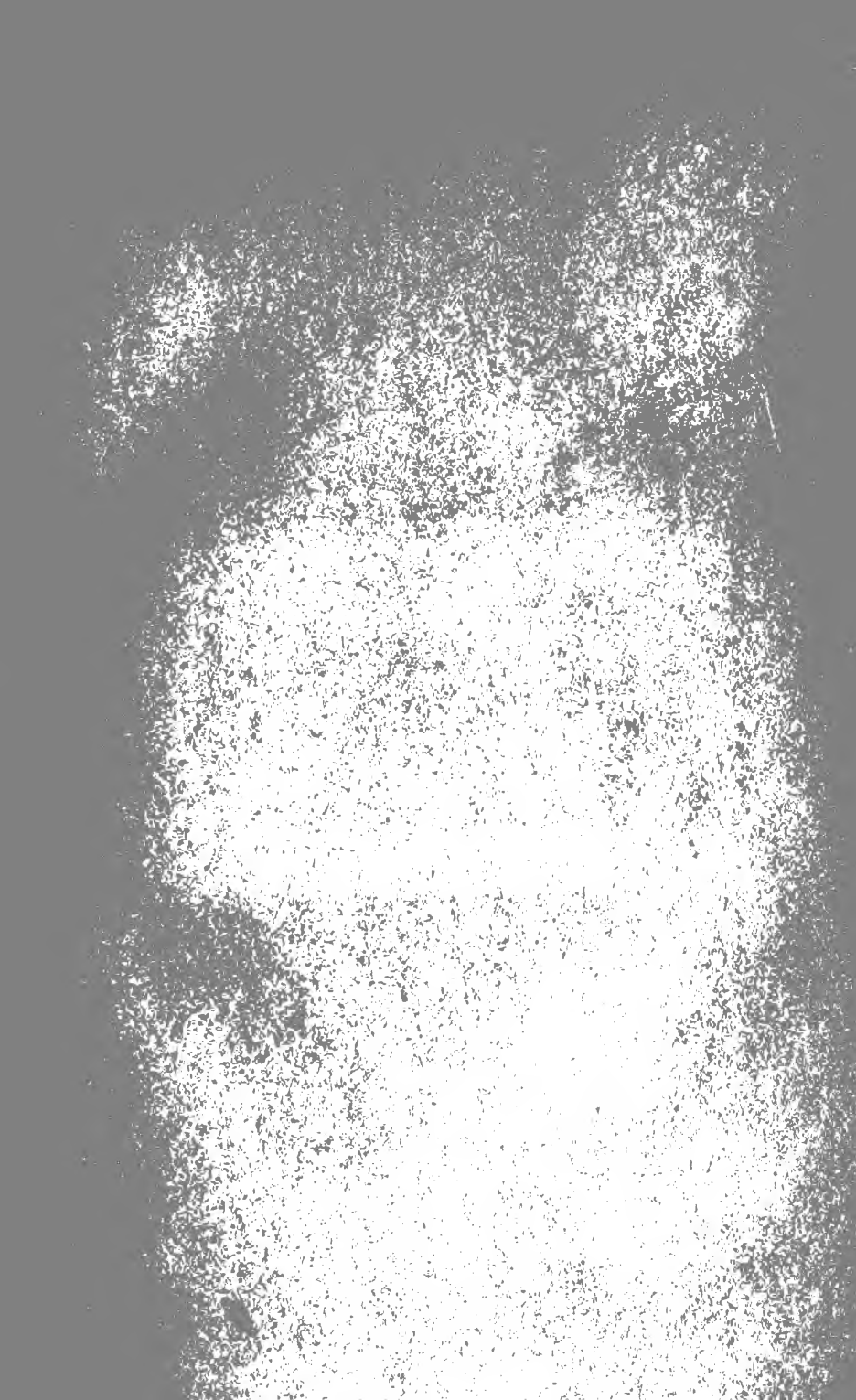


PRESENTED
TO
THE UNIVERSITY OF TORONTO
BY

The Prime Minister of Cape Colony





RECORDS OF THE CAPE COLONY.

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RECORDS

OF THE

CAPE COLONY

From MARCH 1811 to OCTOBER 1812.

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BY

GEORGE M^CCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.

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RECORDS OF THE CAPE COLONY.



[Original.]

Letter from REAR ADMIRAL STOPFORD to J. W. CROKER, ESQRE.

Scipion, TABLE BAY, 1st March 1811.

SIR,—I have the Honor to acknowledge the Receipt of your Letter of the 8th October last (and a duplicate thereof) conveying to me the directions of the Lords Commissioners of the Admiralty to report my opinion of the Measure proposed by Commissioner Shield of having only one Naval Establishment at the Cape of Good Hope.

Considering the proposed Measure as one which would accelerate the Equipment of His Majesty's Ships upon this Station, there can be no doubt of its propriety.

The Expence of the removal of the whole naval Establishment, from Cape Town to Simon's Bay, and the Erection of the buildings at the latter place for their Reception, is calculated (though not with great Accuracy) at £50,000. In order to defray part of this sum, and in Compliance with their Lordships' directions contained in your Letter of the 13th October to cause an estimate to be made of the value of all the naval storehouses and premises, of every description now at Cape Town belonging to the Navy, supposing the same were sold at Auction, I applied to His Excellency the Earl of Caledon, and am informed by His Lordship that all the Buildings above referred to are public colonial Property. All such property being mortgaged as a security for the paper currency exclusively used in this Colony, the alienation of such property would of Course affect this circulating medium, and the sale of these buildings cannot therefore take place until other adequate security is pledged for the above purpose, which I am told cannot readily be procured.

Another Circumstance attending the alienation of this public

property is the insecurity of its Tenure. At the time of the Dutch resuming Possession of this colony in the Year 1803, all public property which had been sold by the antecedent British Government was reclaimed, and the possessors obliged to restore it to the Dutch, upon receiving what was considered an equivalent.

Having communicated with Commissioner Shield, who has profited by his longer Residence to make the necessary calculations for the furtherance of this Measure, I am informed by him that independent of any Sum arising from the sale of the present buildings used by the Navy, he is of Opinion that in ten or twelve Years the Savings which would accrue, in consequence of having only one Establishment, would cover the Expence originally incurred by the removal of the arsenal from Cape Town to Simon's Bay.

Having stated this much to their Lordships, I have to regret that it will be impossible for me to procure in time to go by the *Boadicea* an Exact Estimate of the Expence of erecting at Simon's Bay all Such Storehouses, Lodgings, etc., as I may consider necessary, in addition to those already there, for all the naval purposes required on this Station, but shall transmit it by the next Opportunity that offers.

It remains for me to state to their Lordships my opinion of the Expediency of making Simon's Bay the principal resort of the Ships upon this Station, considering it as a Secure Harbor, and easy of access to it, or departure from it.

That the Harbor is a Secure one is undeniable, capable of containing five or six sail of the Line and the same Number of Frigates.

Before it can be considered safe of access, it will be necessary to buoy a dangerous rock in False Bay, called the Whittle, upon which several of the Indiamen have struck, the Marks for it being too indistinct for strangers to rely upon them. Commissioner Shield acquaints me that he has made a Requisition for the necessary materials of large dimensions, to be sent from England for the above purpose, as former buoys have been frequently washed away by the heavy seas.

From the Months of December to April the South-East winds blow pretty constantly, and generally very fresh.

At such times I think it very difficult for ships to work out of Simon's Bay, and indeed a squadron under command of Lord Keith was detained for some days without a possibility of moving,

at a time when an Enemy's squadron was upon the Coast, so that in the Months abovementioned I should propose the ships repairing to Table Bay as soon as their refitting was completed in Simon's Bay.

I shall by the next Opportunity convey to their Lordships such further Information and Observations as may be necessary to enable their Lordships to come to a decision upon the Subject. I have &c.
(Signed) ROBERT STOPFORD, Rear Admiral.

[Original.]

Letter from REAR ADMIRAL STOPFORD to J. W. CROKER, ESQRE.

Scipion, TABLE BAY, 1st March 1811.

SIR,—You will be pleased to acquaint my Lords Commissioners of the Admiralty that His Majesty's ships *President*, *Malacca*, and *Galatea*, arrived in Table Bay on the 22nd Instant.

As soon as the *Malacca* has completed her Water and received as much provisions as she can stow, it is my Intention to send that Ship to the Isle of France for the purpose of relieving the *Phæbe*, which ship having got on shore in Port Louis has received some Injury in her Bottom, which makes it necessary for her to be hove down or docked, and conceiving that she can now be spared from the station, I shall send her to England, where her Repairs will more effectually and more economically be made good than by heaving down at Port Louis.

The *President* is nearly ready for Sea, but the *Galatea* has been under the necessity of taking out her Fore and Main Masts, the former being found much wrung and very weak in the Head; the Main Mast also weak in the Head and requiring a Stout fish to be brought on. In Consequence of Captain Losack's representation of the ship being overmasted (being the Masts of a 38 Gun Ship), I have directed the Fore and Main Masts to be shortened two feet each.

La Manche prize Frigate arrived here from the Isle of France on the 7th Ultimo, having carried away her topmasts off the Cape, and forced her to get others. I have made no Alteration in the Appointments of that ship as ordered by Vice Admiral Bertie, she is under the charge of Lieutenant Edward Grimes, one of the Lieutenants of the *Iphigenia* at the time of the Capture of that

ship, and manned by drafts from the Crews of the other ships taken at Port Sud-Est.

I think it necessary to mention for their Lordships' information that His Excellency Lord Caledon having represented to me, by Letter, that the Reverend Doctor Halloran, late Chaplain of His Majesty's Ship *Leopard* but residing in this Colony, having been by Sentence of the Court of Justice banished the Colony, and his presence being injurious to its peace, and requesting I would order him a passage to England in some ship, I have directed him to be received on board *La Manche* and to proceed to England in her accordingly. Doctor Halloran's Crime was writing a defamatory Libel against Lieutenant General Grey, Commander in Chief of His Majesty's Forces at this place.

I shall send the *Boadicea* to England according to my former intention, and have directed Lord Nevill to take *La Manche* under his Convoy and to touch at St. Helena for the purpose of giving protection to any ships which he may find there bound to England, directing his Lordship to attend to the Instructions conveyed in your Letter to me of the 23rd November last containing their Lordships' Orders relative to Convoys homeward bound.

As I expect the return of their Lordships' Regulations relative to the Isle of France and Bourbon about the end of May, I shall be much disposed to defer my departure to those Islands until I can be the bearer of such Instructions, but thinking it not improbable that the Enemy, elated with the Accounts of the Loss of the English Frigates in Port Sud-Est, may, with a View of maintaining the Superiority of numbers acquired upon that occasion, push out more Ships and perhaps Troops, I shall reinforce the Squadron at the Isle of France by sending the *President* there as soon as she is ready.

The *President* and *Malacca* will take as much provisions as they can stow, for the purpose of supplying the Squadron now there, as there is no transport here by which any Supplies can be sent.

I daily expect to hear from the Isle of France, but nothing has arrived from thence since the 7th Ultimo.

I will use my utmost Endeavor to furnish their Lordships with the Information alluded to in your Letter of the 9th December relative to the Isle of France and Bourbon. I have etc.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Original.]

Letter from VICE ADMIRAL BERTIE to J. W. CROKER, ESQRE.

Africaine AT SEA, 1st March 1811.

SIR,—I have the honor to acknowledge the receipt of their Lordships' Order bearing date 1st October 1810, and received on the 4th January last signifying that their Lordships had been pleased to appoint Rear Admiral the Honorable Robert Stopford to relieve me in the Command of His Majesty's Ships and Vessels at the Cape of Good Hope, and directing me to deliver up the Command to the Rear Admiral on his arrival accordingly; and further directing me to proceed in a Frigate, without loss of time to Spithead, and to transmit to their Secretary, for the information of their Lordships, an account of my Arrival and proceedings. I have etc.

(Signed) A. BERTIE.

[Original.]

Letter from VICE ADMIRAL BERTIE to J. W. CROKER, ESQRE.

Africaine AT SEA, 1st March 1811.

SIR,—Having dispatched His Majesty's Ship *Menelaus* on the 7th December last with the information of the surrender of the Isle of France and its dependencies to the combined Forces of His Majesty employed for its reduction, and transmitted by the *Acteon* duplicates of the said Communications on the 10th of that month, I have now the honor to detail my further proceedings to the period of my sailing from Table Bay for England. Considering it expedient that I should return from the Isle of France to the Cape as speedily as possible, no time was lost in carrying into effect the necessary arrangements requiring my presence there; having ordered the *Cornelia* to India with the dispatches of His Excellency the Governor and the Commander of the Forces, the remaining Ships which have belonged to the India Station were placed under the Orders of Captain Broughton of His Majesty's Ship *Illustrious*, and I have the honor to enclose a Copy of my Order addressed to him for that purpose.

From the number of British Seamen who fell into our hands on the reduction of the Island, I deemed it adviseable to re-com-

mission His Majesty's late Ship *Iphigenia*, for the time being giving the Command of her to Captain Caulfield, under whose Charge I placed the several captured Ships of War, to whom Commanders were also appointed, with a Crew to each, sufficient for their respective navigation, under Convoy of the *Iphigenia* to England. I herewith transmit a Copy of my Order addressed to Captain Caulfield for his guidance. Having dispatched the *Phæbe* and *Nereide* (late *Venus*) to the Cape, and given Captain Beaver, of His Majesty's ship *Nisus*, the directions (the accompanying being a Copy thereof), and given the Commanders of the *Eclipse* and *Racehorse* Orders to place themselves under his Command, I proceeded on the 16th December in His Majesty's Ship *Africaine*, accompanied by the *Boadicea*, to the Cape, where I arrived on the fourth day of January 1811, and found lying there His Majesty's Ships *Scipion* and *Astrea*, the former bearing the Flag of Rear Admiral the Honorable Robert Stopford, to whom, on the succeeding day, I delivered up the Command at the Cape of Good Hope, in obedience to their Lordships' directions received through the Rear Admiral to that effect, and issued Orders to the Captains and Commanders of the Ships and Vessels named in the Margin, to put themselves under his Command accordingly. Under the circumstances in which the *Africaine*, *Nereide*, and *Ceylon* were equipped, as stated in my letter of the 12th October last, I have judged it essential they should proceed to England. I therefore directed Captain Henderson to proceed to St. Helena, as well to advise the Governor thereof that there would be efficient Convoy for the trade expected there, as to convey my further Orders for Captain Caulfield on his arrival, that the *Ceylon*, after taking on board a quantity of Slop Clothing from the Naval Yard at the Cape, would join the ships at St. Helena, and both the *Nereide* and *Ceylon* proceed under the orders of Captain Caulfield with the Convoy to England.

Nisus,
Phæbe,
Boadicea,
Racehorse,
Eclipse,
Staunch.

Having made this disposition of the force under my Command, and thus far deviated from the letter of their Lordships' Instructions, which, under the existing circumstances, I confidently trust will meet their Lordships' approbation, I am to add that I finally sailed from the Cape on the 20th January 1811. I have etc.

(Signed) A. BERTIE.

[Original.]

Letter from the EARL OF CALEDON *to the* EARL OF LIVERPOOL.

CASTLE OF GOOD HOPE, *March 2nd* 1811.

MY LORD,—Together with the Accounts of the Receiver General for the months of October, November, and December 1810, I have the honor to transmit the several Proclamations and Government Advertisements issued between the 1st of January and 1st Instant.

I have &c.

(Signed) CALEDON.

[Copy.]

Letter from CAPTAIN B. F. SEAVER *to* REAR ADMIRAL STOPFORD.

CAPE TOWN, CAPE OF GOOD HOPE, *THE 2nd March* 1811.

SIR,—Permit me to submit to your consideration a description of the Islands of Tristan d'Acunha so far as has come within my observation. On the 28th of January Ulto., being in sight of these Islands and a short distance off the North side of the large one in the Merchant Vessel called the *Charles* belonging to W. W. Bird, Esqre., and having understood a short time before at Rio de Janeiro that a man by the name of Jonathan Lambert, a native of the United States of America, was about to Establish himself on the large Island of Tristan d'Acunha, for the purpose of cultivating the soil and rearing Stock for the supply of any Vessels that might occasionally touch there when passing in that tract of Sea, and having no good Water on board the *Charles*, I determined on dispatching a Boat with an Officer and Crew to procure this Valuable Article; when a Mr. Lambert with two other men were found, and reported they had been landed Twenty days. After the necessary Water for the *Charles* was procured, I landed in a deep Cove on the North side, at a distance of about One Quarter of a mile to the Eastward of the inlet; there was a spot of Ground Lambert had cleared for a Garden; full two Acres were laid out in neat Beds, with Radish and Cabbage plants growing in great luxuriance and more than an inch above the surface, with the Vegetable matter. In turning up the soil with

a spade a stratum of black Mould appeared full two feet deep, over a rich layer of Clay.

Not three fathoms from Lambert's cultivated spot there is a large run of Water, which has its source in the Mount, meandering towards the Sea, then falling abruptly about fifty feet on a shingly Beach, presenting a most beautiful Cascade; here it would be practical with the assistance of a long Hose to lead the Water to a Launch in five fathoms depth. It is presumed any Vessel might be watered (the Weather any ways moderate) in twelve hours, procuring at the same time sufficient quantity of fire Wood.

The anchoring ground off the North side of the large Island by my Observation is situated in $37^{\circ} 7'$ South and Longitude $11^{\circ} 43'$ West of Greenwich. The best depth for anchoring without the Kelp is about twenty fathoms, black sand and Oozy bottom, the Cascade bearing $S \frac{1}{2} E$ per Compass, distance $\frac{3}{4}$ Mile.

This Anchoring ground is in all respects far preferable to the Roads of Funchal in the Island of Madeira, from the circumstance of its being a straight shore, whenever it might blow on the Coast it would be practicable for any Vessel to fetch Clear of the Land.

The Cove within the Kelp is eligible for thirty sail of Vessels of any size to Moor in, and open four points of the Compass from N.N.E. to N.N.W., consequently sheltered from the most prevalent Winds. No sea could ever make in the Cove, as almost an entire chain of Kelp must prevent the Water breaking in with Violence.

The depth of Water is from ten to twelve fathoms, sandy Oozy bottom. The Circuit of the large Island may be from 15 to 18 miles, rising in an immense Cone equal in Altitude to the Peak of Teneriffe. Being so short a time about the Island, I could not make such observations as are necessary to a correct description. I have already described to His Excellency Earl Caledon the richness of the soil, and what it might produce on cultivation, so far as came within my notice; to repeat it again to the Admiral might not be considered pertinent to the representation.

In my letter to the Governor I omitted mentioning what I conceive could be done towards fortifying the Cove, it being the most eligible place for landing, should it at any future time be considered worthy the attention of the British Government. On the West side of the Inlet the ground rises above the Beach full one hundred feet, and by placing Six pieces of Artillery on this rising

in proper Positions, they would most effectually prevent any landing.

On the S. East part of the Island there is said to be a considerable indent, and may be found on examination eligible for Vessels to Anchor there. There are great numbers of Trees on the different heights of the Island, possibly some might be found to answer for Ship building.

Mr. Lambert requested that I would make it known to the principal Authorities at the Cape of Good Hope that he arrived at what he trusted would ever be considered by the British Government and Honorable East India Company as laudable and deserving their protection and assistance, in a way that would promote his undertaking and endeavors to refresh what Vessels might be passing in that tract of sea, that whenever the sanction of the British Government should be known and he received the necessary assistance that he would declare himself allied and a subject to His Britannic Majesty, and by permission would display the British Flag on the Island.

I have already solicited His Excellency Earl Caledon in the name of Mr. Lambert for some little assistance, that I might be enabled to return to the Island, as my private means are not sufficient.

Submitting this representation to the admiral, I have &c.

(Signed) BENJAMIN F. SEAVER.

[Original.]

Letter from LIEUTENANT GENERAL GREY *to the*
EARL OF LIVERPOOL.

CAPE OF GOOD HOPE, 3rd March 1811.

MY LORD,—I have the Honor to acknowledge the receipt of your Lordship's Letter of the 12th May 1810, requiring a Military Report of the Harbours, Sea Coasts, Fortresses, &c., of this Settlement, and that I may not be suspected of inattention to your Commands, I must explain that this Letter was only delivered to me by Lord Caledon on the 19th of last Month, having been brought by an American Vessel from Rio Janeiro, where I suppose it had been left by an English Ship originally intended for this

place, and where it had been delayed a considerable time by the want of an opportunity of forwarding it. As however I am in possession of most of the necessary documents, which I had obtained for my own information, I beg to assure your Lordship that I will not lose any time in preparing to the best of my ability and transmitting to you such a Report as you have desired.

I have etc.

(Signed) H. GREY.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

HEREFORD, 5th March 1811.

MY LORD,—I request that your Lordship will accept my sincere acknowledgments and thanks for the Favors conferred upon me in the Interview of Sunday, and that I may be permitted to express with how much zeal and devotion I shall endeavour to promote His Majesty's Service in the Government and Command of the Forces at the Cape.

Whenever your Lordship may please to honor me with any further commands, I shall be happy to obey them. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from LORD CHETWYND to ROBERT PEEL, ESQRE.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,

WHITEHALL, 22nd March 1811.

