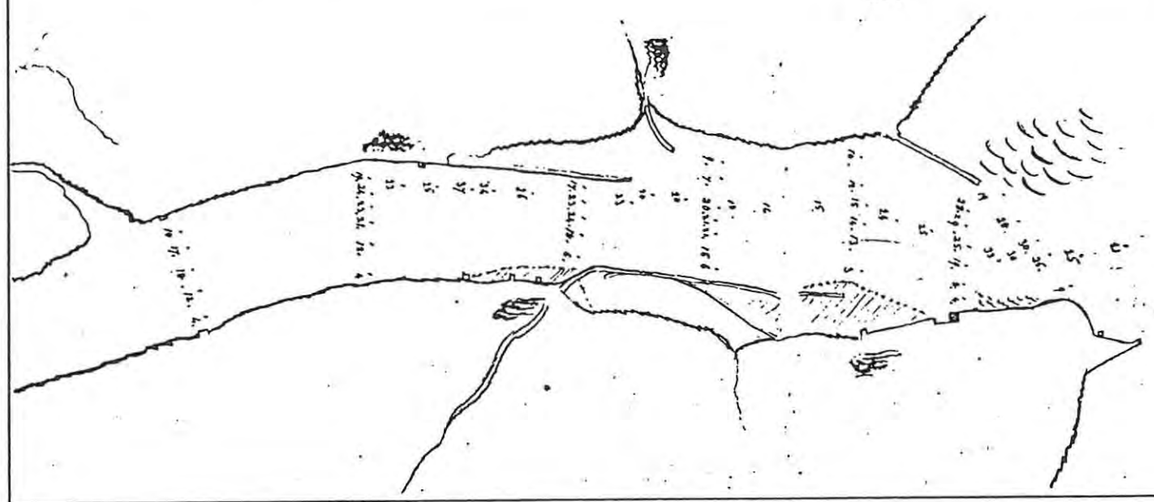
Buffalo River 6 June 1872 after Freshet 27 May 1872
Soundings in feet