SIR,—I am directed by the Lords of the Committee of Council for Trade and Plantations to transmit to you a Copy of their Lordships' Minute on the several Papers which had been received from the Earl of Caledon, and I am to desire that you will be pleased to lay the said Minute before the Earl of Liverpool for his Lordship's information. I am &c.

(Signed) CHETWYND.

[Enclosure in the above.]

AT THE COUNCIL CHAMBER, WHITEHALL, THE 18th of March 1811.

By the Right Honourable the Lords of the Committee of Council, appointed for the Consideration of all Matters relating to Trade and Foreign Plantations.

Read Letter from Robert Peel, Esqre., stating that it does not appear that the Governor of the Cape of Good Hope has transmitted to His Majesty's Secretary of State for the Home Department any Account of the Imports and Exports into and from that Settlement.

Read Letter from the Earl of Caledon, Governor of the Cape of Good Hope, to the Right Honorable Lord Viscount Castlereagh, dated 10th October 1809, with its several Inclosures, submitting (in Execution of the Duty pointed out by the Lords of this Committee) under distinct Heads, the amount and nature of each source of Revenue collected in that Settlement, with Observations thereon, and also a statement of the amount of the paper Currency now in Circulation there, and of the nature and extent of the Securities for the same.

It appears from this Dispatch that the origin of Paper money at the Cape of Good Hope was in 1782 to the amount of—

	Rix Dollars.
Added between 1782 and 1784	47,696 925,219
	972,915
Called in before 1789	825,904
	147,011
Total amount in Circulation from further Issues to the Time of the Surrender of the Colony	1,291,276
For which last sum the property of the Dutch East India Company was mortgaged as a Security.	
Issued while in British Possession to the Peace	495,000
Added while in the Dutch Possession	300,000
Added since the capture by Sir David Baird	80,000
	2,166,276
Total now in Circulation	2,166,276

Equal to nearly £450,000 Sterling.

The Lords of the Committee will forbear to make any Observa-

tion on this Statement till they express their Sentiments on the Opinion of Lord Caledon, stated in the close of his Dispatch above referred to.

LOAN OR LOMBARD BANK.

	Rix Dollars.
The Profit to Government on which in 1808 was	44,632
It was established in 1793 by the Dutch, who then issued Paper Money to the amount of	680,000
The Loans were granted on Security of moveable as well as immoveable property, to be repaid in two Years at an Interest of 5 per cent, the legal Interest being 6 per cent.	
General Dundas added to the capital in 1802	165,000
Total Capital	845,000
No repayment of the Loans so advanced were made, which occasioned, of course, a Diminution of the Capital, and nearly defeated the intention of the Institution.	
Loans outstanding	810,225
	34,775
which reduced the sum in the bank to	

The general Rules for the management of this Bank appear to their Lordships to be very well calculated to ensure a due administration of its Affairs, but as no Attention has been paid to the Provisions in the Eleventh Rule, for restraining Loans to Two Years, they approve of the Directions given by Lord Caledon for calling them in, viz., Those due by the Inhabitants of the Cape Town, by Instalments of 10 per Cent, and of the Country, of 6 Per Cent annually; recommending at the same time a strict Enforcement of the Payment of those Instalments; the indefinite Term for which the Loans have been made having, as before observed, rendered the Institution, which was to encourage Industry and Commerce, almost useless, the only advantage derived from it at present being to Government, and to the Borrowers, by their gaining an Interest of 1 Per Cent, losing sight altogether of affording Mercantile Relief by constant Issues, which might have been effected by regular Repayments.

Duty on Publick Sales.

It appears to the Lords of the Committee that some Inconvenience has arisen from the change of the System established in 1795, by the appointment of a sole Vendue Master in 1808. Their

Lordships therefore think it fit that Lord Caledon should be called upon to state his Opinion as to the best management of the Business for Publick Interest.

Lombard Discount Bank.

This appears to be well calculated to furnish the means of assistance rendered necessary by the change of system in the Department of Sales; and the continuance or Regulation of it must depend upon what shall be finally decided respecting that Branch of Revenue.

Land Revenue.

Under an absolute cession of the Territory on a Peace, it might be fit to simplify the Tenures by which Lands are held in this Settlement, and to give the Holders in some Cases a more permanent Interest in them, referring to the Three Cases last mentioned in Lord Caledon's Dispatch, viz. the Quit Rent, the Loan Property, and the Copyhold; But Their Lordships are of Opinion that it is not desirable to make any permanent alteration at present.

If the reserved Rent on the first of these, the *Quit Rents*, is meant to be invariable, there is no use in the Term being limited to 15 years, except for the trifling Stamp Duty, for which a Compensation to the Public may be provided by an additional Rent; and if it is not meant to be invariable, it will operate upon the Holder as a Discouragement to Improvement at any great Expence for so short a Term.

The second, *the Loan Property*, so nearly resembles the Land in Perpetuity, as to the Tenure by which they are held, that it seems desirable that it should be converted into the same Tenure precisely, reserving the Rent now paid. With respect to the 3rd, *the Loan or Copyhold*, The Lords of the Committee are not aware from any Information they have before them, why the Tenure should not also be in Perpetuity, especially as in addition to the Uncertainty of Possession, there is in this Case the further Inconvenience that the Buildings are the Property of the Individuals, and the Land of the public; But as their Lordships are not apprized of the Objections which were made to the Measure proposed by Mr. Ryneveld,

President of the Court of Justice, they are unwilling to express a decided Opinion on the Matter.

Their Lordships indeed mean no more, by any of the Observations they have made on the subject of Land Revenue, than to direct the Attention of Lord Caledon to a Consideration of them, in order that His Lordship may suggest to Lord Liverpool what occurs to him upon them, having in his view that there can be no absolute alienation of any of the fixed and real property of the State till it shall be settled, on a peace, whether the Colony shall remain to Great Britain or not. The Object which seems desirable to be obtained in the meantime is that the Holders of the Land should have such a Tenure in it as will be likely to induce them to apply Capital and Industry to the Improvement of it, and that the Rent should be proportioned, as Lord Caledon proposes, to the Value of the Land, and not be charged indiscriminately at the same Rate invariably, whatever the quality may be.

Purchase Money for Lands.

The produce of this appears to have been small, especially in the last Year; and Their Lordships are of Opinion that it should be discontinued altogether, for the Reason alluded to under the last Head, namely, that consistently with the Law of Nations there should be no alienation of Territory *during a temporary possession by Conquest.*

Transfer Duty.

On this Branch the Lords of the Committee have no observations to make.

Tythes.

These having no relation to any Dues for the Church, but being collected, according to a Tariff, on Wines, Spirits, Grain and pulse, which pass the Barrier and enter the Cape Town, Their Lordships think it may be proper to require of Lord Caledon his opinion as to the Expediency of a Compensation to the Public, if it can be obtained, from them in the event of a discontinuance; The Amount in 1808 was something more than £8,000.

Proceeds of the Grain Committee.

That the public should derive a Revenue by a profit on a Supply of the most important Article for the Food of Man seems to be extremely objectionable, as likely to give occasion for perpetual Dissatisfaction: The amount in 1808 appears to have been between 8 and 9 Thousand pounds. The Lords of the Committee cannot judge of the validity of the Reasons which induced the Government to provide Grain for the Inhabitants, but if such a Necessity really exists, Their Lordships are of Opinion that the Measure should not be made a Source of Revenue; as the people will always suppose, in such a Case, that they are made to pay a great deal more than they ought for their necessary Sustenance. They therefore recommend it to be referred to Lord Caledon to consider whether an Indemnification may not be provided for this and the preceding Revenue, amounting together to about £17,000 a Year, by a new Regulation for collecting the Custom Duties and some Additions to those.

On the PRINTING Office, POST Office, Fees received in the SECRETARY'S OFFICE and Fees from the Chamber for REGULATING INSOLVENT ESTATES, No observations of any Importance occur to the Lords of the Committee on these Points.

Licences for retailing Wine.

On the most attentive Consideration of this important Source of Revenue, the Lords of the Committee are decidedly of opinion that the mode at present in Use for raising it should be discontinued; admitting, as in justice to Lord Caledon they ought, that the Regulations framed by him for preventing Inconvenience and Irregularities are as well calculated for the purpose as the System will admit; But the incurable Mischiefs of it pointed out are of so very serious a Nature, and are likely to be attended with such consequence, as to induce Their Lordships to advise that it should be recommended to Lord Caledon either to adopt the substitution of Licenced Houses for selling Wine and Spirits, under such Regulations as his Lordship shall think expedient, or to lay a Duty on Wine and Spirits to be paid by the Consumer, continuing the Licence for selling them in retail not as a source of Revenue, but as a Regulation of police, which their Lordships

have the less hesitation in recommending, as his Lordship thinks the Revenue would under that change be equal in two or three years to its present produce; and as any temporary Loss for such a Period would be much more than compensated by the improved Discipline of the Troops, the satisfaction that would be afforded to the Soldiers and lower Class of Inhabitants, and by avoiding Disputes between the Commanding officers of Corps and the Farmers of the Licences.

On the STAMP DUTIES No Observations occur.

Rent of a Mill.

The Lords of the Committee observe with Satisfaction that the Monopoly which prevailed under the Dutch Government, of grinding Grain, no longer exists. The Rent *in kind* of this last Mill had perhaps better be converted into a payment in Money.

Fines and Port Dues.

Their Lordships have no observations to make of any Importance; but it may possibly be desirable to sink the latter, which are of very little amount, into the Custom Duties.

Customs.

Refer the paper N^o 22 to the Commissioners, and desire they will report whether they can suggest any alterations or Improvements therein for the better collection of that Revenue at the Cape, and whether they think in the case of *ad valorem* Duties it may be advisable to allow any other person than an Officer of the Customs to take the Goods of an Importer on paying him his estimated Value and adding 10 Per Cent to such Value.

Acquaint Lord Liverpool that the Lords of the Committee have made these References; and that on receiving the Report from the Board of Customs, Their Lordships will acquaint him with what may occur thereupon, but recommend it to his Lordship in the meantime to instruct Lord Caledon to direct the Duties *ad valorem* to be levied according to the value when landed at the Cape as prescribed by the Order in Council, under the Authority of which he has imposed the Duties. Their Lordships strongly feel the necessity for some Alteration, not only as the mode now proposed

is the only principle on which such an Imposition can be fairly levied, but because the allowing the Articles to be valued at the Export Prices in the Countries from whence they are imported is open to the grossest Frauds, nothing being more easy than for the Exporter to send one Invoice for the guidance of the Custom House and another for the Information of the Importing Merchant.

Transmit also to Lord Liverpool a Copy of the Provision in the 49 Geo. 3 Ch: 98 for ascertaining the value of Goods subject to *ad valorem* Duties in Great Britain as desirable to be adopted at the Cape; and request His Lordship to call upon Lord Caledon to give a further Explanation of the immense Increase of the Salaries of the Officers of the Customs from 1806 to 1808, such Salaries having in the latter Year increased in Amount nearly Six Times beyond that of the former Year, while the Receipt of the Duties was diminished in the same period more than one Half, observing to His Lordship that, Lord Caledon, to use His Lordship's Words, attributes the increased Expences of the Custom House Establishment to the Appointments made in England having been compleatly filled up; Whereas it appears by the Account N^o 21, that the Salary of the Collector was increased from 1000 Rix Dollars in 1806 to 6205 in 1808, and that of the Comptroller in the same period from 600 Rix Dollars to 7756, and the other Officers and Clerks very largely; and by the Paper N^o 23, that large Fees are also received by the Officers.

Acquaint Lord Liverpool likewise that the Lords of the Committee have a still further Inducement for advising the new mode of valuing the Goods on Importation, as it would tend to indemnify the Revenue for the Loss it may sustain by the Loss of the Tythes, and of the profits of the Grain Committee, if the Income arising from those should be given up, the remaining Deficiency might perhaps be made good by additions to the Tariff in the Paper N^o 23, Their Lordships being of Opinion that some Duty might be collected even on British Goods in British Ships to the Amount probably of 3, 4, or 5 Per Cent, but the Extent of that can best be judged of on the spot.

The Lords of the Committee finding that there is not in the Office of His Majesty's Secretary of State an Account of the Imports and Exports of the Colony, as directed to be kept by the 19th Article of the Collector's Instructions in N^o 22 or any other Paper, to shew the Amount of the Imports and Exports in Foreign

Ships, Their Lordships cannot express a distinct Opinion respecting the Duties on Foreign Ships in the Tariff, which excited very considerable Surprise.

Let a Letter therefore be written to Mr. Peel to request he will move Lord Liverpool to apply to Lord Caledon to Transmit Copies of the said Accounts.

Of the Proposal of Lord Caledon to be allowed to increase the Paper Money, amounting already to 2,166,276 Rix Dollars to 3,000,000, Their Lordships are incompetent to form a Judgment which should form the Ground of any Instructions to be given to his Lordship. Till they arrive at the Conclusion of this Dispatch from his Lordship, it had indeed appeared to them that the present Issue was a large one, considering the Extent of the Commerce, Agriculture, and population of the Colony,* but in this, as in some other Instances, those on the Spot can alone form a correct Opinion.

Their Lordships observe lastly that as it appears by the Account N^o 24 that the Revenue of the Cape Amounted in 1808 to 640,842 Rix Dollars, exclusive of 107,123 the Produce of Prize, and of 3000 the Interest of a Loan, equal to about £130,000 Sterling, it is desirable that some Account should be given to the Lords Commissioners of His Majesty's Treasury of the Applications thereof, if that has not already been done.

DOWNING STREET, 28th March 1811.

Permission for Monsieur Des Bassaynes to go to the Cape of Good Hope.

[Original.]

*Letter from the HONOURABLE CHARLES B. AGAR
to ROBERT PEEL, ESQRE.*

DOWNING STREET, March 30th 1811.

SIR,—I transmit to you herewith a copy of a letter I have received from Mr. Bird dated Castle of Good Hope 20th November

* Stated in a Paper sent by Lord Caledon Inhabitants 27,956, Hottentots 16,700, slaves 29,768. Land in Occupancy, Morgens or 14,964 Acres of England, but his Lordship in his Dispatch says one fourth may be added he thinks to the population.

1810, together with copies of the enclosures therein referred to, being a plan and estimate for supplying Cape Town with water, furnished by Mr. Rennie, of Stamford Street, Blackfriars, and the reply directed to be given to Mr. Rennie by Lord Caledon. By which you will observe that the plan and estimate are both approved, and his Lordship is anxious to have the work carried into execution with as little loss of time as possible. His Lordship has also transmitted to me the Bills for £6,000 to be applied towards the payment of such expenses as may be incurred here in pursuance of this object, and informs me that a further remittance to the like amount will be made as soon as this has been acknowledged and that by that time the probable balance will be correctly ascertained and forwarded.

I find from a communication I have had with Mr. Rennie that he is ready to proceed in the business immediately, provided the plan has the approbation of Government and he can obtain his payments when required. May I therefore request you will have the goodness to lay these papers before Lord Liverpool and move his Lordship, in case it should be thought proper to carry the said plan into effect, to give me the necessary authority for issuing to Mr. Rennie from time to time, out of the monies remitted to me by Lord Caledon for the above mentioned purpose, such sums as he may call upon me for upon his giving a proper receipt for the same. In this event I would further beg leave to call Lord Liverpool's attention to Lord Caledon's suggestion in regard to the Pipes being sent out on board such Transport Vessels as are occasionally proceeding from this country to the Cape, which he states would be a most desirable relief to the funds of the Colony. The articles I understand would probably be ready in about nine months, and the amount of tonnage required as far as can at present be ascertained about 1000 tons. I have &c.

(Signed) C. B. AGAR,

Colonial Agent to the Cape of Good Hope.

[Original.]

Letter from REAR ADMIRAL STOPFORD *to* J. W. CROKER, ESQRE.

HIS MAJESTY'S SHIP *Scipion*, TABLE BAY, 31st March 1811.

SIR,—In compliance with the orders of the Lords Commissioners of the Admiralty conveyed in your letter under date of the 13th October 1810, duplicates and triplicates of which have been received, desiring me to cause an estimate to be made of the expense of erecting at Simons Bay all such Store-houses, Lodgings, &c., as I may consider necessary in addition to those already there for all the naval purposes required on this Station, on the supposition of the Squadron being kept up nearly on the present establishment.

I have the honor to acquaint you for the information of their Lordships that I have in conjunction with Commissioner Shield proceeded to Simons Bay and ascertained with as much accuracy as possible the precise limits of the nature and extent of such buildings as will be required for the purposes mentioned. In the estimate of the expenses I have been assisted by Mr. Osmond, late a Carpenter in His Majesty's service, who has resided at Simons Bay several years, and I have reason to believe that his calculations are correct and will put their Lordships in possession of the expense likely to be incurred by the intended establishment.

The very confined situation of Simons Town left me little room for choice in the proposed purchases. The alternative of building under the high price of labour and materials in this Colony decided me as to the preference of purchasing as far as it was possible even under such confined circumstances.

The house proposed for the resident Commissioner is well adapted in every respect, the price demanded for it is specified in the Margin, (125,000 Guilders) of which the proprietor Mr. Brand, who from his situation of Deputy Fiscal is obliged to reside at Simons Town, is willing to abate 25,000 Guilders provided Government will make over to him the House called the Admiral's House with a proportion of land annexed to it of 200 feet in front and 200 feet in depth.

This house is in a very ruinous state, and not habitable without undergoing considerable repairs, and I beg leave to offer it as my

opinion that the terms are as favorable as can be procured, and that the House and Ground can be disposed of without any hindrance to the general arrangement. The residence selected for the Naval Storekeeper, Master Attendant, and Master Shipwright, is a house belonging to the Colony, and now occupied as a Mess house and quarters by the officers in garrison at Simons Town. This house as Colonial property may I imagine be transferred by order of Government to any other branch of His Majesty's service ; it will however be necessary to provide another house for the accommodation of the Officers in Garrison, which expense, I conclude, will be defrayed by the Colony. This house from its contiguity to the Naval Arsenal is well suited for these three officers, and is sufficiently commodious. I have inserted the expense of fitting it up (5,000 Guilders for fitting and 70,000 Guilders for procuring another house) for this purpose as well as the expense for substituting another house for the army officers.

The house proposed for the residence of the Agent Victualler and four clerks is well situated for the purposes of that department. Storehouses and cooperage sufficiently extensive join the house, and all are placed near the beach and the wharf. The expense of this purchase is 200,000 Guilders.

The house selected for a Naval Hospital capable of containing one hundred men with a residence for the Dispenser and Steward and a piece of ground for the exercise and health of the convalescents, is well placed for the required purpose, but there is not at present any residence for the Surgeon or Agent. The expense of this purchase is 75,000 Guilders for the house, 10,000 for alterations, and 26,000 for building to.

With respect to the additions necessary to the Storehouses already erected I submit to their Lordships' consideration the following Statement made in concurrence with Commissioner Shield, viz. a mast house 120 feet long, 24 feet broad, one house for a boat house 120 feet, both with working sail lofts and store sail room over, also three double stores each 80 feet long, 24 broad, expense 289,000 Guilders. It would be necessary to continue the wall and embankment in front of these new storehouses in the same manner as is already done before the former storehouses already erected, the expense is 20,060 Guilders.

In order to provide tenements for sixteen artificers it was my first intention to have proposed the conversion of the Admiral's

house for that purpose, the expense of which would have been 3,000 Guilders, but if their Lordships approve of the disposal of this house as mentioned in the first part of this letter an additional sum must be added to the 3,000 Guilders for erecting edifices for the artificers.

Aware of the objections which may probably arise to the plan of building public Storehouses in distant Colonies, I beg leave to renew for their Lordships' consideration a plan which I understand has before been suggested of having a two decked ship sent out and fitted for the various purposes of a naval yard. On board such a ship many stores might be deposited and artificers lodged. She would also answer for a sheer hulk. As a ship of this description, containing stores to a considerable amount, would require protection, I should beg leave to propose that part of her Guns should be kept mounted, and that she should have the establishment of a sloop of war.

With respect to the advantage to the public service likely to be derived from the measure of the removal of the Naval Arsenal from Cape Town to Simons Bay and having only one Arsenal in the Colony, it must be very evident to their Lordships that one Arsenal can be better managed and regulated than two placed at the distance of 20 miles apart, with only one establishment of officers to superintend both departments. The equipment of the ships can also be carried on with greater certainty and expedition at Simons Bay, as there is less interruption from the weather at that place than at Table Bay.

It has hitherto been customary to have a Regiment at Simons Town, but in consequence of a large portion of the military having gone to the Isle of France from this colony, the garrison at Simons Town is now reduced to 150 men.

On many points connected with the disposal of the buildings now occupied by the Navy at Cape Town, and with a view of procuring the information for their Lordships as to what extent the expenses of the new establishment might be relieved from falling on the British Government by an advance or loan of the paper money of this Colony, or even by the fabrication of such a quantity as would answer the demand, which measure as one of public expediency has in former instances been resorted to, I addressed a letter to His Excellency Lord Caledon, a copy of which is herewith transmitted for their Lordships' information,

but in consequence of the Governor being a considerable distance up the country I shall not have it in my power to send an answer by this conveyance.