Buffalo River
6 June 1872

after Freshet 27 May 1872
Soundings in feet

W. McRay

Buffalo River on the 9th December 1874
After 'Freshet' of 6th December 1874

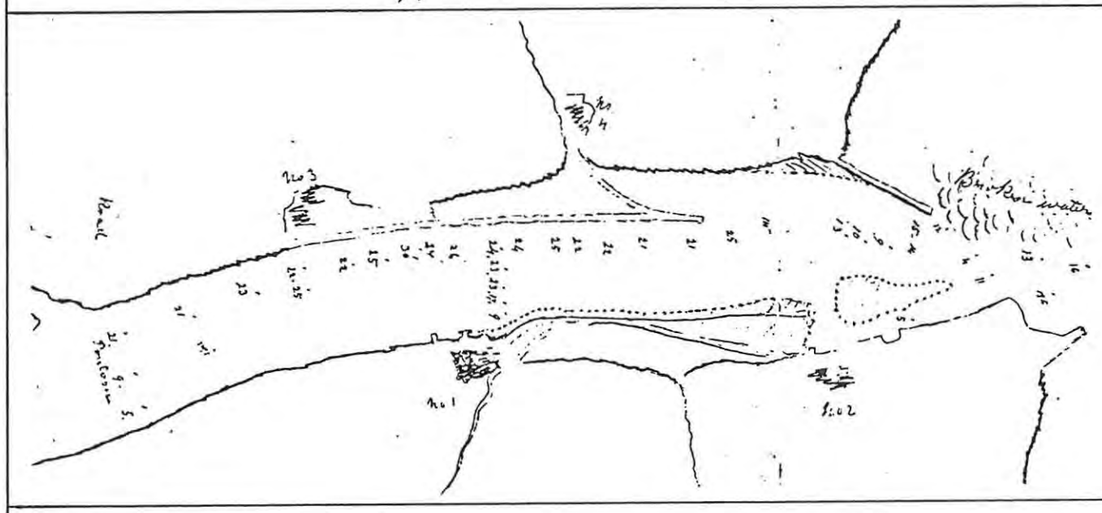


Buffalo River
on the 9th December 1874

After Freshet of 6th December 1874