I send home for their Lordships' inspection a sketch of Simons Town with all the buildings mentioned in this report marked thereon. The original of this report goes to England with the *Owen Glendower*, and I shall send a duplicate by an English merchant brig called the *Mary*, which sails at the same time as the *Owen Glendower*. I have &c.

(Signed) ROBERT STOPFORD, Rear Admiral.

P.S.—Since writing the above I have upon consultation with Commissioner Shield caused an estimate to be accurately made of the expense of erecting twelve tenements for the Artificers of the Naval Yard instead of sixteen, the former number being supposed sufficient, the amount of which is 30,000 Guilders.

The amount of the various sums calculating three Guilders to a Rixdollar, five of which are a pound currency, is £56,666 3 rds. 1 guilder.

R. S.

[Original.]

Letter from SIR JOHN CRADOCK *to* ROBERT PEEL, ESQRE.

HEREFORD STREET, *April 1st 1811.*

DEAR SIR,—I shall feel myself much obliged to you, if you will submit to Lord Liverpool my anxious request to be permitted to nominate a Clergyman to one of the vacant Clerical situations at the Cape.

The Person I should take the Liberty to propose is the Revd. Mr. Jones, of the University of Cambridge, a gentleman of extensive literary attainments and of the most unexceptionable moral Character. As He is to have the Charge of the Education of my Son, whom I take out with me, it is to me of peculiar Interest that His Lordship would have the goodness to gratify me on this subject. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from JOHN BARROW, ESQRE., *to* ROBERT PEEL, ESQRE.

ADMIRALTY OFFICE, 1st April 1811.

SIR,—The Commissioners of His Majesty's Navy having by their Letter of the 30th Ultimo informed my Lords Commissioners of the Admiralty that they had appointed Mr. Algernon Frederick Jones, belonging to Portsmouth Dock Yard, to be employed in investigating the nature and qualities of the Woods growing in the Forests in the neighbourhood of the Cape of Good Hope, which may be applicable to the various purposes of Ship building, and also in taking measures for removing the same from the said Forests, and that he will proceed to his appointment in the *Dolphin* storeship now loading at Portsmouth for that Settlement, I have their Lordships' commands to acquaint you therewith for the Information of Lord Liverpool, and to request that you will move his Lordship to cause Instructions to be given to the Governor at the Cape to co-operate with Commissioner Shield, and render such Assistance on the occasion as he may be able to afford. I am etc.

(Signed) JOHN BARROW..

[Original.]

Letter from REAR ADMIRAL STOPFORD *to* J. W. CROKER, ESQRE.*Scipion, TABLE BAY, 1st April 1811.*

SIR,—I have to request that you will be pleased to acquaint my Lords Commissioners of the Admiralty that I shall deem it expedient to keep four coppered Transports upon this Station until I can ascertain to what extent the Isle of France will require supplies of any description from this Colony or from the Island of Madagascar.

This Number of Transports will be made up by two which have arrived here under Convoy of the *Owen Glendower*, one under Convoy of the *Harpy*, and the *Oxford*, formerly employed upon the Station.

One of the Transports is at present preparing to proceed to Plettenberg's Bay on the East Coast of Africa, to ship a Cargo of Timber and Spars for the use of the Naval Yard at this place, and of His Majesty's Dock Yards in England.

This timber called Stinkwood or African Oak has been found to be in many respects equal to the English Oak for all purposes of Ship Building; it abounds in the forests in the Neighbourhood of Plettenberg's Bay, from which abundance of Crooked timber of this wood can be procured.

This Cargo, which I am about to send for, is the last of the timber Contracted for by Government. Having suggested to Commissioner Shield the propriety of renewing the Contract, in order to procure a further supply, I transmit for their Lordships' Information the Commissioner's answer, and I beg leave to propose that their Lordships will be pleased to give directions for the renewal of the Contract in the manner specified in Commissioner Shield's Letter.

In the event of their Lordships approving the measure of a person being Sent out to Superintend the execution of the contract, I think it necessary to state that as the distance of Plettenberg's Bay from Cape Town makes it impossible for the resident Commissioner to Controul the proceedings there, that the person selected should be one of trust and confidence, with Salary sufficient to insure the faithful discharge of his Duty.

It is necessary that I should acquaint their Lordships that the principal inconvenience attending the procuring Timber at Plettenberg's Bay arises from the want of a Secure anchorage, and the difficulty of communicating with the Shore in consequence of a perpetual high Surf upon the Beach. I have etc.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Copy.]

*Return of Cattle Stolen by the Caffers, and recovered or still absent ;
as also of Inhabitants or Caffers killed in the District of
Uitenhage from the 1st of January to the last of March 1811.*

Date.	Of whom stolen or killed.	Cattle stolen.	Re- covered.	Re- main- ing absent.	Inhabi- tants killed.	Caffers killed.
1811	1. In the Field Cornetcy of Zwartkops Rivier :—					
Jan. 1	Johannes Stephs. van Niekerk.	Oxen 16	15	1	..	1 By Soldiers of the Cape Regi- ment.
„ 13	do. do.	„ 5	..	5	..	..
„ 20	Gerrit Scheepers Coen. Son.	„ 130	..	130	..	..
Mar. 2	Johannes Gerhardus Janze van Vuuren	„ 15	9	6	..	..
	2. In the Field Cornet- ship of Zuure- velden :—					
„ 5	Marthinus van der Merwe.	„ 4	4	..	..	..
„ 3	Stephanus Nel . .	Horse 1	1	..	..	..
	3. In the Field Cornet- ship of Boschjes- mans Rivier :—					
Jan. 7	Fredrik Botha. . .	Oxen 2	..	2	..	..
„ 12	Adriaan Nel . . .	„ 4	..	4	..	..
„ 20	Fredrik Botha . .	„ 24	24	..	..	..
„ 21	Frans Johannes van Aardt.	„ 17	..	17	..	..
„ 29	Frederick Botha . .	„ 2	2	..	..	..
Feb. 17	Adriaan Nel . . .	„ 7	..	7	..	..
Mar. 10	Cornelis van Rooyen .	„ 9	..	9	..	..
	4. In the Field Cornet- ship of Bruintjes hoogte :—					
Jan. 1	Pieter Johs. Goosen .	„ 6	4	2	..	..
„ 3	Nicolaas Goosen . .	„ 9	..	9	..	..
„ 10	Pieter Johannes Goosen	„ 6	5	1	..	..
	Carried forward .	{Oxen 256 Horses 1	63 1	193		1

Date.	Of whom stolen or killed.	Cattle stolen.	Re-covered.	Re-maining absent.	Inhabi-tants killed.	Caffers killed.
1811	Brought forward.	{Oxen 256 Horses 1	63 1	193		1
Jan. 13	Willem van Aardt . .	" 5	..	5	..	..
" 14	William Adriaan Nel senr.	" 40	10	30	..	..
" 22	Paul Michiel Bresler .	" 30	25	5	..	..
Feb. 10	Christoffel Lombard .	" 7	..	7	..	..
	5. In the Field Cornet- ship of Riet Rivier:—					
1810						
Oct. 18	Christiaan Schutte . .	" 10	..	10	..	..
Nov. 8	Jan Rossouw	" 20	20	..	..	..
" 11	Coert Grobbeler . .	" 20	19	1	..	..
1811						
Jan. 8	Gerrit Brits	" 5	..	5	..	..
" 8	Jan Wilken	" 3	..	3	..	..
" 20	Isaac Joubert	" 15	15	..	..	..
Mar. 7	Martinus Els	" 7	7	..	1 Hot- tentot	1
" 10	Martinus Els	" 30	..	30	..	..
	6. In the Field Cornet- ship of Zwarterug- gens:—					
Jan. 28	Andries Gousch Senr.	" 9	2	7	..	..
Feb. 17	Gerrit Petrus Slabbert (Field Cornet).	" 70	10	60	..	..
Mar. 2	Hendrik Christiaan Wilken.	" 14	..	14	..	..
	7. In the Field Cornet- ship of Winter Hoek:—					
1810						
Sept. 4	{Johannes Strydom (Field Cornet). Theunis van Staden	Oxen 8 " 22	14	16	..	..
1811						
Jan. 4	Solomon Maritz . .	" 44	..	44	..	..
	Theunis van Staden .	" 8	..	8	..	..
	Johannes Esajas Davel.	" 11	..	11	..	..
Feb. 11	Field Commandant G. Stolz.	" 13	..	13	..	..
Mar. 8	Johannes Esajas Davel	" 120	..	120	1 In- habi- tant	..
	Carried forward .	{Oxen 767 Horses 1	185 1	582	2	2

Date.	Of whom stolen or killed.	Cattle stolen.	Re-covered	Re-remaining absent.	Inhabitants killed.	Caffers killed.
1811 Mar. 24	Brought forward.	{ Oxen 767	185	582	2	2
	and he himself murdered and three Hottentots missing.	{ Horses 1	1			
		{ Horses 4	..	4	1 Hottentot	..
					1 Hottentot	
					1 Hottentot woman	
	Field Commandant G. Stolz.	Oxen 17	..	17	..	..
	8. In the Field Cornetship of Kromme Rivier:—					
	Memo. No Cattle stolen					
	Total {	Oxen 784	185	599	1 Inhabitant	..
	{ Horses	5	1	4	3 Hottentots	2
	To be deducted on account of a mistake made in the report of the Division of Riet Rivier.	20	9	11		
	Remaining total	{ Oxen 764	176	588	4	4
		{ Horses 5	1	4		

Memorandum.—Davel and a Hottentot were found dead by the Field Commandant Stolz. Two days afterwards a little Hottentot returned, who stated that the Caffres left them at the Zondags River, supposing them to be dead, that he however having shortly afterwards recovered, saw a female Hottentot, who had accompanied them from Davel's place laying dead and that he then took the Waggon Road, on which he in the course of a little time met a Waggon, which conveyed him to the Field Commandant Stolz.

(Signed) J. G. CUYLER, Pro. Land^t.

UITENHAGE, 2nd April 1811.

[Copy.]

Extract from a Letter written by MAJOR CUYLER, Prov. Landdrost of Uitenhage, to MAJOR BIRD, Deputy Colonial Secretary.

UITENHAGE, 2nd April 1811.

SIR,—I have the honor herewith to transmit to you the Kafir depredation return for the last quarter and to state that the Inhabitant Jan Davel was attacked and murdered at his own place $\frac{3}{4}$ of an hour's ride from the Commandant Stolz's, he has left an old widow much distressed. Scheepers of Zwartkops District, from whom 130 head of cattle have been stolen, is also in the greatest distress. I have the honor to transmit a copy of their opgaaf taken last week, which will show all these people have left, and I humbly beg to recommend them to His Excellency the Governor's most humane consideration for some gratuity.

Gerrit Scheepers, Coenraad son: 1 male slave, 2 female slaves, 34 bullocks, 40 sheep, one waggon.

Widow Johannes Esaias Davel: 1 horse, 14 bullocks, 800 sheep.

[Office Copy.]

Instructions to SIR JOHN FRANCIS CRADOCK.

Instructions to Our Trusty and Well beloved Sir John Francis Cradock Knight of the most Honorable Order of the Bath and of the Turkish Order of the Crescent and Lieutenant General in Our Army Our Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope in South Africa Given at Our Court at Carleton House the 10th day of April One Thousand Eight Hundred and Eleven in the Fifty first Year of Our Reign.

First. With these Our Instructions you will receive Our Commission under Our Great Seal of Our United Kingdom of Great Britain and Ireland constituting you Our Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope in South Africa now in Our Possession In the execution therefore of Our said Commission you are to take upon you the Administration of the Government of the said Settlement and to do and execute all things belonging to your Command according

to the several Powers and Authorities of Our said Commission under Our Great Seal of Our United Kingdom of Great Britain and Ireland and of these Our Instructions to you and according to such further Powers Instructions and Authorities as you shall at any time hereafter receive under Our Signet and Sign Manual or by Our Order in Our Privy Council or by Us through One of Our Principal Secretaries of State.

2nd. As soon after your Arrival at the said Settlement as convenience will permit you are with all due Solemnity and in the presence of Our Lieutenant Governor or in case of his Absence in the presence of the Commander in Chief of Our Forces then in the said Settlement or such other person as you shall call to be present for such purpose to cause Our said Commission to be read and published which being done you shall then take the Oaths mentioned in An Act passed in the first Year of His late Majesty King George the First Intituled "An Act for the further Security of His Majesty's Person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the Pretended Prince of Wales and his open and secret Abettors" as altered and explained by An Act passed in the sixth Year of Our Reign Intituled "An Act for altering the Oath of Abjuration and the Assurance and for Amending so much of an Act of the seventh year of Her late Majesty Queen Anne Intituled 'An Act for the Improvement of the Union of the Two Kingdoms' as after the time therein limited requires the delivery of certain Lists therein mentioned to Persons indicted for High Treason or Misprision of Treason" And also to make and subscribe the Declaration mentioned in an Act of Parliament made in the twenty fifth year of the Reign of King Charles The Second Intituled "An Act for preventing the dangers which may happen from Popish Recusants" and you are likewise to take an Oath for the due execution of your Place and Trust and for the equal and impartial administration of Justice and you are also to take An Oath required by An Act passed in the seventh and eighth Years of the Reign of King William the Third to be taken by Governors of Plantations to do their utmost that the Laws relating to the Plantations be duly observed subject to such Orders touching the Trade to and from the said Settlement as We have made or shall make in pursuance of the Powers for that purpose vested in Us by virtue of An Act passed in the Forty

ninth Year of Our Reign Chapter 17 Intituled "An Act to Authorize His Majesty during the present War to make alterations respecting the Trade and Commerce to and from the Cape of Good Hope" Which Oaths shall be administered by Our Lieutenant Governor or in his Absence by the said Commander in Chief of Our Forces or such other Persons as you shall call to be present for such purpose.

3rd. You shall Also administer or cause to be administered to *all persons* that shall be appointed to or hold or exercise any Office or Place of Trust or Profit in the said Settlement except in the cases hereafter provided for previous to their entering on the execution of the Duties of such Office or Place the Oath appointed in the aforesaid Acts passed in the first Year of the Reign of King George The First as altered and explained by An Act passed in the sixth Year of Our Reign and you shall also cause them to make and subscribe the Declaration Mentioned in the aforesaid Act of the Twenty fifth year of the Reign of King Charles the Second but in cases where any such Office Place of Trust or Profit within the said Settlement of the Cape of Good Hope shall be conferred on the Inhabitants of the said Settlement who may observe any mode of Evangelic Worship different from that of the Church of England you shall so often as any such person shall or may be admitted into any such Office or Place of Trust or Profit administer or cause to be administered to him in the English or Dutch Language as the case may require the Oath prescribed in and by an Act of Parliament passed in the 14th Year of Our Reign Intituled "An Act for making more effectual Provision for the due execution of such Office Place of Trust or Profit" in lieu of all other Tests or Oaths whatsoever.

4th. It is Our Royal Will and Pleasure that for the present and until Our Pleasure be further signified the temporary Administration of Justice and Police in the Settlement should as nearly as circumstances will permit be exercised by you in conformity to the Laws and Institutions that subsisted under the Ancient Government of the said Settlement subject to such alterations Regulations and Improvements as may have been made during the time the Cape has been in Our Possession provided you shall find such alterations regulations and improvements to be suitable to the present circumstances of the Colony and subject also to such directions as you shall now or hereafter receive from Us under

Our Signet and Sign Manual or by Our Order in Our Privy Council or from Us thro' one of our Principal Secretaries of State and to such deviations in consequence of sudden and unforeseen emergencies or to such Expedient and useful alterations as may render a departure therefrom either absolutely necessary and unavoidable or evidently beneficial and desirable and which you are immediately to represent to One of Our Principal Secretaries of State for Our information but it is nevertheless Our especial Command that all the Powers of Government within the said Settlement shall be vested solely in you Our Governor or in the Person having the Government of the said Settlement for the time being and that such Powers as were heretofore exercised by any Person or Person separately or in conjunction with the Governor of the said Settlement shall belong solely to you Our Governor or to the Person having the Government of the said Settlement for the time being and It is Our Will and Pleasure that all Public Acts and Judicial Proceedings shall henceforth be done issued and performed in the name of the Governor and shall previous to their being published or put in execution be signed by the Chief Secretary to the Government by the authority of the Governor or of the Person having the Government of the said Settlement for the time being.

5th. Whereas a considerable part of the Revenue of the said Settlement is derived from the Annual Quit Rents paid by the Persons holding Lands granted to them by the Dutch Government Our Will and Pleasure is and We hereby strictly require of you to take the necessary measures for ensuring hereafter a due regularity in the payment of the said Quit Rents as the only means of preventing the Renewal of the losses heretofore occasioned by the accumulations of Arrears in this Branch of the Public Revenue.

6th. Whereas it appears by the statements received from your Predecessors that the Credit of the Paper Money now in Circulation in the said Colony has been considerably improved under the various checks and regulations by which the issue and circulation thereof are now governed and carried on and that the amount of the same is adequate to all the purposes for which Paper Money is requisite and can be applied in the said Settlement without the risk of impairing Public Credit Our Will and Pleasure is and you are hereby required not to alter any part of the arrangements now

in force with respect to this important point nor to add to the Total amount of Paper Money now issued and in Circulation without Our especial Authority for so doing signified to you under Our Signet and Sign Manual or by Our Order in Our Privy Council or by Us through One of Our Principal Secretaries of State but you will be at liberty and you are hereby directed to cause fresh issues thereof to be made from time to time as may appear necessary to replace such parts of the said Paper Money now in circulation as may be worn out and defaced or otherwise unfit for further use and you are on no account to omit any forms or Regulations which have been heretofore observed on occasion either of destroying any of the Paper Money so recalled from circulation or of making new issue thereof to replace it.

7th. Whereas it appears to Us expedient that you Our Governor for the time being together with Our Lieutenant Governor or in your or his absence you or Our Lieutenant Governor whichever of you may be present should form a Court of Civil Jurisdiction for hearing and determining Appeals within the said Settlement Our Will and Pleasure therefore is that you do in all Civil Causes on Application being made to you for that purpose permit and allow Appeals from any of the Courts of Law in the said Settlement unto You or Our Lieutenant Governor provided nevertheless that in all such Appeals the Sum or Value appealed for do exceed the Sum of £200 Sterling and that Security be first duly given by the Appellant to answer such Charges as shall be awarded in case the first Sentence be affirmed And if either Party shall not rest satisfied with the Judgment of you or Our Lieutenant Governor as aforesaid Our Will and Pleasure is that they may then Appeal unto Us in Our Privy Council provided the Sum or Value so Appealed for unto Us do exceed £500 Sterling and that Such appeal be made within fourteen days after Sentence and good Security be given by the Appellant that he will effectually prosecute the same and answer the condemnation as also pay such Costs and Damages as shall be Awarded by Us in case the Sentence of you or Our Lieutenant Governor be affirmed provided nevertheless when the matter in question relates to the taking or demanding any duty payable to Us or to any established Fee of Office or Annual Rents or other such like matter or thing where the Rights in future may be bound in all Such Cases you are to admit an Appeal to Us in Our Privy Council tho' the immediate

Sum or value appealed for be of less value And it is Our Will and Pleasure that in all Cases where by your Instructions you are to admit Appeals unto Us in Our Privy Council Execution shall be suspended until the final determination of such Appeal unless good and sufficient Security be given by the Appellee to make complete restitution of all that the Appellant shall have lost by means of such Decree or Judgment in case upon the determination of such appeal such Decree or Judgment should be reversed and restitution ordered to the appellant You are also to admit Appeals unto Us in Our Privy Council in all Cases of Fines imposed for misdemeanours provided the Fines so imposed amount to or exceed the Sum of £100 Sterling the Appellant first giving good Security that he will effectually prosecute the same and answer the Condemnation if the Sentence by which such Fine was imposed in your Government shall be confirmed.

8th. Our Will and Pleasure is that all Orders Regulations or Laws made by You or Our Lieutenant Governor shall when transmitted by You for Our information and for the Signification of Our pleasure thereon be fairly abstracted in the Margins and accompanied with very full and particular observations upon each of them that is to say whether the same is introductory to a new Order Regulation or Law or declaratory of a former Order Regulation or Law then before in being and you are also to transmit in the fullest manner the reasons and occasions for making such Orders Regulations or Laws.

9th. You are to give Warrants under your hand for the issuing of all Public Monies for all public Services and We do particularly require you to take care that regular Accounts for all Receipts and Payments of Public Monies be duly Kept and that Copies thereof attested by you be transmitted every half Year or oftener if there shall be occasion to Our Commissioners of Our Treasury or Our High Treasurer for the time being and Duplicates thereof by the next conveyance in which Accounts shall be specified every particular Sum raised or disposed of to the end that We may take such measures as We may deem necessary for the examination of the said Accounts and that We may be satisfied of the right and due application of the Revenues of the said Settlement and with the probability of the Increase or Diminution of them under every head and Article thereof.