McKay

Buffalo River on 8th February 1876
After Freshet on 3rd, 4th & 5th February



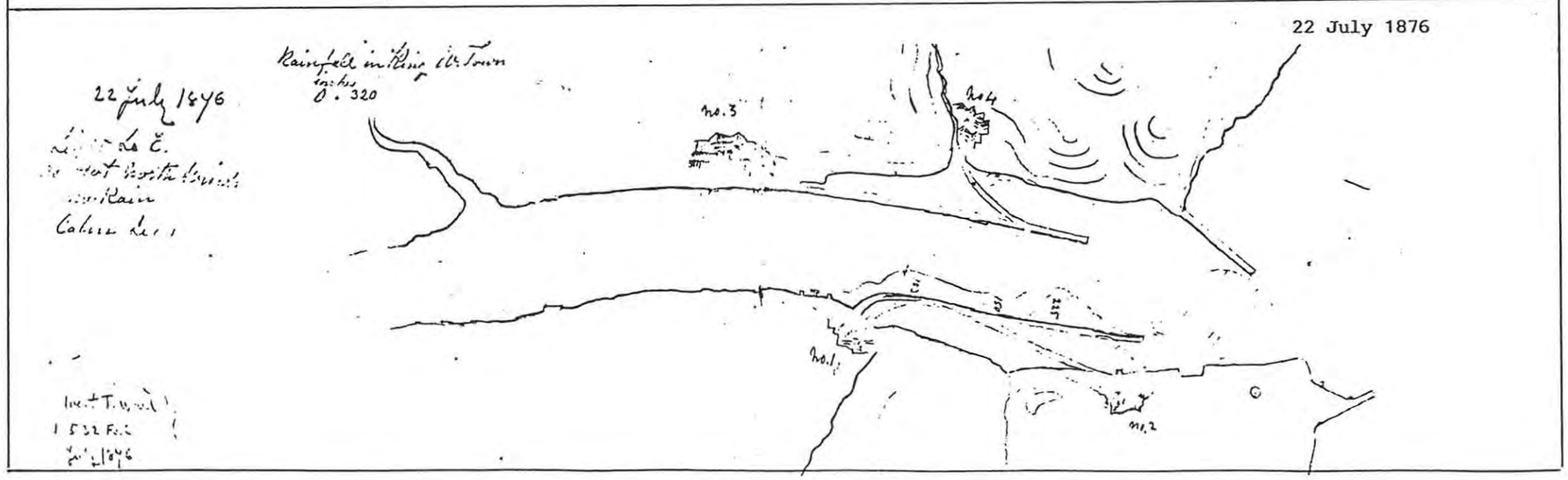
Buffalo River on
6th February 1876

After Freshet on 3rd 4th 5th February

Rainfall in this District during the