10th. And you shall not remit any Fines or Forfeitures whatso-

ever above the Sum of £10 nor dispose of any Forfeitures whatsoever until upon signifying unto the Commissioners of Our Treasury or Our High Treasurer for the time being the nature of the Offence and the occasion of such Fines and Forfeitures with the particular Sum or Value thereof (which you are to do with all speed) you shall have received Our directions thereon but you may in the meantime suspend the payment of the said Fines and Forfeitures.

11th. It is Our further Will and Pleasure that all Commissions to be granted by You to any Person or Persons for exercising any Office or Duty relating to the Administration of Justice or the preservation of the Public Peace or other necessary Offices be granted during Pleasure only.

12th. It being of the greatest importance to Our Service and to the Welfare of Our Plantations that Justice be everywhere speedily and duly administered and that all Disorders Delays and other undue practices in the Administration thereof be effectually prevented We do particularly require you to take especial care that in all Courts established within the said Settlement Justice be impartially administered and that all Judges and other Persons therein concerned do likewise perform the several duties without delay or partiality.

13th. You shall not suffer any Person to execute more Offices than one by Deputy.

14th. And Whereas in pursuance of the Authority vested in Us by an Act passed in the 37th Year of Our Reign Intituled "An Act authorizing His Majesty for a time to be limited to make Regulations respecting the Trade and Commerce to and from the Cape of Good Hope" and since continued by an Act passed in the 49th Year of Our Reign Chapter 79 We were pleased to issue an Order in Council bearing Date the 28th Day of December 1796 for regulating the Commercial Intercourse of the said Settlement with this Kingdom and the other parts of the World a Copy of Our said Order in Council and Translations thereof into the French and Dutch Languages will be herewith delivered to you for the guidance and direction of the Inhabitants of the said Settlement.

15th. You shall not by Color of any Power or Authority hereby or otherwise granted or mentioned to be granted unto you take upon you to give grant or dispose of any Place or Office within the

said Settlement which now is or shall be granted under the Great Seal of this Kingdom or to which any Person is or shall be appointed by Warrant under Our Signet and Sign Manual any further than that you may upon the vacancy of any such Office or Place or upon the suspension of any such Officer by you as aforesaid put in any fit Person to Officiate in the interval till you shall have represented the Matter unto Us thro' One of Our Principal Secretaries of State which you are to do by the first opportunity and till the said Office or Place is disposed of by Us Our Heirs or Successors under the Great Seal of this Kingdom or until some Person shall be appointed thereunto under Our Signet and Sign Manual or until Our further directions be given therein.

16th. Our Will and Pleasure is that as soon as possible after your Arrival at the said Settlement you shall endeavor to procure as far as the same shall not have already been done the most accurate information respecting the Lands and every other species of Property belonging to Us at the said Settlement and that you shall also make yourself acquainted with the regulations which had been established for their management and disposal by the Dutch East India Company and having taken the whole into your mature and deliberate consideration You are to transmit to Us thro' One of Our Principal Secretaries of State a full and explicit Report thereupon together with your Opinion as to the Regulations and Restrictions under which it may be proper to grant or lease out the said Lands or Property with a view to the disposal thereof on reasonable Terms and the establishing a regular and proper mode of proceeding with respect to the passing of Grants thereof in order that We may furnish you with such Instructions as may appear to Us necessary to that object In making your Report on this subject you will particularly specify (as far as your information may enable you to do so) whether any of Our said Lands contain Timber fit for the use of Our Royal Navy whether any are particularly adapted to the growth of Hemp and Flax and also whether any contain Mines of Gold Silver Copper Tin Iron or Lead.

17th. You are to cause a Survey to be made of all the considerable Rivers Landing Places and Harbours within the limits of the said Settlement in so far as the same shall not have already been done and report to Us thro' One of Our Principal Secretaries of State how far any further Fortifications be necessary for the

Security and advantage of the said Rivers Landing Places and Harbours.

18th. You are to enquire and report to Us thro' One of Our Principal Secretaries of State whether it may be necessary to erect any new Forts or Posts in any interior parts of the said Settlement either for the protection and security of Our Subjects against the Caffres and Hottentots or other savage Tribes or for establishing and carrying on a Commerce with them and you are to use your best endeavors to conciliate their affections and to induce them to trade with Our Subjects and in order to prevent any improper Conduct towards the said Natives It is Our further Will and Pleasure that you do report to Us thro' One of Our Principal Secretaries of State the best Accounts you can obtain of the Nature and extent of the Trade that is or may be carried on with them and how the same may in your opinion be extended and improved.

19th. Whereas the Establishment of proper Regulations in matters of ecclesiastical concern is an object of very great importance it will be your indispensable Duty to take care that no arrangements in regard thereto be made but such as may give full satisfaction to Our new Subjects in every point in which they have a right to any indulgence on that head And you are to permit liberty of conscience and the free exercise of Religious Worship to all Persons who inhabit or frequent the said Settlement provided they shall be contented with a quiet and peaceable enjoyment of the same without giving offence or Scandal to Government.

20th. It is Our Will and Pleasure that you do take into your consideration and report to One of Our Principal Secretaries of State for Our information your opinion with respect to the steps which it may be adviseable to take for erecting and maintaining of Schools in the said Settlement where youth may be educated in competent Learning and in knowledge of the Principles of the Christian Religion.

21st. And It is Our further Will and pleasure that no Person shall be allowed to keep a School in the said Settlement without your Licence first had and obtained in granting which you are to pay the most particular attention to the morals and proper qualifications of the Persons applying for the same.

22nd. And it is Our Will and Pleasure that you or in your

absence Our Lieutenant Governor or the Person for the time being having the Government of the said Settlement shall have the power of collating to Benefices granting Licences for Marriages and Probates of Wills commonly called the Office of Ordinary But it is Our express Will and Pleasure and you are hereby directed and required not to grant Deputations for the exercise of the said Powers to any Person or Persons whatsoever in the said Settlement under your Government.

23rd. And whereas it is expedient for Our Service that We should from time to time be informed of the State of the Trade and Fisheries as well as of the population of the said Settlement It is Our Will and pleasure that you do transmit to Us thro' One of Our Principal Secretaries of State and to Our Committee of Our Privy Council for Trade and Foreign Plantations for their information yearly and every year a full and particular Account of the nature and extent of the several Fisheries carried on by Our Subjects or others the State of the Cultivation particularly specifying the quantity of Grain Wine Hemp and Flax produced and of any other important Branch of Trade which may in your opinion be undertaken and Advantageously carried on by Our Subjects The number of Inhabitants distinguishing them under different heads of Men Women and Children inserting in such Account the number of Persons born christened and buried and any extraordinary influx to or emigration from the said Settlement specifying at the same time the number of Slaves and the number of Our Subjects capable of bearing Arms in the Militia The number and Tonnage of Shipping and Craft employed at the said Settlement together with any other information on these or any other points of the like nature which may be proper to be communicated to Us.

24th. And whereas you will receive from Our Commissioners for executing the Office of High Admiral of Great Britain and of the Plantations a Commission constituting you Vice Admiral of the said Settlement you are required and directed carefully to put in execution the several Powers thereby granted you.

25th. And there having been great irregularities in the manner of granting Commissions in the Plantations to private Ships of War you are to govern yourself whenever there shall be occasion according to the Commissions and Instructions granted in this Kingdom But you are not to grant Letters of Marque or Reprisal

against any Prince or State in Amity with Us to any Person whatsoever without Our Especial Command and you are to oblige the Commanders of all Ships having private Commissions to wear no other Colors than such as are described in Our Proclamation bearing date first of January 1801 declaring what Ensigns or Colors shall be borne at Sea in Merchant Ships belonging to any of Our Subjects of Our United Kingdom of Great Britain and Ireland and the Dominions thereunto belonging.

26th. Whereas Commissions have been granted unto several Persons in Our respective Plantations in other parts of the World for trying Pirates in those parts pursuant to the several Acts for the more effectual suppression of Piracy and a Commission has been prepared empowering you as Our Governor and Commander in Chief of the said Settlement for the time being with others therein mentioned to proceed accordingly with reference to the said Settlement Our Will and Pleasure is that in all Matters relating to Pirates you govern yourself according to the intent of the said Acts.

27th. And Whereas it is absolutely necessary that We should be exactly informed of the present state and Disposition of the said Settlement with a view to any future alteration which We may hereafter think proper to make in the Government of the said Settlement as established by these Our Commission and Instructions you are hereby strictly enjoined to make diligent Enquiry and to examine such Documents and communicate with such Persons as may best enable you to transmit to Us thro' One of Our Principal Secretaries of State the Information hereby required and for the better ordering of your Report on this Subject it will be proper that you should arrange the same under the several Heads following Viz

- 1st Legislation
- 2nd Executive Government
- 3rd Courts of Justice
- 4th Different Orders of Inhabitants in the said Settlement
- 5th Revenue
- 6th Commerce
- 7th Religion and Religious Establishments
- 8th Military
- 9th Estates of Absentees and Aliens

28th. Whereas it is absolutely necessary that We be exactly informed of the state of Defence of the said Settlement as well in relation to the State of War as to the Forts and Fortifications that are there and what more may be necessary to be built for the Defence and Security of the same you are from time to time to transmit an Account thereof in the most particular manner and you are therein to express the State of the Arms Ammunition and other Stores of War belonging to the said Settlement either in any Public Magazine or in the hands of any private Persons together with a State of all Places either already fortified or that you may judge necessary to be fortified for the security of the Settlement and you are to transmit the said Accounts to Us thro' One of our Principal Secretaries of State and also Duplicates thereof to Our Master General or Principal Officer of Our Ordnance which Accounts are to express the Particulars of Ordnance Carriages Balls Powder and all sorts of Arms and Ammunition now in the Public Stores and so from time to time of what shall be sent to you or bought with the Public Money and to Specify the time of the Disposal and the occasion thereof and other like Accounts half yearly in the same manner.

29th. You are hereby particularly authorized and required for the better security of the said Settlement and for the maintenance of Good Order within the same to raise such Troops therein and to call out and embody such Companies or Corps of Militia as you shall judge necessary for that purpose and fine or imprison such Persons as refuse to be enrolled and to serve With the same view of maintaining Order and good Government you are also authorized to disarm such of the Inhabitants of the said Settlement as are not Proprietors or are not employed in any Civil or Military Capacity or have not your licence for keeping their Arms and to remove and send away from the said Settlement such Persons as you shall suspect of adhering to Our Enemies and all such other Persons the continuance of whose Residence you may have reason to imagine might be inconvenient or prejudicial to the Peace good Order and Security of the said Settlement.

30th. Whereas We have been informed that during the time of War Our Enemies have frequently got Intelligence of the state of Our Settlements or Plantations by Letters from private Persons to their Correspondents in Great Britain taken on Board Ships coming from such Settlements and Plantations which has been of

dangerous consequence Our Will and Pleasure therefore is that you signify to all Merchants Inhabitants and others that they be very cautious in time of War whenever that shall happen in giving any Accounts by Letters of the Public State and condition of the said Settlement and you are further to give directions to all Masters of Ships or other Persons to whom you may entrust your Letters that they put such Letters into a Bag with a sufficient Weight to sink the same immediately in case of imminent danger from the Enemy and you are also to let the Merchants and Inhabitants know how greatly it is for their Interest that their Letters should not fall into the hands of the Enemy and therefore that they should give the like Orders to Masters of Ships with respect to their Letters and you are further to advise all Masters of Ships that they do sink all Letters in case of danger in the manner before mentioned.

31st. If any thing shall happen which may be of advantage to the security of the said Settlement which is not herein or by your Commission provided for We do hereby allow you to take Order for the present therein giving unto Us thro' One of Our Principal Secretaries of State speedy notice thereof that you may receive Our Ratification if We shall approve the same Provided always that you do not by color of any Power or Authority hereby given you commence or declare War without Our knowledge and particular Commands therein except it be for the purpose of preventing or repelling Hostilities or unavoidable Emergencies.

32nd. And Whereas great Prejudice may happen to Our Service and to the security of the said Settlement by the absence of You Our Governor in Chief you shall not upon any pretence whatsoever come to Europe without having first obtained Leave for so doing from Us under Our Royal Sign Manual and Signet or by Our Order in Our Privy Council or by Us thro' One of Our Principal Secretaries of State.

33rd. And you are upon all occasions to send to Us thro' One of Our Principal Secretaries of State a particular account of all your Proceedings and of the condition of Affairs within Your Government.

34th. It is Our express Will and Pleasure that nothing in these Our Instructions or in Our Commission herewith annexed or anything which may be contained in any future Instructions which you may receive from Us whether under Our Royal Sign

Manual or by Our Order in Council or thro' One of Our Principal Secretaries of State shall be construed by You or by any other Person to restrain limit or in any respect narrow Our Power to do arrange and determine everything with respect to the said Settlement in the same manner as in Our Royal Wisdom We might have done if the said Commission or these or any future Instructions were not given and had not been acted upon.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to the* EARL OF CALEDON.

DOWNING STREET, 20th April 1811.

MY LORD,—Application having been made to this Office in behalf of the Forces employed in the Capture of the Cape, praying that Instructions might be given to the Governor of that Settlement for the payment to the Agent of the Captors of so much of the Sums retained under the Report of the Advocate General of the 23 Sept. 1807, as had been condemned as Prize in the High Court of Admiralty; a reference was made to the King's Proctor of all the documents which relate to this Case, and I have in consequence received from him the accompanying Report; I am therefore to desire you will give the necessary directions, in conformity with the Opinion therein stated, for paying over to the Agent for the Captors the Funds in question. I have etc.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 22nd April 1811.

SIR,—I transmit to you herewith the copy of a letter from the Secretary of the Admiralty dated the 1st Instant stating the request of the Lords Commissioners, that the Governor of His

Majesty's Settlements at the Cape may be instructed to render every assistance in his power to co-operate with Commissioner Shield in carrying into effect the measures directed by their Lordships to be taken in order to investigate the nature and qualities of Woods growing in those Settlements. I am to desire you will pay the utmost attention to this important object.

I have etc.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 22nd April 1811.

SIR,—I have the honor of transmitting to you the enclosed copy of a minute of the Lords of the Committee of Council for Trade and Plantations on a dispatch from the Earl of Caledon referred to their Lordships dated 10th October 1809.

I am to desire that upon your Arrival at the Cape of Good Hope, you will lose no time in carrying into effect the measures that are recommended by their Lordships for the improvement of the Revenue and of the mode in which it is collected at present, subject of course to that discretionary Power which a change of circumstances or the advantage of local information may render it expedient to exercise.

It is material that the fullest information should be given at as early a period as possible on the other Points adverted to in their Lordships' Minute, in which additional explanations are required before any positive Instructions can be conveyed to You. I have etc.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 22nd April, 1811.

SIR,—I herewith transmit to you a Commission under the Great Seal appointing you Governor and Commander in Chief in and over the Settlement of the Cape of Good Hope, together with Instructions under the Royal Sign Manual for your guidance in that Government. I have etc.

(Signed) LIVERPOOL.

Commission to SIR JOHN CRADOCK.

George The Third by the Grace of God of the United Kingdom of Great Britain and Ireland King Defender of the Faith To Our Trusty and Well Beloved John Francis Cradock Knight of the Most Honorable Order of the Bath and of the Turkish Order of the Crescent and Lieutenant General in Our Army Greeting Whereas We did by our Letter Patent under Our Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the thirtieth day of July 1806 in the Forty sixth year of our Reign constitute and appoint Our Right Trusty and Well Beloved Cousin Dupré Earl of Caledon of that part of Our United Kingdom called Ireland to be Our Governor and Commander in Chief in and over the Cape of Good Hope in South Africa with its Territories and Dependencies as also of the Castle thereof and all Forts and Garrisons erected and established or which shall be erected or established within the said Settlement Territories and Dependencies for and during Our Will and Pleasure Now Know you that We have revoked and determined and by these Presents do revoke and determine the said recited Letter Patent and every Clause Article and thing therein contained and further know you that We reposing especial trust and confidence in the prudence courage and Loyalty of you the said Sir John Francis Cradock of Our especial grace certain Knowledge and mere motion have thought fit to that end to constitute and appoint you the said Sir John Francis Cradock to be Our Governor

and Commander in Chief in and over the said Settlement of the Cape of Good Hope in South Africa with its Territories and Dependencies as also of the said Castle and all Forts and Garrisons erected and established or which shall be erected or established within the said Settlement Territories and Dependencies for and during Our Will and Pleasure and We do hereby require and command you Our said Governor during Our Pleasure to do and execute all things in due manner that shall belong to your said Command and the trust We have reposed in you according to the several Powers and Directions granted or appointed you by this present Commission and the Instructions herewith given you or by such further Powers Instructions and authorities which shall at any time hereafter be given and granted or appointed you under Our Signet and Sign Manual or by Our Order in Our Privy Council or by Us thro' one of Our Principal Secretaries of State and Our Will and Pleasure is that you the said Sir John Francis Cradock do take the Oaths and subscribe the declaration which by Our said Instructions herewith given you are appointed to be taken and subscribed by you in such manner as therein expressed And we do further give and grant unto you the said Sir John Francis Cradock or to any Person or Persons duly authorized by you in that behalf full power and authority from time to time and at all times hereafter until we shall make further or other Provision touching the same to administer and give the Oaths in an Act passed in the first Year of the Reign of King George the First Intituled "An Act for the further security of His Majesty's Person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for the extinguishing the hopes of the Pretended Prince of Wales and his open and secret abettors" as the same is altered and explained by an Act passed in the Sixth Year of Our Reign Intituled "An Act for altering the oath of abjuration and the assurance and for amending so much of an Act of the seventh year of Her late Majesty Queen Anne Intituled 'An Act for the Improvement of the union of the two Kingdoms'" as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to Persons indicted for High Treason or misprision of Treason to all and every such Person or Persons as you shall think fit who shall hold any place of trust or profit or shall at any time or times pass into the said Settlement or shall be resident or abiding therein

except in the case of Persons professing the Religion of the Church of Rome or other Evangelic mode of Worship than that of the Church of England And Whereas We may find it convenient for Our Service that certain Offices or Places within the said Settlement should be filled with Our Subjects observing other Evangelic mode of Worship than that of the Church of England It is therefore Our Will and Pleasure that in all cases where such Persons shall or may be admitted into any such Office or Place the Oath prescribed in and by an Act of Parliament passed in the fourteenth Year of Our Reign Intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America" and also the usual Oath for the due execution of their Places and Trusts respectively shall be duly administered to them in lieu of all other Tests and Oaths whatever And We do further give and grant unto you full power and authority from time to time and as often as you shall see occasion by yourself or by any other Person or Persons to be authorized as aforesaid to administer and give the said Oath prescribed in and by the aforesaid Act of Parliament passed in the 14th Year of Our Reign Intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America" to all and every such Person and Persons professing the religion of the Church of Rome or other mode of Evangelic Worship different from that of the Church of England who shall at any time or times pass into the said Settlement or shall be resident or abiding therein in lieu of the Tests or Oaths above directed to be given them or any of them in that behalf

And We do hereby give and grant unto you the said Sir John Francis Cradock by yourself or by your Captains and Commanders to be authorized by you full power and authority to levy Arm muster command and employ all Persons whatever residing within the said Settlement and as occasion shall serve to march them from one place to another or to embark them for the resisting and withstanding all Enemies Pirates and Rebels both at Land and at Sea and (if it shall so please God) to vanquish apprehend and take them and being taken to cause execution to be done upon them according to Law or to keep and preserve them alive at your discretion and to execute martial Law in time of Invasion or at other times when lawfully it may be executed and to do and execute all and every other thing or things which to Our Governor and Com-

mander in Chief doth or ought of right to belong according to the Provisions which by this present Commission or otherwise We have made or shall make for the temporary Government of the said Settlement with its Territories and Dependencies during Our Pleasure And We do hereby give and grant unto you full power and authority when you shall see cause or judge any Offender or Offenders for criminal matters or for any Fines or Forfeitures due unto us fit objects for Our Mercy to pardon all such Offenders and remit all such Offences fines and forfeitures High Treason and Wilful Murder only excepted in which cases you shall likewise have power upon extraordinary occasions to grant Reprieves to the Offenders until and to the intent Our Royal Pleasure may be known therein And We do hereby require and command all Officers Civil and Military and all other Inhabitants of the said Settlement to be obedient aiding and assisting unto you in the execution of this Commission and of the Powers and authorities herein contained And in case of your death or necessary absence from the said Settlement if there be no Person upon the Place Commissioned or appointed by Us to succeed to the vacancy which might thereby take place in the Office of Governor within the said Settlement for the purpose of the temporary Government so intended by Us to be provided during Our Pleasure as aforesaid Our Will and Pleasure is that the Officer for the time being Commanding Our Forces in the said Settlement do take upon him the power and Office of Governor of the said Settlement and execute this Our said Commission and Instructions according to the several powers and authorities therein contained for and during Our Will and Pleasure And We do hereby declare ordain and appoint that you the said Sir John Francis Cradock shall and may hold and enjoy the place of Our Governor and Commander in Chief in and over the said Settlement of the Cape of Good Hope as also of all Our Forts and Garrisons erected and established or to be erected and established in the said Settlement its Territories and Dependencies with all and singular the Powers and authorities hereby granted unto you for and during Our Will and Pleasure Provided always that nothing in this present Commission contained or any Act which shall be done under the Authority thereof shall extend or shall be deemed or construed to extend to prevent Us Our heirs or Successors from making such further or other Provision for the Government of the said Settlement its

Territories or Dependencies or any part or parts thereof at Our Will and Pleasure and as circumstances may require We meaning and intending fully and absolutely and to all intents and purposes whatsoever to reserve to Ourselves Our Heirs and Successors such and the same Rights and Powers in and over the said Settlement with its Territories and Dependencies and every part thereof and the Government thereof and every part thereof as if these Presents had not been made anything in these presents contained or any Law Custom Usage Matter or Thing whatever to the contrary or in any wise notwithstanding. Witness Ourself at Westminster this 9th day of — in the 52nd Year of Our Reign.