month of February 1876 = 12-230 inches

McKay

22 July 1876

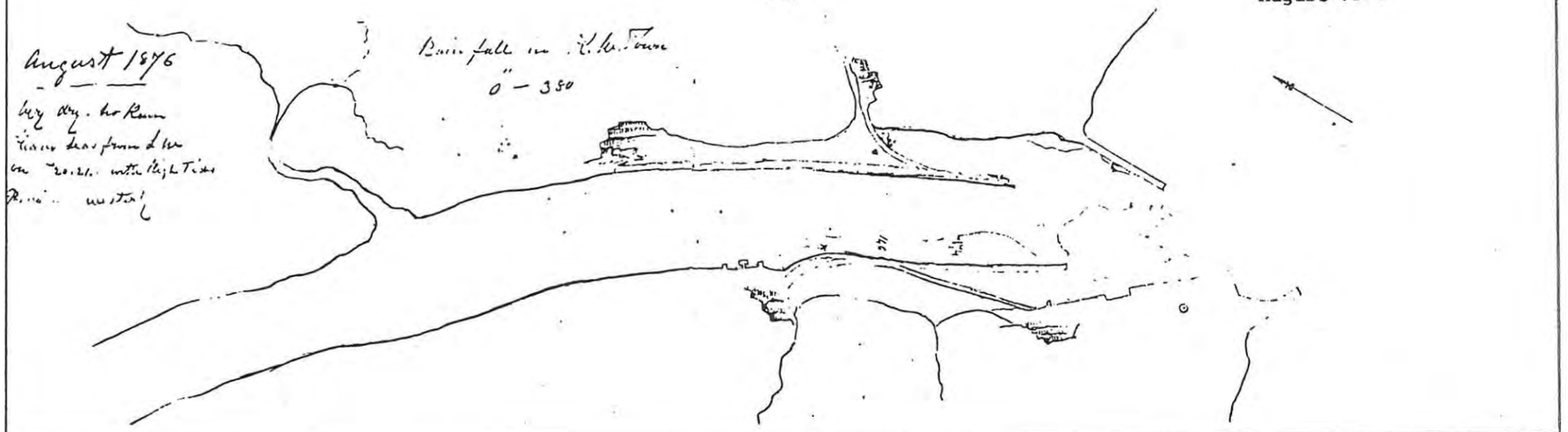


22 July 1876

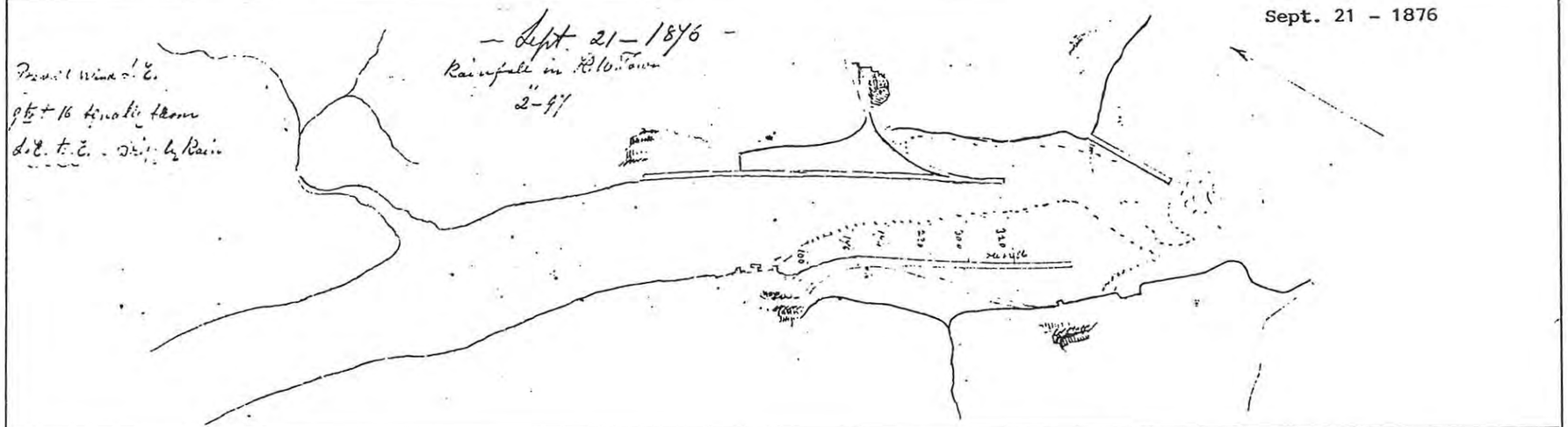
Rainfall in this District
inches
0.320

Inst. T. Wood
1532 Feet
July 1876

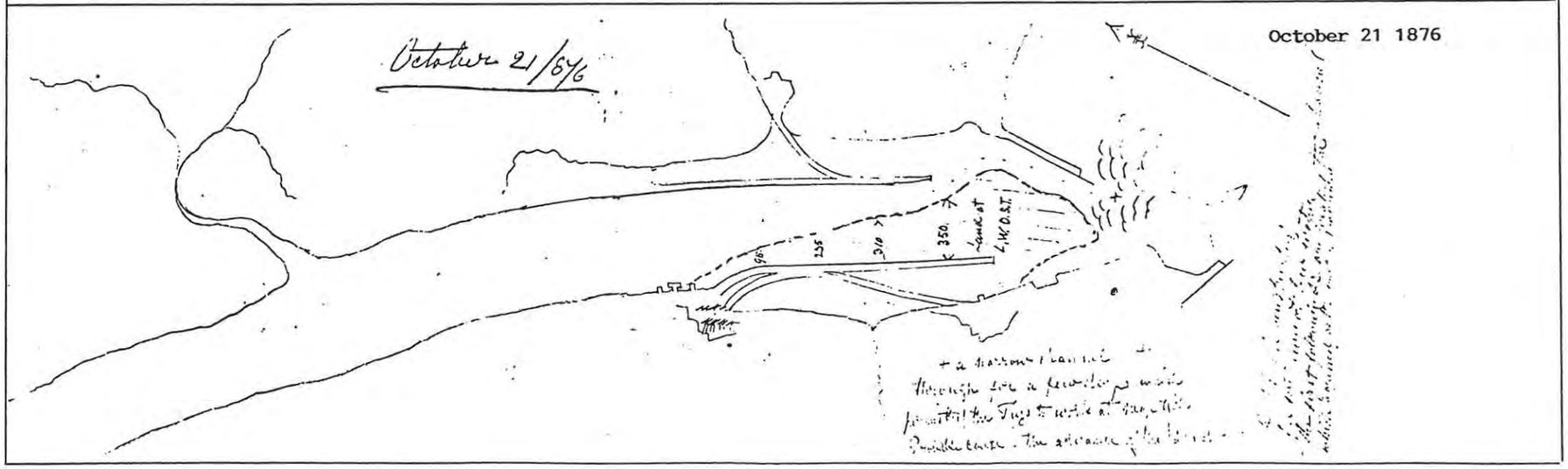