By Writ of Privy Seal.

(Signed) BATHURST AND BATHURST.

[Original.]

Letter from HENRY BROUGHAM, ESQRE, *to the*
EARL OF LIVERPOOL.

KING'S BENCH WALKS, TEMPLE, 1st May 1811.

MY LORD,—About seven months ago I had the honor of addressing a letter to your Lordship containing the particulars of the Baron van Hogendorp's case. I shall be much obliged to your Lordship for information whether that letter was ever received, and, if it was, whether any steps have been taken towards the consideration of the Baron's case in the only way in which it seems reasonable to expect that disinterested persons should have the decision of it, viz. in this country.

I am the rather induced to trouble your Lordship at present because I understand that the new governor is soon to set out for the Cape, and I confess that I entertain very little doubt (upon the facts which have appeared), of Mr. Van H. having been hardly dealt with. I have etc.

(Signed) HENRY BROUGHAM.

[Copy.]

Extract from a Letter written by MAJOR CUYLER, Provisional Landdrost of Uitenhage, to MAJOR BIRD, Deputy Colonial Secretary, dated Uitenhage, 3rd May 1811.

I have further the Honor to transmit herewith a List of such Loan places as have been abandoned in consequence of the Depredations of the Kaffirs and other causes, so far as the best information I can obtain on the Subject extends, and most humbly beg to recommend the same to His Excellency's consideration to be exempted from Rent as mentioned in the remarks opposite each place, the Kaffirs have now by degrees got possession of a large portion of the frontier of Uitenhage, and by their repeated Intrusions daily cause the Inhabitants to retire more interior, should they continue as they have done for the last five Years, in a short time we may expect to have the Communication between Graaff-Reinet and this Drostdy Cut off, except to a large Escort. I trust I have faithfully made my Reports to Government of the Repeated Depredations committed by these rovers, leaving it to His Excellency's pleasure to devise such Measures as he may deem best to protect the persons and property of the Settlers and so restore to the Colony its due limits, which has hitherto been seized upon by the Kaffirs with impunity.

(Signed) J. G. CUYLER.

[Copy.]

The following Loan places situated in the district of Uitenhage, which from the best Information that can at present be procured have been abandoned in consequence of the Caffers' Depredations and other Causes as noted in remarks, and are recommended by the undersigned to be free from payment of the rent due on them until the same places can be reoccupied, and such other alterations as are stated.

Folio.	Names of the Inhabitants.	Names of the Places.	Remarks.
137	Widow Pet ^s Bower	De drooge Palmitefonteyn	Abandoned in April 1810.
173	Ant ^{hy} Lombard .	Groote Zeekoegat .	Do. before this date.
189	Joseph van Dyk .	De Driefontynen .	Do. Do. This place formerly stood in the name of J. H. Steenkamp, who resigned his claim when it was re-granted to van Dyk. All the arrears due on this place should be remitted by Government, as the place has not been occupied.
222	J. C. Engelbrecht .	De Buffelsdrift .	Long since abandoned.
233	J. K. de Lange .	De fonteyn of Horo	Do. Do.
262	Jos. van Dyk, yet on the name of P. Duplesie	De Doorenfonteyn	Do. Do.
293	Louis Coetzee, s ^r .	Hermanus Kraal .	Abandoned since the first Kaffers disturbance.
365	Corn ^s Engelbrecht	De Boschfontein .	Abandoned some time since.
398	Hans Jur. Lombard	Wel te vreedem .	Do. Do.
433	P. W. Coetzer .	De Keerom . .	Do. Do.
484	Lucas Meyer, s ^r .	De Rietfontein .	Do. April, 1810.
485	Wenzel C. Coetzer	Jac. Lapoits kraal.	Do. Do.

Folio.	Names of the Inhabitants.	Names of the Places.	Remarks.
515	Jac. Janze van Rensburg	De Rietrivier . .	Abandoned April, 1810.
347 528	{ C. F. Vermaak . Do.	Kouketara . . De Zand-fonteyn .	For many years abandoned, altho' not long in arrears; principally the residence of Conga.
639	M. W. Theunissen	Het Zeekoegat .	For many years abandoned.
653	Jan Nel Jan Z ^a .	De Noutoe . .	April 1810, where the Veld Cornet de Lange lived.
762	J. C. Buis . . .	de Roode Wal .	April 1810.
822	K. van der Merwe, M. Z.	Koesters kloof .	Do.
541	Jac ^a . Lod ^a Botha .	Klipfontyn . .	Many years abandoned.
479	Do.	Driefontynen . .	Do. Do.
346	J. van der West- huysen	De Noutoe spruit .	Was occupied a short time by one P. Schut, but soon abandoned, and still remains unoccupied.
516	Volker Schoemaker	De Geelhouteboom	Abandoned many years since.
172	Daniel Marais .	De Buffelsfontyn .	Do. Do.
222 365	{ Engelbrecht memorialled his Excellency the Governor to have these places free of Rent, which has been granted by His Excellency on the 19th April 1811:—		
214	David du Buissing	Welgelegen . .	See last sheet.
643	Michiel Dorfling .	De Kruisrivier .	With the last opgaaf one year's rent has been paid; the man dead, and the rest of the Family very poor and have not the means of bringing up the arrears, recommended to be freed to the present year, from whence to pay yearly.

Folio.	Names of the Inhabitants.	Names of the Places.	Remarks.
72	Gerh' van Niekerk	De Elandsfontyn .	The man dead, the widow a little time since memorialled His Excellency the Governor, to be free from rent, &c., which was refused in consequence of her having asserted falsehoods, as the place has not been occupied for many years, it is now recommended to be freed until the present year 1811, as it may now be re-occupied.
122	P. J. du Toit . .	Vrisgewaagd . .	Was in doubt if this place ever existed, du Toit has resigned his claim, if any he had, to any place on that part of Zondags rivier.
169	P. W. Nel. . .	De Rietfonteyn .	There is but one man of this name in Uitenhage who has a place of the same name under Folio 124, probably a mistake in some of the Books.
191	P. R. Botha, P. Z.	De Stillefontyn .	Many years abandoned under range of Kaffers.
193	Louis Koen . .	Commedagga . .	Has been a short time occupied by one van Rooyen, but long since abandoned in consequence of the Kaffers.
250	Jac' Linde . .	De Brakkefontyn .	Abandoned.
270	And' Gousch, s'	De Mistkraal van Hermanus Steyn over de Zondags river van de Camdeboos ruggens aan de Klipfonteyn	In the Book of Uitenhage is mentioned a place called de Klippedrift gel. over de Zondags rivier, which was paid by A. Gousch to end of December 1804, and then quitted by him; the name of the place probably taken on verbal information. This place is likely to be the same as A. Gousch had only the one place.

Folio.	Names of the Inhabitants.	Names of the Places.	Remarks.
271	Coert Grobbelaar .	De Rietrivier . .	This place must be freed as the veld cornet W. Grobbelaar owns $\frac{1}{3}$ of said place.
361	Th' F. Dreyer .	De Renosterfonteyn	Abandoned some time since in consequence of the Kaffers—sold to Ls. Js. Nel and J. P. Nel, but never transferred.
373	C. Engelbrecht .	Buffelsfonteyn .	Stands on the Books of Uitenhage resigned.
498	Gerrit and Lucas . Mart' van Rooyen	Nooit gedagt . .	Must be freed as G. van Rooyen is veld cornet.
723	C. T. de Jager .	De Hartebeestfonteyn	Sold at orphan Chamber auction to Gabriel Stolz, who says he cannot get the place transferred, though the arrears were paid to the day of sale, and he has since been veld cornet and is now veld commandant, has been himself at the Land Office on this business.
763	Will. Prinslo C. Z.	Brerekraal gel. omtrent de Kleine vish rivier and groote Boschberg district Bruintjes Hoogte.	This place intruding too much on the adjoining Neighbours and agreeably to orders of Government have been dispossessed.
261	Arn' C. Piek .	Bergfonteyn langs de Rietberg	Sold to W. D. Basson, depends on the orphan Chamber paying the arrears to the day of sale before which it cannot be transferred, the place is unoccupied and recommended to be freed from Rent till re-occupied.
686	P. A. Gousch .	Bouwerskraal . .	Unoccupied in consequence of the roving of the Kaffers.
505	Ockert Oosthuyzen	Koorn Kraal . .	No information can be obtained about this place.

Folio.	Names of the Inhabitants.	Names of the Places.	Remarks.
602	Coenraad Scheepers	Elandsjagt . .	Many years since abandoned by Scheepers who is very old and supported by his children, since granted to Ch. Snyman, folio 825, the arrears standing as due by Scheepers should be freed.
167	Th' Ign' Ferreira, s ^r	Het Jagersbosch .	On further information this place appears to have been sold by Ferreira and never received payment nor transferred, the buyer not being in State to pay for it, it remained in this state till the late disturbances took place, having been some time occupied and some time unoccupied till re-occupied by Th' Ign' Ferreira, j ^r , who memorialled to have it on his name in the time of the former Landdrost, this memorial with about 60 others were handed over to the present Landdrost who sent them all to the Col-Secretary, on which this place was regranted to the Jun ^r Ferreira. The old Ferreira is I am informed, poor, and Lives under Zwellendam; the place has paid regular rent since the regrating of it to the Younger Ferreira and it is recommended to remit the previous rent.
824	T. E. Davel . .	De Vale fontyn .	The man murdered and 120 head of cattle stolen and 2 Hottentots murdered on the 8th March 1811. The widow who is poor abandoned the place immediately one year's rent was due previous to this occurrence, which is hoped may be remitted and the place freed until re-occupied.

Folio.	Names of the Inhabitants.	Names of the Places.	Remarks.
	These following places are situated in rather a dangerous pass, altho within the settlement a full days Journey, yet are constantly infested with Kaffers, and have not been occupied since the late disturbances, recommended to be freed till occupied, viz.:—		
409	I. L. Rautenbach	De Elandsrivier .	Is paid for the present year, but has not been occupied since I am in the Country and am informed has not been for many years before.
646	M. A. Muller . .	De Slangehoek .	Is paid up to the last year and in other respect as the last place laying next adjoining.
683	Christ' Viljoen, Ch. Z.	Melkhout fonteyn.	Do. Do.
214	David du Buissing	Welgelegen . .	The man many years dead, the Family not residing under Uitenhage—the place not been occupied since the death of the man and situated rather precariously on account of the roving of the Kaffers, recommended to be freed from rent till re-occupied or granted.
684	Matt' J. Lotter .	De Uitvlugt gel aan de Vogelrivier	
79	Christ. Lotter .	De Zwartेरug gel. onder de Vogel- rivier	

These two last places have not been occupied for some years and are precariously situated on account of the roving of the Kaffers, recommended to be freed till reoccupied.

Those places stated to have been abandoned in April 1810 are recommended to have such previous rent, as may be due on them, freed as the Inhabitants were much robbed and molested by the Kaffers previous to their abandoning their places.

Uitenhage, 3rd May 1811.

(Signed) J. G. CUYLER, Prov. Landdrost.

[Copy.]

*Letter from the DEPUTY COLONIAL SECRETARY to the PRESIDENT
OF THE LOMBARD BANK.*

SECRETARY'S OFFICE, 4th May 1811.

SIR,—I have taken the earliest opportunity of communicating with his Excellency the Governor on the subject of the memorandum you did me the favour to put into my hands relative to enlarging the discounts of the bank, in consequence of the great balances which the increasing confidence of the public in the establishment leaves at your disposal.

His Excellency has desired me to inform you that he feels great difficulty in assenting to any proposal for discounting private acceptances, but that he sees no reason to object to an advance being made from the bank, at the discretion of the directors, for a limited period of three, six, or nine months, upon such (obligations) *scheepenkenissen* as shall appear upon examination to be fully and regularly secured; at the same time his Excellency does not think that it would be prudent to employ, in discounting generally, more than one third of the personal balances deposited in the bank. I have, &c.

(Signed). C. BIRD, Deputy Secretary.

[Copy.]

Extract from a Letter from MAJOR CUYLER to MAJOR BIRD.

UITENHAGE, 6th May 1811.

SIR,—I lately made Captain Hawkes at Brintjes Hoogte a visit, whose detachment I found in good order, but I am extremely sorry to report that the Kaffers have of late been very troublesome to the Inhabitants on the frontier of the Hoogte, and that some of the advanced settlers have with much difficulty been prevailed upon to remain on their places, they wishing to remove more into the interior. While at the Hoogte I collected a command of about Seventy Inhabitants composed of the Veld Cornets of Winterhoek, Swarteruggens, Brintjeshoogte, Bosjesman's River,

and Zuurvelden people who are residing on and about the Hoogte under the command of Commandant Stolz, who I had ordered to try to get out what stolen cattle he might see, and if practicable to seize a little Chief called Gretta, who with a brother of Habana had sent out the party (and indeed the latter accompanied by a Hottentot called Dirk Trompetter, brother to Hans Trompetter lately sent to the Fiscal, headed the party in person) who murdered Jan Davel and afterwards divided the cattle stolen. I received this information from two Hottentots of Davel, who the Kaffers had taken with them at the time of committing the outrage, and who some days afterwards made their escape from the Kaffers. The Commandant found that Gretta who had driven the stolen cattle out before him had withdrawn over the Fish River to Gyka's country. I believe I long since informed His Excellency the Governor of the traffic the Kaffers carry on with the cattle they steal from the Inhabitants, and that we seldom can regain the stolen property, I now humbly propose that in similar cases I may be allowed to seize the person of Slambi who is acknowledged by the Kaffers themselves to be the head of all the Kaffers within the Colonial bounds, and keep him or send him to Cape Town as His Excellency may deem proper till restoration is made of all the stolen property. While I was at the Hoogte the widow Bouer's place was attacked, a shot fired through the roof of the house, a slave murdered, and between 30 and 40 head of cattle stolen, she being one of the advanced settlers is since removed more interior, also a few days before I got there a slave man herding sheep of P. B. Botha was stabbed and his gun taken by the Kaffers, the wound however did not prove mortal, the slave has since recovered. I dread the approaching winter may be very troublesome to the Inhabitants, as the Kaffers find they generally keep what they steal, which no doubt encourages them to continue roving.

[Original.]

Letter from J. W. CROKER, ESQRE., to ROBERT PEEL, ESQRE.

ADMIRALTY OFFICE, 7th May 1811.

SIR,—The Earl of Liverpool having by his letter of the 4th Instant signified to my Lords Commissioners of the Admiralty the Pleasure of His Royal Highness the Prince Regent that a Ship of War should be appointed to convey Lieut. General Sir John Cradock with his family and suite to the Cape of Good Hope, of which Colony he has been appointed Governor; I have received the Commands of their Lordships to acquaint you, for Lord Liverpool's information, that His Majesty's Ship *Theban* will be ordered to perform this Service, and that directions will be sent to her Captain to sail from Spithead on the 18th Instant.

I am etc.

(Signed) J. W. CROKER.

[Original.]

*Letter from the REVEREND DR. HALLORAN to the
EARL OF LIVERPOOL.*

PORTSMOUTH, 8th May 1811.

MY LORD,—By the *Baring* East India Ship I had the Honor to transmit to your Lordship, in September last, a Letter, accompanied by a detail of the various Hardships to which the British Inhabitants, at the Cape of Good Hope are subjected, under the partial Administration of the Dutch Laws: and I pledg'd to your Lordship My Character, my property, and my Life, for the Authenticity of the Cases stated in that Detail.

Since that time I have myself been the Victim of incessant Persecution, and the Injustice and Cruelty of the Dutch System of Jurisprudence have been feelingly exemplified in my Person.

On a Charge of having written an English Poem, which the Dutch Court thought proper to designate a *Libel*, a Charge too supported solely by presumptive Evidence, I have been subjected

to a long and expensive Process before this foreign Tribunal, fined and immured in their common Prison, and ultimately conveyed by force on board of a Ship, and banish'd the Colony! And *this*, without permission either to settle my Affairs, or to see my family!!!

On such treatment to a British Subject of my Character, Profession, and Station in Society, Sent to that Colony as Chaplain to His Majesty's forces, and therefore surely not subject to the Dutch Jurisdiction, tho' illegally compell'd to submit to it, I will not, in this place, offer any Comment! My Establishment formed at a very great Expence has been ruined; and an Income of more than Twelve Hundred Pounds Sterling per Annum, resulting from useful and honorable Avocations, has been wrested from me; while a large Family, destitute of my Protection, and even of any certain Means of Support, are detained in a remote and inhospitable Colony!!!

Lord Caledon has—I hope—transmitted to Your Lordship a faithful and ungarbled Transcript of the whole Process, of which I return, furnished with official records, for the purpose of obtaining Reparation for the cruel Injuries I have sustain'd; And for which Redress, I trust, I need only appeal to the Justice and Humanity of His Majesty's Ministers!

I have the Honor to forward herewith various Documents, to which I entreat the favor of Your Lordship's particular Attention, as tending to place my public Character (to which I have above refer'd) and the degree of Estimation with which I am consider'd by the great Body of British Inhabitants in Cape Town, in a strong, and I dare aver an equally just Light!

I transmit also details of several Instances of individual Grievances and Oppression, mark'd with no inconsiderable degree of illegal Severity! These, with my own Case, I am particularly Solicited and commissioned, by the British Residents in general in South Africa to lay before His Majesty's Ministers and the British Nation, and, "to implore, on their Behalf, Redress for the past, and relief from the future pressure of similar injuries."

In doing *this*, which I feel to be a Matter of extreme delicacy, I shall be most happy to be favor'd with your Lordship's directions, to which I beg to add I am prepared to pay the most respectful Attention.

I shall remain here a day or two, to recover the fatigues of so

long and uncomfortable a Voyage; after which I purpose to proceed to Town, where I shall expect the Honor of meeting Your Lordship's Commands, address'd to me at Mr. W. T. Browne's, No. 2 Bernard's Inn, Holborn. I have etc.

(Signed) LAURENCE HALLORAN, D.D.

[Enclosure 1 in the above.]

To HIS EXCELLENCY THE EARL OF CALEDON, Governor and
Commander in Chief, &c., &c.

The Memorial of the underwritten British and other Inhabitants
of Cape Town respectfully setteth forth:

That your Memorialists, from their high Estimation of the general character of the Revd. Doctor Halloran, from their personal Regard for Him and His amiable family; and from their grateful Sense of his public Services for several Years in this Colony, as a Clergyman and Instructor of Youth; have learned with the Deepest Regret the sentence which has been passed upon him, their Minister, by a Dutch Court of Justice, on the Charge of having written a Libel, And which sentence has been sanctioned and affirmed by Your Excellency!

Your Memorialists presume not to enter into the Merits of the Cause, which has been productive of such a Sentence, but your memorialists feel that they would be deficient in those Sentiments which they have expressed, and justly entertained, of the Doctor's Merit, Abilities, and Services, if they did not approach Your Excellency in his Behalf, with their most Respectful, but equally earnest Entreaty, for the Remission, Or at least the Mitigation, of a Sentence So disgraceful to a British Clergyman, respectable by his Age and talents and public services, and whom they have, ever since his Arrival among them, been accustomed to Contemplate with sincere Veneration and Respect.

Your Memorialists, in Concluding this Address, have only to add that, from the Sense which they entertain of Your Excellency's humane Character, they confidently anticipate that it will be as pleasing to Yourself as it will be most gratifying to them, to have the Opportunity, afforded by its favorable Reception of exercising Your Clemency on this Occasion!

And Your Excellency's Memorialists will ever pray, &c., &c.

Cape Town, 4th February 1811.

(Signed)	JOHN MACKRILL,	HAMILTON ROSS,
	A. SINNET,	J. B. EBDEN,
	ADAM THOMSON,	R. WRANKMORE,
	T. O'BRIEN,	RICHD. HOWELL,
	W. M. HOPLEY,	GEO. BENNETT,
	CHAS. MCKENZIE,	JAS. KELLY,
	W. BATTEN,	THOS. MACVITIE,
	JAMES HOWELL,	JOHN S. VIRET,
	HENRY BATT,	WM. FR. VIRET,
	JAMES ROSS,	EVAN ROGERS,
	THOMAS LIDSTONE,	ROBT. STUART,
	EDW. PARRY,	GEO. LOCKWOOD,
	A. GRAY,	GEO. REYNOLDS,
	G. T. WILLIAMS,	A. McDONALD,
	JAMES DICK,	RICHD. SHEPHERD,
	THOMAS MELVILL,	T. C. CADOGAN,
	THOMAS ELMSLIE,	G. F. GRAND,
	THOS. STACKHOUSE,	ALEXR. TENNANT,
	EDWD. GEORGE,	FRANCIS SHORTT,
	JAMES WILLIAMS,	ALEXR. WATTS,
	JNO. LANDON	CHAS. TAYLOR,
	M. MORRISON,	W. P. ROPER,
	W. AUSTIN,	ALEXR. SCOTT,
	WM. THOMSON,	JNO. OSMOND.
	L. L. HAMMOND,	

[Enclosure 2 in the above.]