August 1876



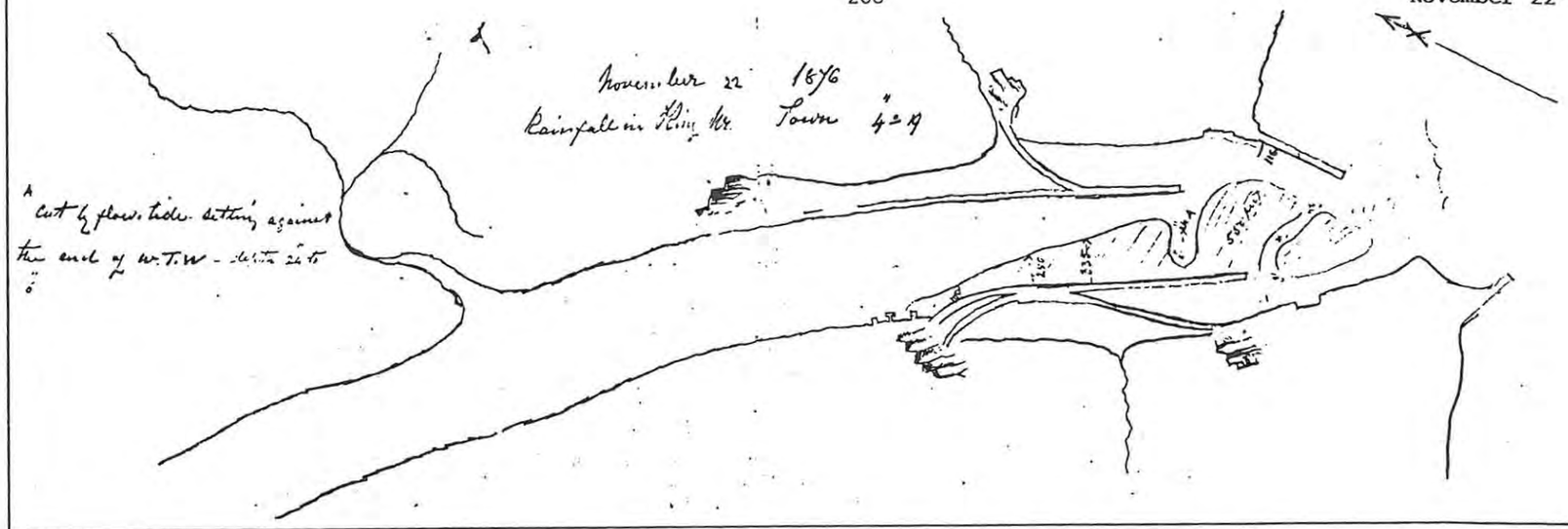
Sept. 21 – 1876



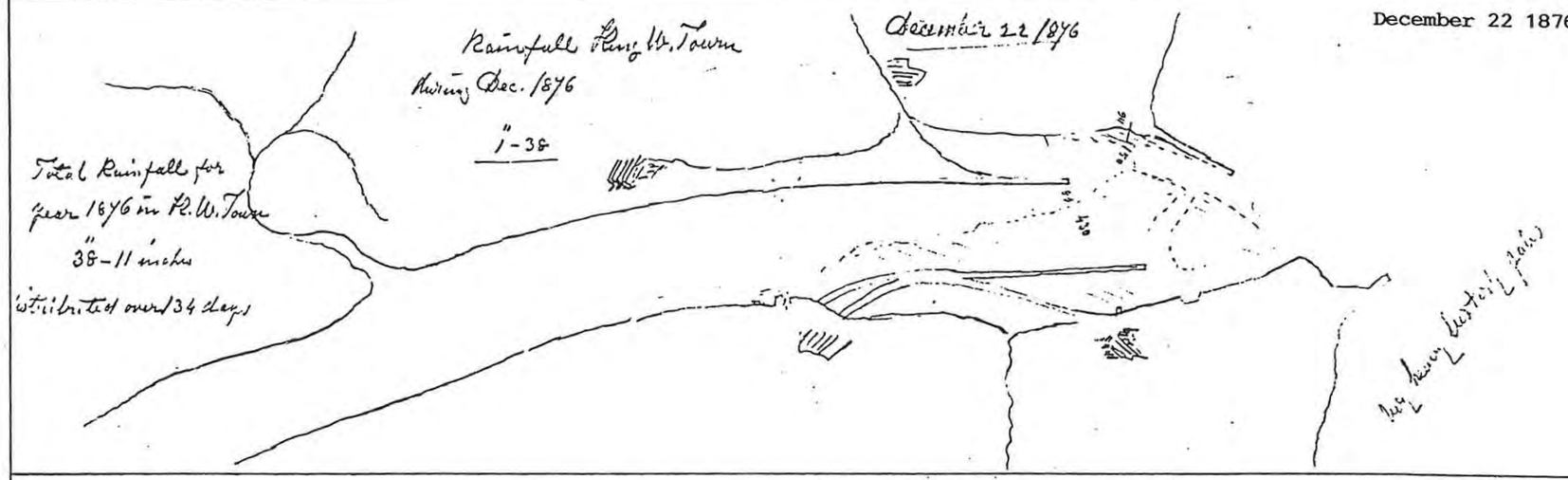
October 21 1876



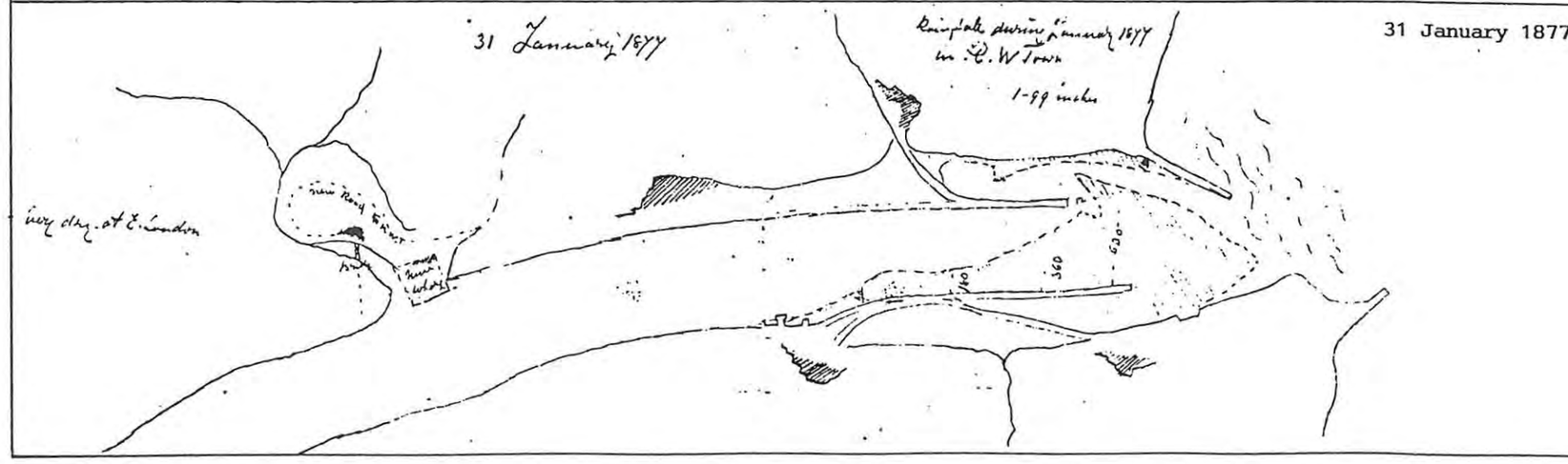
November 22 1876



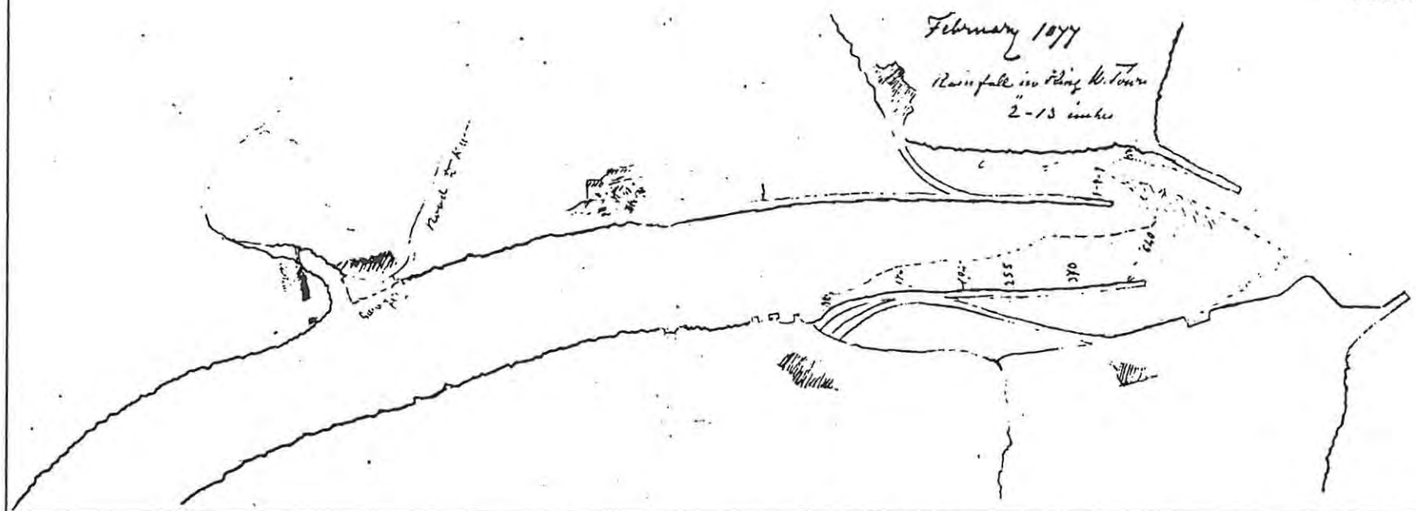
December 22 1876