{CAPE TOWN, 3rd March 1811.

DEAR SIR,—We have been deputed by a Committee of the British Inhabitants of this place, deeply sensible of the important Benefits which themselves and their families have received from Your professional Services Since Your Residence among them, to request the favor of Your Acceptance of the enclosed Notes,*

* These notes were for 1200 Rix Dollars.

in testimony of their Gratitude and Esteem ; And to express their sincere Hopes, “that you may obtain that Justice in England which has been refused to You *here*.” We have etc.

(Signed) ROBERT STUART,
HAMILTON ROSS.

[Enclosure 3 in the above.]

See page 449 Vol. VI.

[Enclosure 4 in the above.]

The Copy of the preceding Memorial to the Governor having been presented to me by a Deputation from the British Inhabitants, I transmitted the following reply :—

GENTLEMEN,—Your Interference in my favor with His Excellency the Governor claims my most grateful thanks. And I feel a conscious pride, in acknowledging my Sense of an interposition, in its Motives not less honorable to myself, than to the respectable friends by whom it has been offer'd. Whatever may be its result with His Excellency, your Memorial cannot fail to prove a most valuable Document in that ultimate Appeal which it is my determination to make to the *British Government* and Nation. In that Appeal shall be published a Development of the numerous Hardships to which British Settlers are subjected in this Colony, and of Abuses, which, however severely they may be felt, it is hazardous to complain of in a Hemisphere so remote from the Tribunals of impartial Justice !

I pledge Myself, most solemnly, to bring forward, before the Ministry, and Legislature of Great Britain, every Incident connected with the Cause for which I suffer ; And it can Scarcely be doubted, “that upon an energetic representation of the Grievances to which British Inhabitants are peculiarly subjected in this Settlement, corroborated by the authentic Documents which I possess, and am authorised by you to produce, the Humanity and enlighten'd Policy of the British Government will apply a Remedy equally early, and efficacious !

Whatever may be my future Destination, the Memory of your kindness and Regard will be commensurate with my existence. I have etc.

(Signed) LAURENCE HALLORAN, D.D.

[Enclosure 5 in the above.]

The Governor's Reply.

SIR,—I am directed by His Excellency the Governor to acknowledge his Receipt of a Memorial Signed by you and many other Gentlemen, Inhabitants of Capetown,* *recommending* a Remission or Mitigation of the sentence passed in the case of the Revd. Doctor Halloran, And to acquaint you, for the Information of those Gentlemen who signed the above-mentioned Memorial :

That, His Excellency will take the same into Consideration, and act in it in such Manner as a due Regard to Public Justice, and the Nature of the Case, may appear to Him to require. I have etc.

(Signed) C. BIRD, D.C.S.

Secretary's Office, 5th February 1811.

J. B. EBDEN, ESQRE.

[Enclosure 6 in the above.]

Case No. 1.

James Hooper was a Seaman of His Majesty's Ship *Lion*. He deserted from that Ship in Simon's Bay, and for the purpose of evading pursuit or Recapture, penetrated a considerable distance into the Interior of the Country. He there fell in with a Number of insurgent slaves and Hottentots, who compulsorily detained him among them for several days.

During this period they obliged him, watched and guarded by three of their Number, to go to a Boer's House and obtain from him, under false pretences, the Use of a Waggon. James Hooper shortly after escaping from among them, came to Cape town, and made public the Account of the Insurrection, when he was taken up and thrown into prison as a participator! He was accordingly brought to trial as an Accomplice, before the Dutch Court of Justice, where it having been proved that He had procured a

* The Gentlemen, who subscribed the Memorial, (of which no farther Notice was taken), did not presume to take upon themselves, the liberty of *recommending*! Their Expression is, "*with* their most respectful, but equally earnest Entreaty."

Waggon, as above stated, for the Insurgents, *he was condemn'd to Death, and executed accordingly*, in Company with five unfortunate Blacks, and he was afterwards hung in Chains!!!

It is an established Principle in the System of Criminal Jurisprudence which prevails at the Cape, that no person shall be capitally punished till he has subscribed a free Confession of his Guilt! This Confession was, under the Dutch Government, extorted by the torture, so that the Strength or Weakness of a Man's Nerves was thus made the Criterion of his Innocence or Guilt.

But as the Torture, under the British Government, is *nominally* tho' not *actually* abolished, (Proofs of which I pledge myself to produce) Confession is now generally elicited from the unhappy Prisoner by fair promises and delusive hopes of Pardon! Such was the Case with this unfortunate James Hooper. I annex the only Confession which he is alleg'd to have made, extracted from the official Records of the Court of Justice, from whom I procured it duly attested and authenticated! And on this alone, a British subject, amenable as a Seaman to a British tribunal, (a Court Martial) was in my Opinion unjustly immolated under the Mockery of a form of Law to which he was not Subject! I attended the unhappy Man in Prison, and at the place of Execution. He uniformly persisted in protesting his entire Innocence of all seditious Intentions, and of any design to promote or assist the Insurrection of the Slaves, tho' he acknowledged himself deserving of Punishment for his desertion from his Ship. He was an illiterate Man, apparently without Spirit or Energy to capacitate him for an active part in, and much less for conducting, such an Insurrection.

About half an Hour prior to His Execution he received the Sacrament from my Hands with much devotion, Protesting upon it both his total Ignorance of the Nature of the proceedings of the Court of Justice in his Regard, and equally his Innocence of the Crime laid to his Charge! He suffered with Calmness and Composure, and I repeat to my Country, and to the World, my Sacred Opinion that in his Person a British Subject has been unjustly Sacrificed by Laws to which he was not amenable!

LAURENCE HALLORAN, D.D., Chaplain.

Translation :—

Appeared before Commissioners of the Worshipful Court of Justice at the Cape of Good Hope, the said James Hooper, who answered to the undermentioned Questions as is stated over against the same.

Extract of the second Examination of the Prisoner James Hooper.

Articles for the second Examination made and Presented to Commissioners of the Worshipful Court of Justice at the Cape of Good Hope, by William Stephanus van Ryneveld, His Majesty's Fiscal, in order to hear James Hooper upon the Same.

ANSWER.

Yes, but I was forced to do it!

ARTICLE.

Do you not acknowledge to have been guilty of a great Offence, after knowing of such a plan of tumult and sedition, to provide a Waggon and to go with the same?

ANSWER.

Nothing than that I am sorry for it, and I recommend myself to the Mercy of the Court.

ARTICLE.

What have you more to say in your Excuse or defence?

[Enclosure 7 in the above.]

Case No. 2.

Mrs. Batt. This person, an English Woman of an irreproachable Character and Conduct, and respectable demeanour, came to the Cape of Good Hope in the family and Service of the deputy Commissary General. After some time She was address'd by Mr. Henry Batt, a reputable English Tradesman, who offer'd her Marriage. His Proposals were accepted, and communicated by her to her Mistress, to whom she, at the same time, express'd her Readiness to procure for her another servant before She should quit her Service. This Offer her Mistress rejected, insisting most unreasonably that she should forego the present Opportunity of an advantageous Settlement, and continue in the dependant and Servile Situation she then occupied in her family! This demand,

of Course was not complied with! The Parties, after conforming to all the Colonial Regulations relative to Marriage, were legally united by License from the Governor. But only a few days after she was forcibly taken away from her Husband, and confined in the Common Prison, And in the same Room with another Woman who was committed for the Murder of her Child! Mrs. Batt was Soon after forcibly conveyed on board of a Ship, and without any form of trial was banished from the Colony. She proceeded to England, and tho' upon stating the Hardships of her Case to Government, she has been allow'd to return to her Husband, the Injustice and Cruelty of such treatment to a British Subject convicted of no Offence, by the Dutch Magistracy of a ceded Colony, (tho' sanctioned by a British Governor,) ought not to be allow'd to pass unmarked by the Animadversion and Indignation of the British Government and Nation, jealous for the Maintenance of the just Rights of their Subjects and Countrymen in every Quarter of the Globe!

LAURENCE HALLORAN, D.D., Chaplain.

[Enclosure 8 in the above.]

Case No. 3.

Francis Henry Staedel is the son of a Gentleman Who was formerly an eminent Banker at Amsterdam. The Revolution in his Country produced one equally distressing in the fortunes of his family, and this young Man went to the Cape of Good Hope as a Volunteer in the Dutch Artillery. Disliking a Military Life, and having received a liberal Education, he became Tutor in a Gentleman's family, in which Situation he continued, deservedly esteemed and respected, upwards of five Years. He then engaged himself with me as an Amanuensis and Teacher of the Dutch, French, and German Languages in my Establishment.

In his former Capacity he was directed by me, on the tenth day of August, 1810, to transcribe a letter address'd to Mr. Van Blokland, the Secretary to the Court of Justice. He did so; and I sign'd, directed, and forwarded the said Letter! In it I have denominated the Conduct of the Court of Justice in my Regard "Arbitrary Conduct." The Handwriting of the Letter was recognized to be that of my Amanuensis, Mr. Staedel! In Consequence, a Prosecution was commenced against him by the fiscal Truter,

for having been guilty of *writing* a Libel, in copying those *two Words*, with Claim for a Year's Imprisonment and Costs of Suit!!! He vainly remonstrated that he was merely a Copyist, that he understood not the English Language, "that he had not the most distant Intention to offend their Worships;" And he offered the humblest Apologies for his involuntary Trespass! All those pleas availed nothing! He was most iniquitously and illegally, under the mock forms of Justice, sentenced to three Months Imprisonment, and Costs of Suit!!!

[The whole of this extraordinary and scandalous Process is in my Possession to be laid before the British Government and public so soon as I may be able to pass it, with the proceedings in my own Case, thro' the Press.]

Against this Sentence Mr. Staedel appeal'd by humble Memorial to His Excellency the Governor; but received no Answer! He next address'd a most sensible and pathetic letter to His Excellency, which remained equally unnoticed! Ultimately he ventured to go to the Government House, and to solicit an interview with Lord Caledon; but his Lordship refused to see him! And within an Hour after his Visit He was apprehended and conveyed to Prison, agreeably to his Sentence, by Mr. Fiscal Truter's Officers, and by express Order of the Governor, "for Staedel's presumption in importuning a personal Conference!"

Is this Oppression? Is this Despotism? Let the feelings of Englishmen answer the question; And let the manly and independent Spirit of a free Nation indignantly resent, in the Representation of their Sovereign, so shameful and unfeeling an Abuse of his delegated Power!

At the moment of his Imprisonment, Mr. Staedel was on the point of being married, and forming an Establishment. And, when I quitted the Cape, (being forced on board Ship, without Permission even to see my dear family), it was no trifling Aggravation of my own Sufferings to see this unfortunate Young Man languishing in Prison, ruined in his prospects, and exposed on my Account, (without shadow of Offence on his own part,) to Calamities, which I could only lament, without being able to redress them!

LAURENCE HALLORAN, D.D., Chaplain.

[Enclosure 9 in the above.]

Case No. 4.

Mr. George Bennett, Merchant. The case of this Gentleman, which I am legally empowered to lay before His Majesty's Ministers, and, if necessary, before the Court of King's Bench, will be best explained by the following Affidavit.

This 26th day of January, 1811, at Cape town, Cape of Good Hope, Came before me, J. A. Truter, Esqre., His Majesty's Fiscal, Mr. George Bennett, British Merchant, residing in Cape town, aforesaid, And voluntarily made Oath,

"That on Monday, the 5th day of November, 1810, He, this deponent, was joined in Marriage with Miss Catherine Stretch, according to the Rites and Ceremonies of the Church of England, by the Reverend Doctor Halloran, Chaplain to His Majesty's Forces at that time, and still, self-suspended from his Appointment, until His Majesty's pleasure on the Cause of such self suspension shall be officially signified.

"That this Deponent had previously complied with all the Colonial Regulations relating to Marriage, and had obtained His Excellency the Governor's written License to be married by any British Clergyman Attached to His Majesty's Forces, in this Colony.

"And this Deponent, in common with the other British Inhabitants, considering the Reverend Doctor Halloran to be so attached, (as having for three Years invariably and solely discharged all Clerical duties for the British Inhabitants in Cape town) applied to Him to perform the Ceremony, which he did perform accordingly, in the presence of several Witnesses, as will appear more fully by the Doctor's Certificate!

"That the public Notification of this Deponent's said Marriage was inserted, according to Usage, in the *Cape Gazette* of the 17th November 1810, by Authority of Government, (as appears by a Note from Mr. George Ross, Superintendent of the Government Press, to the Reverend Doctor Halloran) with Orders, however, to omit the Doctor's Name as the Clergyman who performed the Marriage Ceremony!

"And that this Deponent's said Marriage was subsequently contradicted (and still remains so contradicted) on the *Cape*

Gazette of the 24th November, 1810, by Order of Mr. Deputy Secretary Bird, (as stated in Writing by the said Mr. George Ross) to the serious Reproach and Injury, in the public Estimation, of the Parties living together as Man and Wife, and to the unmerited defamation of their moral Character and their Reputation in Society!!!

And, to the truth of the above I, the said Deponent, do solemnly make Oath."

So help me God!

GEORGE BENNETT.

N.B. His Majesty's Fiscal refused to certify the above Oath, as tending to question the Conduct, and impeach an Act, of the Colonial Government.

And the two Advocates, Buyskes and Neethling, applied to by me to institute an Action before the Court of Justice against the Printer, for a defamatory Libel, refused also to do so, for fear of offending Government; as the Printer had acted agreeably to his orders from Mr. Deputy Secretary Bird!

So help me God!

GEORGE BENNETT.

To the truth of the above statement I sacredly depose.

LAURENCE HALLORAN, D.D., Chaplain.

[Enclosure 10 in the above.]

Case No. 5.

Mr. Tredoux. This man was a Notary in Capetown. On a certain Occasion, at a Dutch play, General Grey, the Commander of the British Forces, entering the Theatre, the Band of an English Regiment, which had been permitted to attend the Evening for the Entertainment of the Audience, immediately struck up the tune of "*God save the King!*" When this Tredoux instantly interfering, stopped the Band, informing the Leader of it "that the tune was offensive to the Dutch!" For this insult he received orders from the Governor "to quit the Colony!" His Compliance with this Order was deferr'd from time to time, under various pretences, of settling his Affairs, &c., &c., for more than two Years,

till a few Weeks ago this Mr. Tredoux received a Letter from Mr. Deputy Secretary Bird, informing him "that His Excellency the Governor was pleased to rescind the Order for his Banishment, which, indeed, it had never been His Excellency's intention to enforce!"

This information I received from the Gentleman who translated Mr. Bird's letter for Tredoux into Dutch, and who even show'd me the same!

This Tredoux is a kinsman of Mr. Fiscal Truter, which may account, in some degree, for this extraordinary Instance of Condescension and Lenity! Shortly after which Tredoux was sent for by Mr. Truter, who asked him: "If he were inclined to dispose of a very pretty and pleasantly situated Residence, which he possessed a few Miles from Cape Town?"

Tredoux replied, "that if he were again allowed to practice as a Notary, he should, of course, remove to Cape Town; and, in that event he would sell his place in the Country!"

Mr. Truter rejoined, "that a Gentleman *in a high official Situation*, (whom it would be much for Tredoux's Interest to oblige) was desirous to purchase the place, if it would be parted with on moderate terms." And, "that in that Case, He, Tredoux, would be re-admitted to practise."

I offer no Comment on this Statement, but I pledge myself, to bring proof of its Authenticity!

LAURENCE HALLORAN, D.D., Chaplain.

[Enclosure 11 in the above.]

Case No. 6.

Messrs. Charpentier, Riaux, &c. Shortly after the News had been received at the Cape of the unfortunate Issue of the Attack made upon the French frigates in Port South-East, by the four British frigates *Sirius*, *Magicienne*, *Iphigenia*, and *Nereide*, and of the destruction of the two *former* and Capture of the two *latter* frigates by the Enemy, Mr. Charpentier, a French Officer on parole at Stellenbosch, Mr. Riaux, a French dancing Master, of Capetown, and several young Dutchmen of the former place, paraded thro' that Village, having tricolour'd Cockades in their hats, exclaiming "Vive l'Empereur!" and carrying an English Ensign, which they

repeatedly lower'd and trod upon; dipping it into the Kennels, and thus publickly treating it with every Indignity!

This disloyal and seditious Conduct having been represented to His Excellency the Governor, Mr. Charpentier was, by his order, removed to Simon's Town; And Riaux, and the rest were committed to prison! All the Dutch Offenders (tho' some of them even held Appointments under the British Government) were, however, dismissed with merely a Reprimand!

Riaux was sentenced to be banished, and to be detained in prison till the Sentence could be put into effect! He was, however, allow'd permission to go out daily for the purpose of arranging his Affairs; tho' this Indulgence (and even *that* of seeing my wife and family) was repeatedly, tho' vainly, solicited and interceded for on my Behalf, both by my friends and myself!!!

LAURENCE HALLORAN, D.D., Chaplain.

[Original.]

Letter from SIR JOHN CRADOCK *to* ROBERT PEEL, ESQRE.

17, HEREFORD STREET, 8th May 1811.

MY DEAR SIR,—I beg to return my best thanks for your obliging note, and enclose the Christian name of Mr. Jones and the College in which he was educated.

The Bishop of London, I am persuaded, will give every necessary Testimonial as to his Character and Competency for the Situation.

I beg to repeat that if Lord Liverpool is so kind as to accede to my earnest request in favor of Mr. Jones, I shall consider it as the most essential obligation his Lordship could confer.

I have &c.

(Signed) J. F. CRADOCK.

[Enclosure.]

Reverend ROBERT JONES, B.A.,
of St. John's College,
Cambridge.

The Bishop of London as a reference.

[Original.]

Letter from JOHN BARROW, ESQRE., to ROBERT PEEL, ESQRE.

ADMIRALTY OFFICE, 11th May 1811.

SIR,—Having laid before my Lords Commissioners of the Admiralty your Letter of yesterday's date stating that the Ships chartered for the purpose of conveying the Garrisons of the Isles of France and Bourbon to Europe will speedily be ordered to proceed on their return to India, and will afford the means of conveyance, with advantage to the Public Service, for any Naval Stores or supplies which it may be in contemplation to forward to that Quarter; I am commanded to acquaint you, for Lord Liverpool's Information, that My Lords will be glad to avail themselves of the Cartels to send some Naval Stores to the Cape of Good Hope and Madras, and to request you will inform me of the amount of the tonnage of the Cartels that can be spared for this Service.

I am etc.

(Signed) JOHN BARROW.

[Copy.]

Letter from MAJOR CUYLER to the EARL OF CALEDON.

UITENHAGE, 14th May 1811.

MY LORD,—I have the honor to forward to your Lordship herewith two letters from the Veld Cornet Slabbert the one addressed to me and the other to the Veld Commandant Stoltz, as also a letter from the Veld Commandant Stoltz to me, containing the melancholy account of a further outrage of the Kaffers on two brothers Petrus Johannes Slabbert and Frans Nicolaas Slabbert, brothers of the Veld Cornet whose letters are enclosed.

I have as yet received no further information of this murderous act than what the accompanying letters contain, and I trust are fully explanatory to give an idea of the state of this part of the country to your Excellency, the spot where I apprehend the murder took place is in the upper end of Zwarteruggens full 12 hours on horse interior of the advanced settlers and nearer to the Town of Graaff Reinet than to this Drostdy, and I believe

22 hours from here. The thinness of the settlers on this frontier and many parts so bushy a country as to give full scope for the entrance of these rovers and to take away their plunder undiscovered.

It is exactly two months to a day previous to the murder of these two brothers that Jan Davel, father-in-law to the Veld Cornet Slabbert, was murdered, which account I stated in my quarterly report, transmitted with the April post from hence to the Colonial Secretary for your Lordship's information; also in the same report is stated 60 head of cattle stolen from said Veld Cornet Slabbert. This account of the depredations committed by the Kaffers on one family in so short a time is truly distressing, but when drawn as individuals in the scale of the general sufferings which have for the last few years taken place in Uitenhage (there are other acts of barbarous outrage committed by those lawless bloodthirsters which) would scarcely make the sufferings of the family of the Slabberts singular. When these marauders will cease God only knows.

The instructions I am honored with from your Excellency do not afford the means of keeping these rovers in awe, or of maintaining my ground against their repeated intrusions. It is now I believe some years since I humbly proposed to your Lordship to be allowed to show a force of 700 or 800 Inhabitants in front of these intruders' kraals, desiring them to remove over the Great Fish River, and if they did not instantly comply, to drive their cattle over before them, when I am almost convinced the Kaffers would follow without the necessity of firing a shot, and to do this the Landdrosts of Graaff Reinet and Uitenhage should act conjointly, calling in the aid of the Longkloof, Oliphants River and Cango Inhabitants, and if these districts could not afford enough then going further interior of Swellendam and Stellenbosch, leaving most of the Graaff Reinet and Uitenhage settlers on their places as a rear guard in case of necessity, taking however some of these latter people along as they are better acquainted with the manners of the Kaffers and the country than the interior Inhabitants.

I conceive no more regular Military force would be required to accomplish what I propose than what is at present in the two advanced districts with 3 or 4 light pieces of artillery. I have the honor to transmit a duplicate of my last letter to the Colonial Secretary, stating the depredations of the Kaffers on and about

Bruintjes Hoogte, a few nights ago a large number of cattle has been stolen in this neighbourhood, and the preceding week 12 head was stolen from a place between Algoa Bay and this Drostdy.

With the greatest respect I have &c.

(Signed) J. G. CUYLER, Prov. Landdrost.

P.S.—I have the honor to enclose the copy of a letter I have written to the several Veld Cornets, as I fear the Inhabitants may take fright from the recent conduct of the Kaffers.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 16th May 1811.

SIR,—In September 1807 certain papers which had been delivered by Mr. Wilberforce to Lord Castlereagh respecting some plans which had been undertaken by Baron Van Hogendorp at the Cape under the Dutch Government, were transmitted to Lord Caledon, in order that he might afford to the Baron his protection and Assistance.

In consequence of renewed applications upon the subject I am to desire that you will at an early period after your arrival in your Government, cause full enquiry to be made into the circumstances of the Case, and report to me how far the Baron may have suffered from any measures of the Colonial Government since the Surrender of the Colony, so as to be entitled to claim compensation therefrom, and what steps have been taken in his behalf for that purpose.

I am to desire that you will in the mean time give every support to this Gentleman or his Agents in such measures as he may have recourse to for the arrangement of any of his concerns which may admit of adjustment without special authority from His Majesty's Government. I have etc.

(Signed) LIVERPOOL.

[Original.]

Letter from SIR JOHN CRADOCK to ROBERT PEEL, ESQRE.

HEREFORD STREET, 16th May 1811.

MY DEAR SIR,—I hope you will excuse my troubling you upon the Subject of my Passage to the Cape of Good Hope on Board the *Theban* Frigate, appointed to take under her Convoy the East India Ships, and declared to sail on the 18th, the Day after Tomorrow.

I lament to say that from a Concurrence of delaying Circumstances that I could not control, it is wholly out of my Power to leave London till Monday Sennight, and though I daresay that the India Fleet will not actually depart before that Time, yet it seems impossible to act without some Certainty, and where the India Fleet is concerned the Admiralty, as I learned from Authority yesterday, never interpose. I am also informed that the *Atalanta* Store ship, on Board of which is all my Baggage, is still in Deptford, and will not proceed until the next Convoy to the Cape; likewise the Cartel ships that are to carry out the 60th Regiment to the Cape will not be ready for Sea under 10 Days.

From this general view of the Case, I am induced to hope that some other arrangement may be adopted for my passage, and that I may be enabled to proceed either in a single ship or with the succeeding Convoy.

As the Orders only went down last night to Portsmouth to Capt. Digby, I conceive that no Inconvenience will arise to Him. I beg again to repeat that I shall be ready by the 27th Inst. With many apologies, I have etc.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from the EARL OF LIVERPOOL to SIR JOHN
CRADOCK.

DOWNING STREET, 18th May 1811.

SIR,—I herewith transmit for your information and guidance the Copy of a letter from the Secretary of the Treasury dated the 16th Instant, together with a Printed Copy of "Regulations for

the Issue of Bat & Forage," and of "Warrant establishing Nett daily Rates of Pay for General Staff Officers and for Officers of Garrisons on Foreign Service." I am etc.

(Signed) LIVERPOOL.

[Copy.]

Letter from CAPTAIN C. M. SCHOMBERG *to*
REAR ADMIRAL STOPFORD.

HIS MAJESTY'S SHIP *Astrea*, OFF FOUL POINT,
MADAGASCAR, 21st May 1811.

SIR,—I had the honor of communicating to you from off Round Island my determination to quit that Station in order to follow the three Enemy's Frigates with troops on board, which had appeared off Mauritius on the 7th Instant, and also my reasons for supposing they would push for a near point, perhaps Tamatave.

I have now the satisfaction to report to you that the Enemy were discovered on the morning of the 20th Instant far to Windward and well in with the land near Foul Point, Madagascar.

The Signal to chace was promptly obeyed by His Majesty's Ships *Phæbe*, *Galatea*, and *Racehorse* sloop, the weather was most vexatiously variable during the whole of the day, which combined with the efforts of the Enemy to keep to Windward, rendered it impossible to close with them until nearly four o'Clock, when (the *Astrea* being about a Mile ahead and to Windward) they were together kept away, and evinced a disposition to bring us to Action. The Enemy then commenced firing, I regret to say at a long range, which soon so effectually produced a calm to leeward as to render our Squadron unmanageable for three hours. No exertion was omitted to bring His Majesty's Ships into close action during this very critical and trying period; but all was ineffectual; the Enemy's rear Frigate neared the *Astrea* a little, who lay on the water almost immoveable, only occasionally bringing guns to bear, while his Van and Centre Ship preserving a light air succeeded in rounding the Quarter of the *Phæbe* and *Galatea*, raking them with considerable effect for a long time.

At this his favourite distance the Enemy remained until nearly dark, when a high air enabled the *Phæbe* to close the rear Frigate

in a good position to bring her to a decisive Action; in half an hour she was beaten, her Night Signals drew the other two Frigates to her assistance; the *Phæbe* was in consequence obliged to follow the *Galatea*, which Ship brought up the Breeze to me. At this time I was hailed by Captain Losack, who informed me that the *Galatea* had suffered very considerably, and as she was passing under my lee, I had the mortification to observe her Mizzen and soon after her Fore Topmasts fall.

Having shot ahead, she made the Night Signal of distress, and being in want of immediate assistance I closed to ascertain the cause, when I was again hailed by Captain Losack and informed that the *Galatea* was so totally disabled as to prevent her head being put towards the Enemy to renew the Action, as I had before directed.

My determination was immediately communicated to Captain Hillyar to recommence action, when the *Phæbe* was in a state to support me she was promptly reported ready altho' much disabled, the *Astrea* then wore and led towards the Enemy, followed by the *Racehorse* and *Phæbe*, the conduct of which ship as a British Man of War did honor to all on board. The Enemy was soon discovered a little ahead, and his leading Ship the Commodore was brought to close Action by the *Astrea*, in twenty five minutes she Struck and made the Signal to that effect, having previously attempted to lay us athwart Hauser under a heavy fire of Grape and Musquetry from all parts of the Ship. Another Frigate on closing struck and made the Signal also, but on a shot being fired at her from her late Commodore, she was observed trying to escape. Chase was instantly given, and continued until two o'Clock in the morning with all the sail both ships were enabled from their disabled state to carry, when I judged it adviseable as she gained on us to wear for the purpose of covering the captured ship, and forming a junction (if possible) with the *Galatea*. At this moment the *Phæbe's* Fore topmast fell. Sight of the *Galatea* or captured Ship was not regained until daylight, when to the credit of Lieutenant Royer 2nd of the *Astrea* and Drury R.M., who with five men, all that could be put on board the latter in a Sinking Boat, she was observed making an effort to join us, a perfect Wreck.

The Captured Frigate proved *La Renommee*, of the first class (as are the other two), of 44 Guns and 470 men, 200 of whom

were picked Troops commanded by Captaine de Paiseau (with Commodore's Rank) Roquebart Officier de la legion d'Honneur, who fell when gallantly fighting his Ship. The Senior Officier of the Troops Colonel Bavorie, membre de la legion d'Honneur, is dangerously wounded. The Ship that struck and escaped was *La Clorinde*, the one disabled by the *Phæbe La Nereide*, having each two hundred Troops on board besides their Crew.

This Squadron escaped from Brest on the night of the 2nd of February, and was destined to reinforce Mauritius, having Arms and various other Warlike Stores on board.

I beg to apologize for so lengthened a detail, but few Actions have been fought under such a variety of peculiarly trying and vexatious difficulties. I am however called upon by my feelings and a Sense of my duty to bear testimony to the meritorious conduct of the Officers and ship companies of His Majesty's Ships *Phæbe* and *Astrea*. To the discipline of the former I attribute much; but as Captain Hillyar's merit as an officer is so generally and by you so particularly appreciated, it is useless for me to comment on it further than to observe that the separation of the *Galatea* was amply compensated by the exertion manifested in the conduct of the Ship he had the honor to Command. To the Officers, Seamen, and Marines of the *Astrea*, I am for ever indebted, their cool and steady conduct when in close Action with the Enemy, and on fire in several places from his wadding, merits my admiration (particularly having been so recently formed). A difference in the personal exertion of each Officer was not distinguishable, but I cannot allow the efforts and judgement of Lieutenant John Baldwin first of this Ship to pass without particular encomium. I received the greatest assistance from him, and also from Mr. Nellson, the Master.

The moment the *Phæbe* and *Astrea* are in a state to get to windward, the Prisoners exchanged, and *La Renommée* rendered Seaworthy, I shall proceed off Tamatave for further information, as I have reason to think it in possession of the Enemy.

I have the honor to transmit returns of killed and wounded on board His Majesty's Ships. The loss on board *La Renommée* is excessive, one hundred and forty five killed and wounded. The *Galatea* having parted company, no return. I have etc.

(Signed) C. M. SCHOMBERG.

[Office Copy.]

Letter from ROBERT PEEL, ESQRE., to SIR JOHN CRADOCK.

DOWNING STREET, 23rd May 1811.

SIR,—I am directed by Lord Liverpool to beg you will take charge of the accompanying Box containing Governor Farquhar's Commission and Instructions, and further to desire that upon your arrival at the Cape you will request the Admiral commanding on that Station to forward it to the Isle of France by the first safe opportunity that may offer. I have etc.

(Signed) ROBERT PEEL.

[Original.]

Letter from CAPTAIN SCHOMBERG to REAR ADMIRAL STOPFORD.

Astrea AT ANCHOR,

TAMATAVE, MADAGASCAR, 28th May 1811.

SIR,—In my Letter of the 21st Instant detailing the action between His Majesty's Ships under my Orders and those of the Enemy, I had the honor to inform you that it was my intention to reconnoitre this Port, as I had received information that the Enemy had landed and surprized the Garrison on his first arrival on the Coast.

The State of His Majesty's Ships *Astrea* and *Phæbe* did not admit of their beating up quickly against the Currents and very variable Winds; the *Racehorse* sloop was therefore dispatched in advance to summon the Garrison of Tamatave to immediately Surrender.

On the evening of the 24th Instant Captain De Kippe rejoined me, reporting his having seen a large Frigate anchored in the Port. A Strong Gale prevented His Majesty's Ships getting in Sight of her until the afternoon of the 25th Instant, when everything being ready to force the anchorage, I stood in and observed an Enemy's Frigate placed in a most judicious position, within the Reefs of the Port, for the purpose of inflading the narrow passage between them, Supported by a Strong Fort in her van within half

Musquet shot, full of Troops. There was also new Works in forwardness to flank the anchorage.

Not having anybody of local knowledge in either of His Majesty's Ships, and it being almost impracticable to Sound the passage between the Reefs, which was intricate and completely exposed to the whole concentrated fire of the Enemy within Grape distance, I judged it expedient under existing circumstances, both Ships being full of Prisoners and having a proportion of Men absent in *La Renommée*; besides Sick and Wounded, to defer, until necessary, risking His Majesty's Ships.

I therefore Summoned the Garrison and Frigate to immediately Surrender, when after the usual intercourse of Flag of Truce, I have the Honor to inform you that the Fort of Tamatave, its dependencies, the Frigate and Vessels in the Port, together with the late Garrison (a detachment of the 22nd Regiment) were surrendered to, and taken possession of by His Majesty's Ships under my orders.

I was induced to grant the terms (a copy of which together with the Summons and answer thereto I have the honor to enclose) in order to prevent the destruction of the Fort of Tamatave, the Frigate and Vessels; a measure they intended to adopt.

The Enemy's Frigate proves *La Nereide* [one of the finest only two years old] of 44 Guns and 470 men, 200 of whom are choice Troops Commanded by Capitaine Le Maresquieu, membre de la legion d'Honneur, who fell in the Action of the 20th Instant in which She Suffered very considerably, having had 130 Men Killed and Wounded. She was much engaged by the *Phæbe*.

The Crew of *La Nereide*, together with the French Garrison of Tamatave, I intend sending to the Mauritius as soon as possible, fifty excepted, who are too severely wounded to survive removal.

The whole detachment of His Majesty's 22nd Regiment retaken, being ill of the endemic fever of this Country, I mean to embark on board the *Nereide* as soon as she is in a state to receive them; when after having dismantled the Fort and embarked the Guns &^{ca} I shall proceed with her under Convoy to the Mauritius in company with the *Phæbe*. I have etc.

(Signed) C. M. SCHOMBERG.

[Original.]

*Letter from JOHN RENNIE, ESQRE., to the EARL OF LIVERPOOL.*STAMFORD STREET, *June 4th 1811.*

MY LORD,—On the 25th of January 1810 I was directed by John Barrow Esqre. of the Admiralty to make out a plan for supplying with water Cape Town, Cape of Good Hope, and on the 5th of February following I received further instructions from Major Bird with Plans and Sections of the Town. In consequence of these instructions I made out a plan for the Works, a Report and Estimate of the probable expence of the pipes, which amounted to £13,960, which was transmitted to the Cape and approved by His Excellency Earl Caledon, and directions were given by His Excellency's order through Major Bird in a letter dated 20th November 1810 to proceed in the execution of the Work according to the Plan proposed by me, and ordering Leaden Pipes and Cocks for the supply of private Houses, over and above what I had Estimated, and which I had suggested as fit for consideration. The particulars will be found in Major Bird's letter which I delivered to your Lordship on the 3rd. I was also required to provide a proper person to go to the Cape to lay down the pipes and take the permanent management of the Works.

In consequence of this letter I have provided a fit person to execute and take the permanent management of the works, and I have received tenders for the execution of the Iron Pipes, which tenders will little, if at all, exceed my Estimate of £13,960.

I have not yet taken any steps to procure tenders for the Leaden Pipes and Brass Cocks for the supply of private Houses. The amount of these, supposing about One Thousand Houses to require such a mode of supply, will amount to about £4,000. Some expence will likewise be incurred in Shipping these Articles and in sending out the Person to execute and manage the works; so that on the whole, exclusive of the Freight of the Iron and Leaden pipes and Cocks, a sum of about £19,000 will be required to be provided in this Country.

Your Lordship will see by Major Bird's letter that His Excellency Earl Caledon has already remitted the sum of Six Thousand Pounds to the Honourable C. B. Agar, Agent for the Colony, to pay in part the expence to be incurred in this Country,

and promises to transmit other Sums until the whole is made up. But Your Lordship will readily be aware that unless I can be furnished with the Money as the different Tradesmen's Bills become due, I cannot with any propriety enter into Contracts amounting to more than three times the Sum already remitted, and therefore I take the liberty to request Your Lordship will sanction the plan, and that you will inform me whether in case the remaining Thirteen Thousand Pounds should not arrive in this Country in time to pay the respective Tradesmen's Bills as they become due, you will make provision for such payments, and that you will authorise me to Contract with the person whom I have provided (Mr. John Chisholme) upon the terms mentioned in Major Bird's letter.

I also take the liberty to entreat Your Lordship for an early answer, as Mr. Chisholme is obliged to leave London in the course of a few days, and must give notice to those with whom he is now employed of his intention to leave them.

I had some conversation on the subject with Lieut. General Sir John Cradock before He left London, and he expressed his wish that the whole should be carried into execution. I have etc.

(Signed) JOHN RENNIE.

[Original.]

Letter from the REVEREND GEORGE BURDER *to the*
EARL OF LIVERPOOL.

CAMBERWELL GROVE, June 5 1811.

MY LORD,—I beg leave to inform your Lordship that the Directors of the Missionary Society wish to send out to the Cape of Good Hope Six missionaries to assist those already employed by the Society in the interior of the Colony, together with two women, the wives of two of the Missionaries.

I had the honor of stating that the good conduct and usefulness of the former missionaries have procured for them the countenance and assistance of General Dundas and Lord Caledon, who have afforded them every facility in their power, judging that their disinterested labours (like those of the Moravian missionaries) have contributed to the civilisation and good order of the Hottentots.

The present application is to request permission for these Eight Persons to embark for the Cape in the *Lady Barlow*, now loading with Coals at Portsmouth, together with their baggage. I have etc.

(Signed) GEO. BURDER,
Secretary to the Missionary Society.

Names of the Missionaries :—

Christopher Saas,
Mrs. Saas,
John George Messer,
John Henry Schmelen,
John Leonard Ebner,
Henry Helm,
Mrs. Helm,
William F. Corner.

[Original.]

Letter from SIR JOHN CRADOCK *to* ROBERT PEEL, ESQRE.

54 UPPER BROOKE STREET, June 7th 1811.

SIR,—I am to request that you will submit the Enclosed Letter from Mr. Rennie to Lord Liverpool. It was written by my Desire, that I might have the opportunity of receiving his Lordship's Directions upon the Subject before I went to the Cape of Good Hope.

I am not certain that any Part of the arrangement for watering Cape Town has received the Sanction of Lord Liverpool, though a considerable sum of Money, as I understand, has been actually remitted from the Colony for that Purpose; and, however anxious I may be to fulfil the Intentions of my Predecessor, Lord Caledon, upon a work of such apparent Utility and Accommodation to the Inhabitants, yet I feel very reluctant to adopt a Measure of such Expencc without the Expressed approbation of Government.

As I am not obliged to leave Town for Portsmouth for a few Days, I shall esteem myself most favored by receiving the Commands of Lord Liverpool before my Departure. I have etc.

(Signed) J. F. CRADOCK.

I request you will have the goodness to return Mr. Rennie's Letter.

[Office Copy.]

Letter from ROBERT PEEL, ESQRE., *to* SIR JOHN CRADOCK.

DOWNING STREET, 12th June 1811.

SIR,—I am to acknowledge the receipt of your Letter bearing date the 7th Instant, and I am to acquaint You by Lord Liverpool's directions in reply thereto that in a Letter bearing date the 3rd March 1810, a Copy of which I have the honor to enclose, Lord Liverpool gave his Sanction to a Plan suggested by Lord Caledon for the Erection of Public Buildings and the Execution of Public Works on certain conditions therein specified, and that in the number of these the Works for the supply of Cape Town with water are included; and you are therefore authorized to give effect to such arrangements as may have been already made by Lord Caledon for the execution of the plan to which Mr. Rennie's Letter inclosed in yours of the 7th Inst. refers. I have etc.

(Signed) ROBERT PEEL.

[Original.]

Letter from HENRY ALEXANDER, ESQRE., *to* ROBERT PEEL, ESQRE.

CAPE TOWN, June 14th 1811.

MY DEAR SIR,—I take the advantage of the *Georgiana* Pacquet which sails tomorrow to inform you I arrived on the 12th at Simon's Town and delivered to Lord Caledon the publick dispatches which He does not enter into by this ship, and indeed upon which the state of circumstances renders any observation unnecessary. He is flattered by the opinion you have formed of him and the wish you have expressed to be known to him personally as well as officially, and I am sure you will find nothing in his Manners to diminish your favorable Prepossessions.

I have the pleasure to add L^t Gen^l Grey has waited upon Lord Caledon and expressed a hope they should meet as friends in England, and altho' the decision is what I expected upon the subject of my mission, and therefore not satisfactory to either, they each consider it as a decision sufficiently favorable to justify the Claims advanced.

The flattering Expressions from the War office reconcile apparently Gen^l Grey to the virtual supercession by the appointment of a Commander of the Forces, and that in contending for what He considers the Interests of his Profession, the material point is carry'd by the Nomination of a Military Man as Governor. Lord Caledon only publickly contended for a concurrent authority, altho' his Reasoning goes to an Exclusive one, but in my own private opinion the Necessity of sending away troops must be so clear that no two men of ordinary understanding should differ upon it, in order to its justification. The Reason of Lord Caledon's Return will be obvious on his arrival. I beg you will not consider this as official, but a Newspaper Paragraph to tell you the Result of what has given you so much trouble.

We anxiously expect the Confirmation of the great Intelligence from Spain we learned from some passing vessels. You will accept my best thanks for the good offices and Civilities I experienced from you, and I shall take the liberty of occasionally writing to you if any Intelligence Reaches us of a Nature too uncertain to be officially communicated, but which may be worthy of some consideration. I am etc.

(Signed) HENRY ALEXANDER.

[Original.]

Letter from the EARL OF CALEDON to the EARL OF LIVERPOOL.

CASTLE OF GOOD HOPE, *June 15th 1811.*

MY LORD,—I take the advantage of the *Georgiana* East India packet proceeding to Europe, to acknowledge Your Lordship's dispatches of the 1st of March, N^{os} 9, 10, 11, 12, and 13, delivered to me by Mr. Alexander, the Colonial Secretary.