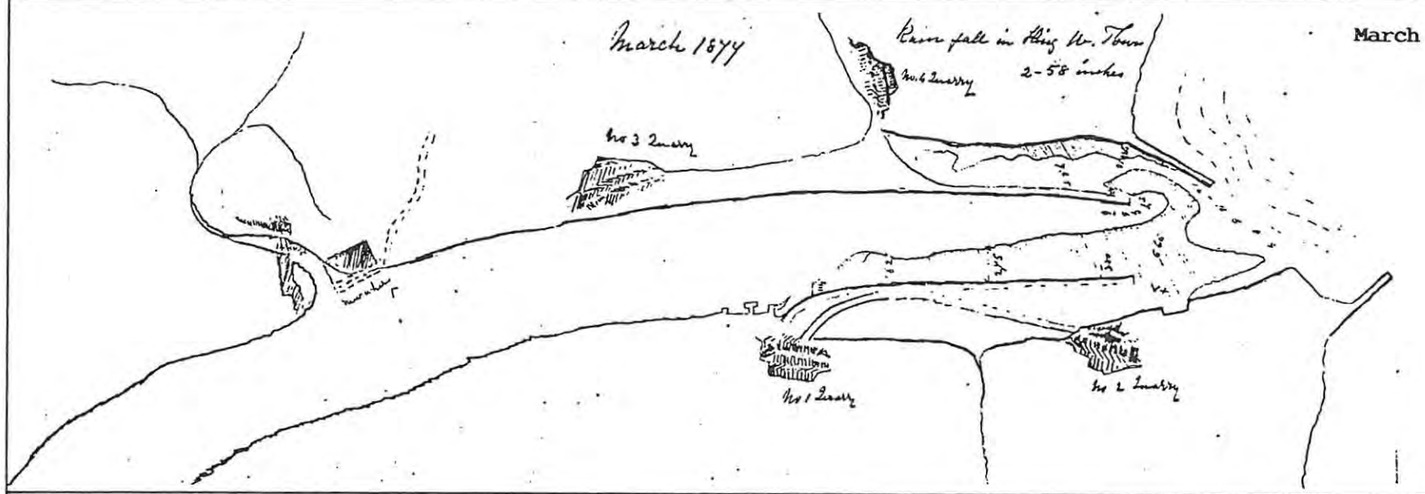
31 January 1877



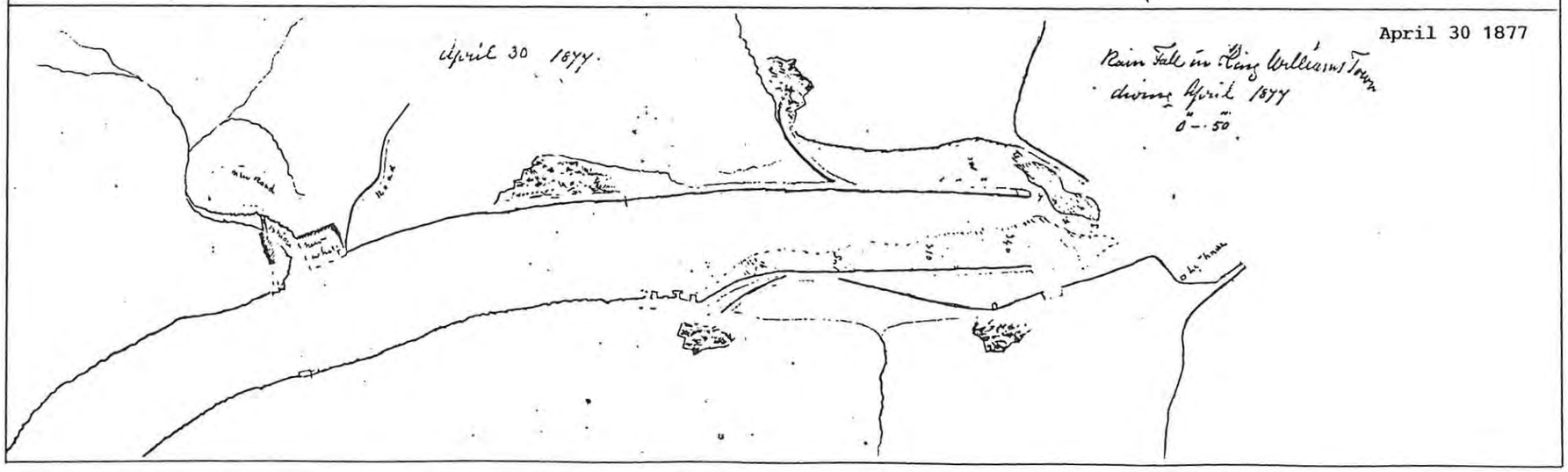
February 1877

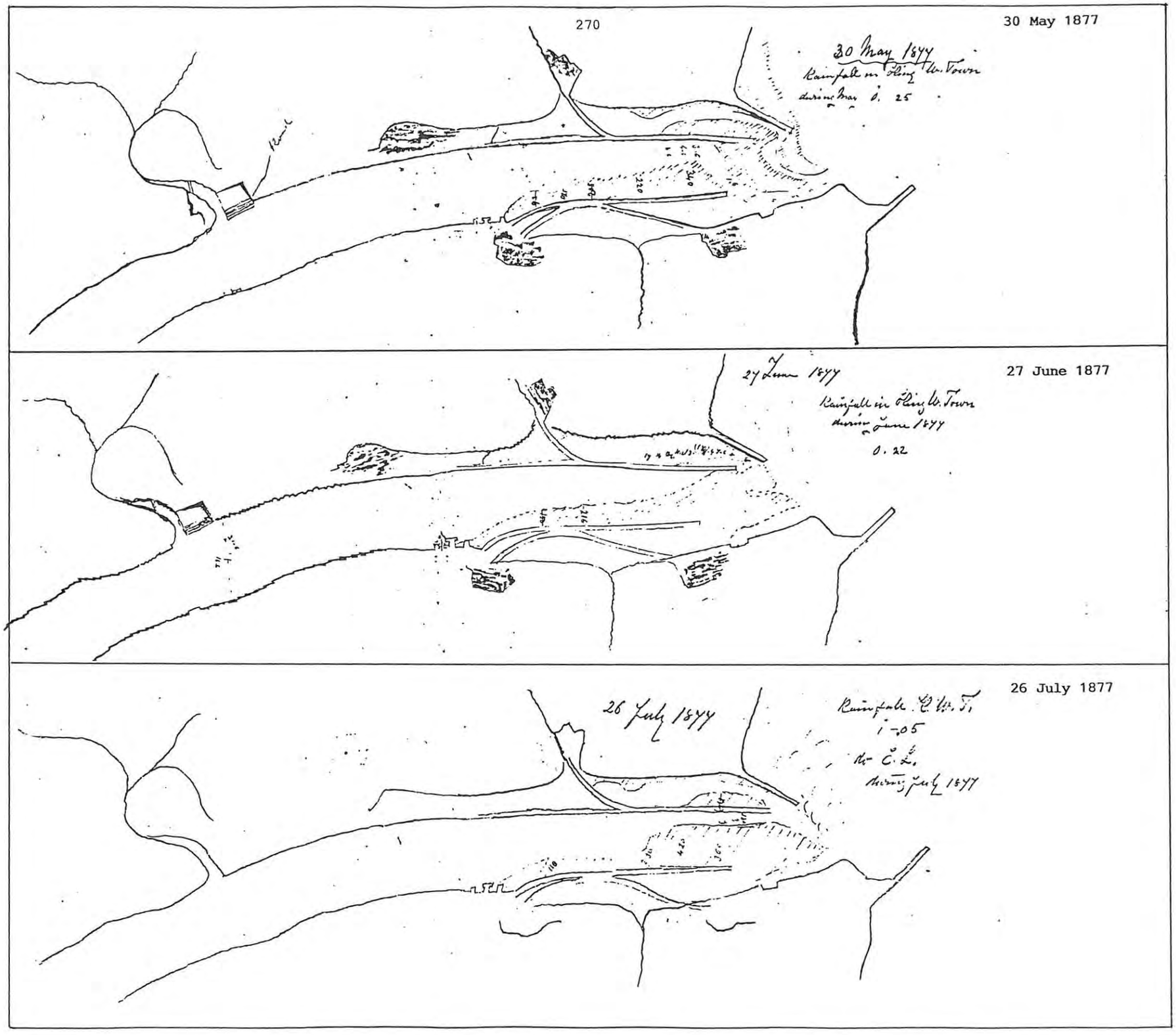


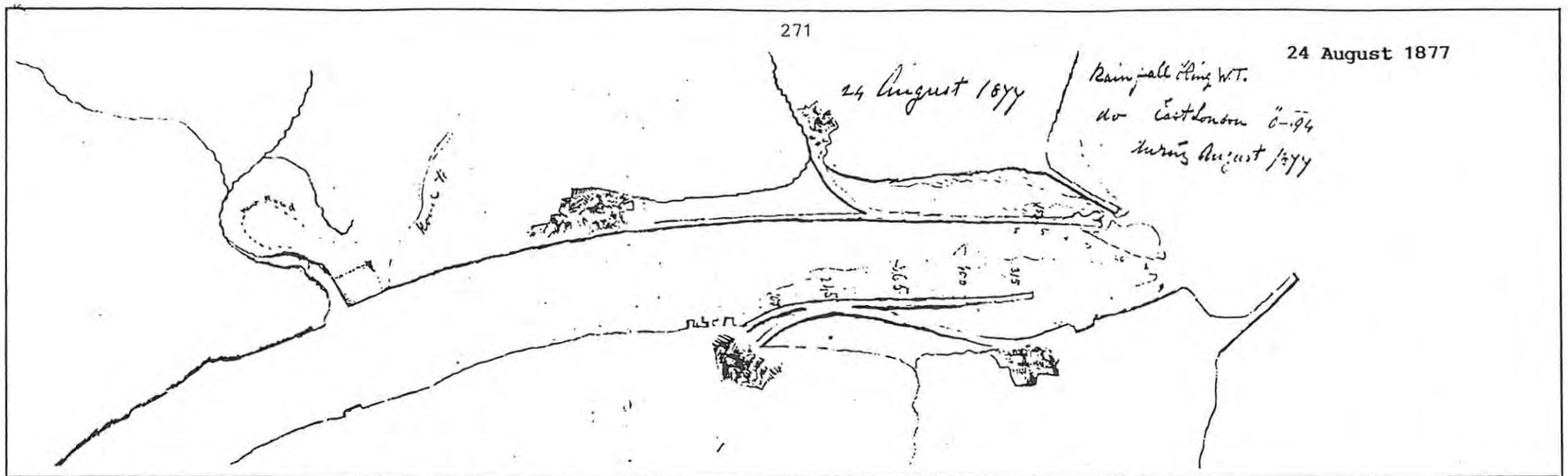
March 1877

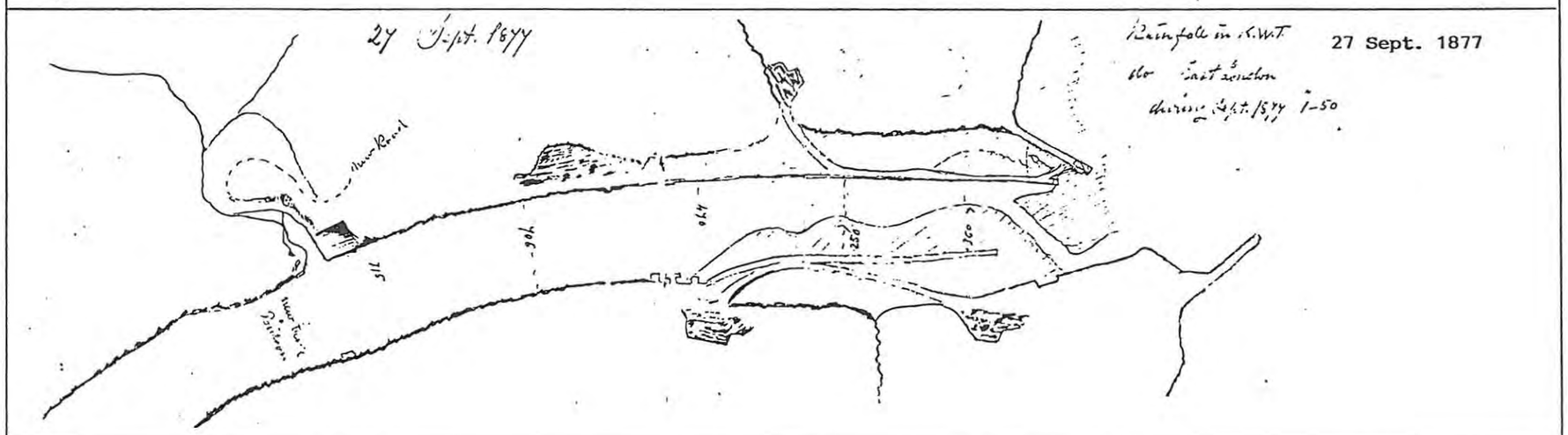


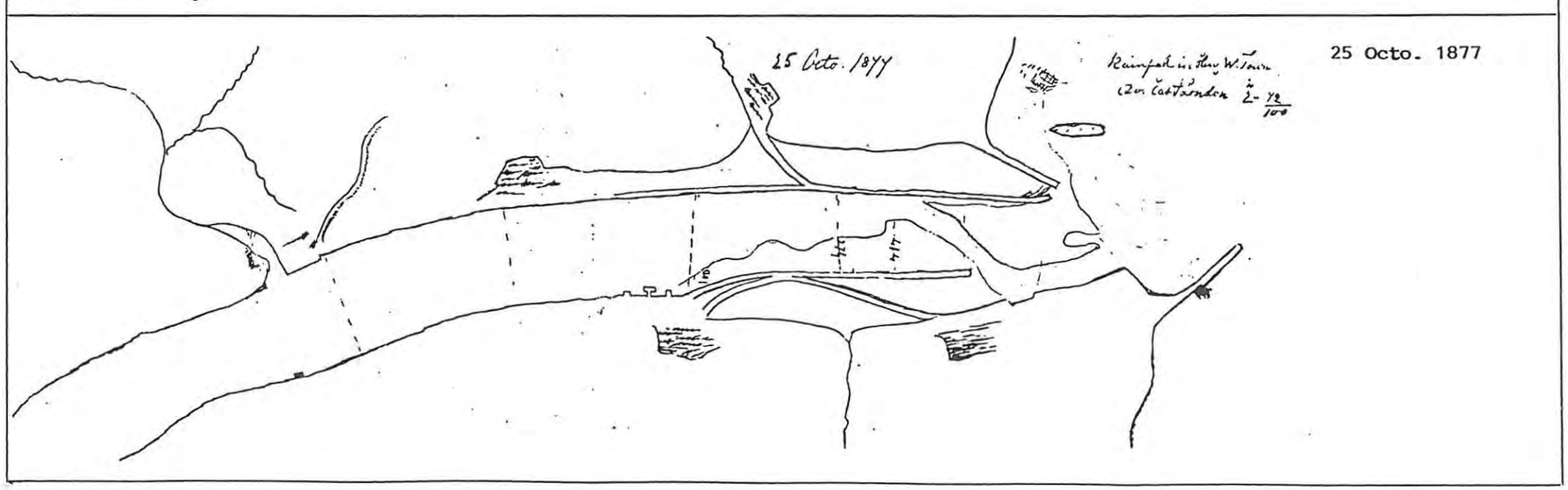
April 30 1877



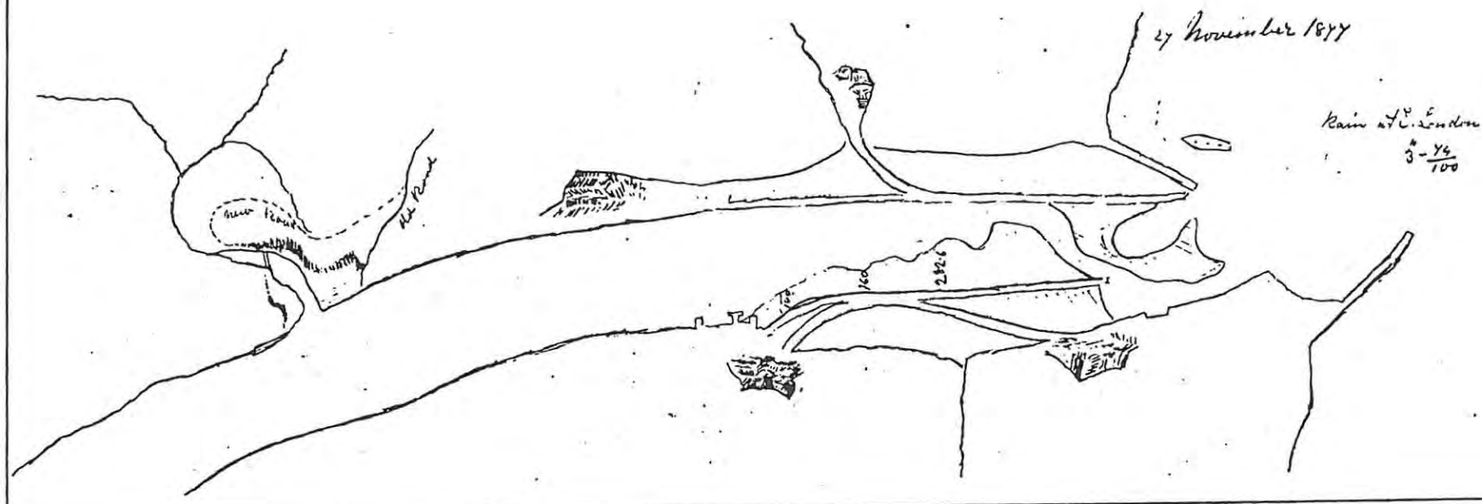

30 May 1877
30 May 1877
Rainfall in Play W. Town
during May d. 25
27 June 1877
27 June 1877
Rainfall in Play W. Town
during June 1877
0.22
26 July 1877
26 July 1877
Rainfall W. W. T.
1-05
in C. E.
during July 1877


24 August 1877
Rainfall in W.T.
for Eastlondon
during August 1877


27 Sept. 1877
Rainfall in W.T.
for Eastlondon
during Sept. 1877


25 Octo. 1877
Rainfall in the W. Town
for Eastlondon

27 November 1877



December 1877