I have to return my thanks to Your Lordship for your favorable representation of my services to His Royal Highness the Prince Regent, and for your communication of His Royal Highness's full approbation of the Measures adopted by me for promoting the prosperity and tranquillity of this Colony, and of Your assurance that His Royal Highness has received with great satisfaction the general line of conduct adhered to by me in the administration of the Civil Government.

I thank Your Lordship for Your consideration of my personal convenience, and shall leave the Civil Government in the hands of the Lieutenant Governor, Lieu^t General Grey, unless my Successor should previously arrive. I have etc.

(Signed) CALEDON.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 18th June 1811.

SIR,—The Death of Mr. Agar having occasioned a Vacancy in the situation which he held as Agent to the Colony under Your Government and as it is of Material consequence that some person in this Country should be empowered to transact the Business of the Settlement in that Capacity which is now pending and which continually occurs, I have authorized Robert Willimot Esq^r. to take upon himself that duty and I venture to recommend this gentleman to you as in every respect qualified for the Appointment.

I am etc.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from THE EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 18th June 1811.

SIR,—I transmit herewith the Copy of a letter from the Secretary of the Treasury dated the 25 Ult. stating the wish of the Lords Commissioners to receive certain information with respect to the Ship *Felicity* which is said to have cleared out at the Custom House at the Cape. I am to request you will furnish me for their Lordships' information with a report of the circumstances pointed out touching the Departure of the Ship in question from the Cape. I am etc.

(Signed) LIVERPOOL.

[Original.]

Letter from GEORGE HARRISON, ESQRE., *to* LIEUTENANT
COLONEL BUNBURY.

TREASURY CHAMBERS, 24 *June* 1811.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury a Letter from the Commissary in Chief dated the 15 Ulto. enclosing Copy of one from Lord Caledon Governor of the Cape of Good Hope respecting the supplying of the Troops at that Station with Provisions the Produce of the Settlement, wherein it appears that the Commissary in Chief upon sending Instructions to Commissary Hill in conformity to the Minute of this Board of the 8th November last, wrote at the same time to Lord Caledon requesting His Lordship to give such Assistance to Commissary Hill as might enable him more effectually to execute those Instructions, but that Lord Caledon conceives himself restrained by a Minute of this Board from interfering in any manner with the Commissariat; I am therefore commanded by their Lordships to transmit to you an Extract of so much of the said Minute as relates to the Supply of Provisions for the Troops at the Cape being procured within the Settlement, and to desire you will move Lord Liverpool to communicate the same to the Governor and General Officer Commanding on that Station, with Instructions to make the same Public in the Settlement in such manner as they may deem most likely to conduce to the success of the object of it. I am etc.

(Signed) GEO. HARRISON.

[Enclosure in the above.]

Extract of a Treasury Minute dated 8th November 1810.

Their Lordships are decidedly of opinion that it is not consistent with good Policy or Economy to supply with food from this Country a Settlement so distant as the Cape of Good Hope, and which their Lordships conceive would find resources of this Description within itself if encouragement were held out to the Cultivator of affording him the Assurance that the Produce of his Land would meet with a Purchaser in the Government for the Supply of its Army and Navy on that Station.

[Copy.]

*Letter from CAPTAIN HAWKES to LANDDROST CUYLER.*BRUINJES HOOGTE, *June 24th 1811.*

SIR,—I have the honor to forward the enclosed report which has this moment reached me, and it is with deep regret I have to acquaint you of another barbarous murder committed by the Kaffers yesterday on a Boer of the name of Jacob de Winter. The particulars of this lamentable occurrence I am at present unacquainted with, but upon Veld Cornet Nel's return from Van Aard's, to which place he proceeded early this morning, I shall direct him to communicate them to you as speedily as possible. From all the information I have been enabled to procure relating to the melancholy fate of this young man, it appears that during the time he was herding a number of cattle about two miles distant from Van Aard's house he was surprised by a party of Kaffers who seized him and most inhumanly murdered him. They afterwards absconded with about two hundred head of cattle and one gun, and have not been heard of since. In the evening the cattle did not as usual return, and considerable alarm was in consequence excited, particularly as one of the dogs which had accompanied them had returned alone.

Notwithstanding the darkness of the night a most diligent search was immediately made, and this morning the deceased was first observed by his father who found him tied with the lash of his waggon whip in a perpendicular direction to a tree. There were five assagai wounds in his body, and his head was shockingly fractured. He was found perfectly stiff with both hands covering his face, which has given reason to imagine that the wounds from the assagai did not occasion immediate death, and that he was afterwards stoned, but upon a minute enquiry I make no doubt it will appear that a still more cruel and barbarous fate attended this unfortunate young man, who was about twenty years of age, and the eldest son of a very large family. I trust it is unnecessary for me to add, the parents and relations of the deceased are at this moment in the deepest affliction.

This country is on every side overrun with Kaffers, and there never was a period when such numerous parties of them were known to have advanced so far in every direction before; the

depredations of late committed by them exceed all precedent, and I believe it my indispensable duty to represent to you for the information of His Excellency the Governor and Commander of the Forces that unless some decisive and hostile measures are immediately adopted I solemnly declare I apprehend considerable and the *most serious* consequences. I say again I consider it my duty to make this assertion, that at a future period no imputation might attach to me for withholding from Government my representation of the distress and dissatisfaction of this part of the District of Uitenhage, which has been gradually increasing ever since my arrival in this country, and surely no one but those on the spot who are daily eye witnesses to such dreadful scenes of murder and theft can be enabled to paint in its proper colors the melancholy prospect this country now exhibits. The Boers on this Frontier will not submit any longer, and are in spite of every exertion on the part of the Veld Cornets and myself leaving their places. I expect my post will shortly be the most advanced of any habitation, and that this place will then be left to the Dragoons alone. I have &c.

(Signed) ABLIATHAR HAWKES, Captain 21st Light
Dragoons.

[Copy.]

*Letter from COLONEL BIRD to the President and Members of the
Burgher Senate.*

SECRETARY'S OFFICE, June 25th 1811.

GENTLEMEN,—His Excellency the Governor having long had under his consideration the inconveniences which arise from the 2nd and 4th articles of the regulations of the burgher senate not being acted upon, and considering also that very frequent changes in the members of the senate tend to introduce irregularities in the administration of their affairs, has come to the resolution of altering the aforesaid articles of the provisional instructions, and of substituting the following in their stead; in which his Excellency has judged proper to affix a certain salary to the situation of president of the burgher senate, in compensation for the loss of time which attending to these public duties occasions.

1st. The burgher senate shall consist of the number of members already specified in the 1st article of the provisional instructions.

2nd. Each member shall succeed to the president's chair according to his seniority in the senate.

3rd. The president shall continue in office for the space of two years, commencing the first January and ending ultimo December.

4th. A president entering into office at a broken period, such broken period shall not be accounted a part of the two years service.

5th. The salary of *Rds.* 3,500 shall be attached to the situation of president, which salary shall be drawn out of the town revenues, against which this charge is to be the first cost.

6th. At the expiration of the 2nd year the president shall vacate his seat, nor is he eligible to be re-elected as a member of the senate for two years subsequent to his having served as president.

7th. The election of a new member shall take place according to the mode pointed out in the 3rd article of the provisional instructions. I have &c.

(Signed) C. BIRD, Depy. Secy.

[Copy.]

Letter from MAJOR CUYLER to the EARL OF CALEDON.

UITENHAGE, 28th June 1811.

MY LORD,—I have the honor to transmit to Your Excellency the copy of a letter I have this moment received from Captain Hawkes and have further to inform your Lordship that last week 50 head of cattle stolen from Stephanus Ferreira in the Gamtoos River were fortunately taken off between this and the Commandant Stoltz's place from a party of 20, among which were three Hottentots, David Stuurman, the same who escaped from Robben Island, Dirk Trompetter, brother to Hans Trompetter now in confinement at Cape Town, and another named Appolus who about four years ago was also sent to the Fiscal for stealing in this quarter, and the rest of the party were Kaffers, the Hottentots having two guns with them, by an Inhabitant Frederik Scheepers livin at Zwart Kops River, who happened to be out hunting

having five armed people with him. The rovers passed Scheepers at night who lay close on the road outspanned with his waggon.

On finding it to be a party of Kaffers with stolen cattle he fired a shot, on which two shots were instantly returned by the Kaffers and Hottentots who then ran off a short distance leaving Scheepers in possession of the cattle. On daylight appearing Scheepers put his oxen to his waggon and proceeded homewards, driving the regained cattle out before him, when D. Stuurman and the other two Hottentots with four of the Kaffers having two guns followed in the rear of the waggon about 200 yards, and the rest of the party endeavoured to head the cattle, when at this moment six armed Hottentots who were out by the Veld Cornet of Winterhoek came in sight and instantly the Rovers ran off. Some of Scheeper's party who were Hottentots had conversation with Stuurman and Trompetter so as perfectly to know them, and from a fine beaver hat which the Rovers let fall when Scheepers fired on them, strong suspicion rests that this is the same party who murdered the two Slabberts a little time before. Trompetter was one of the party who murdered Jan Davel about three months since. Mr. Knobel the Secretary of this district will leave this to-day for the Cape by whom I send this. With the greatest respect, I have &c.

(Signed) J. G. CUYLER, Prov. Landdrost.

[Copy.]

Letter from the FISCAL J. A. TRUTER, ESQRE., to DEPUTY SECRETARY BIRD.

FISCAL'S OFFICE, 28th June 1811.

SIR,—Since the receipt of your letter of the 21st December last respecting the distribution of lands in this colony and the rights of the respective possessors of the same, I have, as fast as the duties indispensably attached to my office would allow, endeavoured to enable myself to communicate to you for the information of His Excellency the Governor and Commander in Chief my opinion on such grounds of certainty as I could obtain respecting this important subject, and although I have

not gone so far as I proposed at first and should have wished to do prior to my answering your letter, still however the intended departure of His Excellency has proved a decisive motive for me not to delay the same any longer.

The regularity in the distribution of lands and the certainty of the rights and reciprocal duties which flow from the different titles of possession are essentially connected with the prosperity of this Colony.

Regularity occasions more lands to become grantable, and that by more people being obliged to derive their subsistence from lesser quantities of ground, the same must be cultivated with a greater degree of care and industry, and consequently yield more produce. The *certainty* of the rights of the possessor makes him more interested in the cultivation of his land, and increase by his industry the value of those parts which he would otherwise leave uncultivated and waste, and in this manner the means of subsistence imperceptibly grow with the population in a more abundant degree, than when the rights of possession fluctuate, and industry thus misses part of its energy.

These considerations, added to the necessity of order in every part of the Government of the State, make it of the greatest importance to reduce the rights of the possession of lands to those principles upon which Government can in future proceed with safety in the granting of ground, and the Courts of Justice in deciding of disputes; for the right of landed possession has been rendered so *uncertain* from so many concurrent causes to which the successive Governments have given too much way, that the following Governments have on the smallest difficulty been at a loss on the mode which could be adopted for the removal of those difficulties, without occasioning an actual injury to some individual, that is without curtailing his right.

On the first establishment of this colony, when the known intention was only to have a place of refreshment for the Dutch East India Company's ships, the care for agriculture was most probably limited to this intention, and not having either a prospect of great prosperity or an intention to bring the colony to any considerable extent, there could not exist any motives towards the encouragement of the improvement of waste lands, and other economy of agriculture.

We find in the Resolution of the year 1657 that some persons

had been granted lands, without limiting the extent of the same, under condition that after the expiration of three years should be granted to them in full and free property *all the land which might be found to be cultivated, ploughed, &c.*, whether *by them alone, or with the assistance of others*, and the encouragement which in former times was found in the retroacts consists principally for such produce as was necessary for the subsistence of the Colonists and the refreshment of the Company's Ships; an instance of this is to be found in the Resolutions of the 23rd March 1677.

As in all countries where the climate or Government does not check the population, and the means of subsistence go hand in hand with the same, the population continually increases of itself, so has the number of the Colonists here speedily come to that height that more land became from time to time necessary for their support, while the increase of the expense of the protection and Government of the Colony must naturally have called forth the intention to have those expenses made good, in proportion as the existence and prosperity of individuals were promoted by their reciprocal endeavours, according to the means they possessed. These circumstances seem to have successively given more order to the granting of lands, and to have subjected such grants to the payment of recognitions (Rents), tithes and other Colonial duties. In the beginning little gardens were granted *on loan*. See the Resolution of primo October 1654, so far as appears without rent. Lands for the grazing of Cattle were also granted, as far as I can find, without rent, which agreeable to the Exhibit No. 1 to Mr. Baumgardt's report was still the case in the year 1703. From the exhibits Nos. 4 and 5 to the said report it appears that the first taxes on loan places were known in the year 1714, which successively increased till it was brought to the present footing. Property grounds were also known early, as will appear from the resolution just mentioned of the year 1657, and still continue, being without any fixed Rule, sometimes granted on payment, and sometimes without payment, to which at last on the 18th of February 1732 was added a third sort of tenure, namely Quitrent, whereby the ground was granted for fifteen years on payment of a yearly rent, and which also still continues. Under these three principal titles of possession, namely *loan, property, and quit rent*, I conceive all lands in this Colony which are possessed with any right may and ought to be arranged. After these general

premises, I shall proceed to answer the different questions proposed in your letter, viz. :—

1. The origin of loan places, and their rights.
2. The origin of perpetual loan places (Leenings Eigendom) and their rights.
3. The commutation of loan places into Freehold measured by diagram, and whether any rights beyond the limits of the measured ground attach to places so commuted.
4. Measured Freeholds, whether any, and what, right of Waste or commonages attach to them, and whether any particular quantity of measured freehold gives such rights.
5. Whether there are instances of exceptions to the general rules under which the four sorts of tenures herein alluded to claim their privileges, and what.

I beg leave previously to remark that when in answering these questions I mention the word *right*, I understand thereby a faculty of the possessor of any ground to do, or not to do, with the same conformably to the nature of each of the above mentioned three titles of possession, whatever he may judge expedient for his interest, in consequence of which faculty and obligation be laid as well on Government as on every individual, not to hinder the exercise of it.

This obligation is the touchstone on which the right of the possessor should be tried, so that when no such obligation exists no right can have an existence.

Another preliminary remark is, that the mother country must be considered by the law of nature and of nations to be the owner of the ground of this colony, so that all the right which individuals possess to lands must be conceived to have sprung from the bosom of the Supreme Government, that is the Sovereign.

With respect to the legality and justice of the first taking possession of this country, doubts have been started by some, but it would in this place be superfluous to enter on that subject, besides no consequences could be deduced from thence which would affect the relative situations of the possessors of lands and the Government from which they or their predecessors obtained those lands on loan, property, or quitrent.

1. The origin of loan places, and their rights.

After having attentively examined the tenor of all the *Ordonnances* (Leases) upon which loan places have been granted

since the year 1703, and comparing them with other retroacts respecting loan places, I have found that the still existing name of *loan place* is perfectly conformable to the manner in which the grant was made in the beginning, which simply consisted in the giving *on Loan Land* to be made use of, without any payment. See the *Exhibit No. 1 to Mr. Baumgardt's Report*. Afterwards the grant took place on the payment of the tenth of the grain won. See *Exhibit No. 3 of said report*, and after that a fixed rent besides of six rix dollars, which was at last raised to 24 rix dollars per annum, as will appear from the further exhibits of that report to No. 8 inclusive.

Although now by this resolution of a yearly rent and tithes the grant, which to that time *was a gratuitous loan for use* was converted into a letting, that is a concession of the use of the land for a certain time on payment of a fixed sum, still however such places kept the names of *loan places*, and the same as in other cases is not strange. *Re mutata manset idem nomen*.

In the mean time by this alteration the nature of the case became so far changed, that as the rights of the possessor on loan were formerly considered according to the nature of a gratuitous concession, they must now be deduced from the contract of letting and hiring by which the tenant is naturally granted a greater right than the possessor of a gratuitous concession could pretend to. In this respect it appears to me, with due submission, that as long as the loan places were only gratuitous concessions the withdrawing of such grants and the ceding of such places to others required nothing more than the simple will of the Government without that the person who for the time had gratis the use of Government ground could, with even a shadow of reason, demand a longer enjoyment of such mere favor contrary to the will of Government.

In the other case, after that the lands had been granted for use on condition of rent and tithes, and after that by those means the liberty of cultivation was given, and consequently the necessity of building stables, barns, &c., for this cultivation, it would be unreasonable if Government without any other reason than their mere will, should at the end of the year take away the place from the loan possessor and give it to another, and it is probably this reason which induced Government in the year 1715 to enjoin the possessor to the necessity of renewing the loan, a thing which in

the beginning (See the *Exhibit No. 6 to the report of Mr. Baumgardt*) was directed under a pecuniary penalty, but afterwards very properly on pain of forfeiture of the grant of the place.

But although an arbitrary withdrawing of the grants of Loan places would be a hardship in itself, I am still however of opinion that Government has the indisputable right to do so, either for the service of Government or of the Colony, on the following grounds:

(a) Because the contract of letting and hire expires at the limited time on both sides, so that the tenant has not any right to force the latter, nor the latter the tenant, to a continuation of the contract, against which the stipulation of the yearly renewal is not any objection, for no other consequences can be deduced therefrom than that Government as long as they allow the place to continue *on loan* have not any intention of giving the same to another, but by no means to give the possessor a like right as that of property, and therefore deprive themselves of all future dispositions respecting such places; for which it is also very carefully said in the *ordonnantie without deducing any consequences herefrom*.

(b) Because possession in loan (See the 5th Art. of the Memorial of Instructions by the Governor General Van Imhoff) is described by the retroacts of Government to be a *revocal grant*, from which it appears that this right of the possessor of a loan place has been considered by the Legislator in the same point of view as I have stated it.

(c) Because to say that possession on loan is irrevocable would carry this absurd consequence with it, that a tenant on loan would have the same right as a landowner, whereas the very name of loan or hire excludes the title of property, and is in its nature restricted to a certain time.

(d) Because a possessor on loan has not the right of alienating, but on the contrary, when he sells the opstal (buildings) to any person who makes the purchase, in order thereby to become possessor of the place itself, the proprietor stands in want of special grant to himself* in order to be able to make use of the place towards which grant no obligation is to be found on the

* This is thus expressly ordered by the instructions to the Receiver General of Land Revenue given by the Commissioners Nederburgh and Frykenius dated 23rd July 1793.

part of Government and it is only that equity which is expected in every regular Government not to shew favors to one individual at the expense of another which inspires the minds of purchasers of the Opstals of loan places with the confidence that by buying the same they become effectually possessors of the places themselves, but this does not prove any obligation on the part of Government and consequently constitutes no right on the part of the possessor or purchaser.

(e) The abovementioned instructions of the Governor General Van Imhoff, which agree with the spirit of the Ordonnancies of loan places, tend as a clear proof that the Government reserves the subsequent dispositions of Loan places to themselves, and that the granting of places *on loan* should be considered as obviously done with the intention of Government by that means remaining master of the same, in order to be enabled in future, on the increase of the Colony, to dispose thereof in the best manner for the public good.

Against all those reasons the persons interested say that the payment of $2\frac{1}{2}$ per cent on the purchase money of the opstals militates in a peremptory manner; but this objection will entirely fall to the ground when one considers that after the introduction of this duty the ordonnancies of loan places did not give any more right than the possessors had had to that time, and that the law expressly speaks of the purchase money of the *opstals*, so that although the buyer of an opstal, in the certain supposition that he is also to obtain possession of the place by that purchase, proceeds so to do and to pay the $2\frac{1}{2}$ per cent attached thereto besides the purchase money; this supposition however can not increase the obligation of Government which so unequivocally reserved their right in the lease, while the very nature of loan right, added to the letter of the ordonnantie (lease) upon which he obtains the possession, should on the least consideration have convinced him that his confidence did not consist in the certainty of any actual right, but only in the hopes of meeting the indulgence of that Government who as yet did not deem necessary to make use of their right for the general good.

On those grounds I am of opinion that there cannot remain the smallest doubt of the right of Government, whenever the welfare of the Colony or the interest of Government may require

it, to withdraw the grants of loan places,* but at the same time I conceive no use should be made of the right without indemnifying the loan possessor, in which respect a reasonable agreement could be made with the possessor, and in case of unwillingness an impartial valuation should take place.

This modification is founded upon the following grounds :

(a) Because Government by imposing on the possessor at the time of the grant a yearly renewal, by making the transfer convenient and easy to Heirs and purchasers, by deriving even from this transfer a profit for the public Revenue, and by not making any limitation on the cultivation of loan places, induce that possessor not only to exert all his industry, but also his pecuniary resources, towards making such places productive.

(b) Because Government by allowing indirectly the trading with loan places, and even for the advantage of the public treasury loading the same with a duty of $2\frac{1}{2}$ per cent on the purchase money of the *opstals*, has legalized this trade at least as far as the real value of the *Opstal*, and for so far cannot profit from the value of those places without indemnifying the Possessor for his loss, because Government is for so far the occasion of the loss which a single individual would suffer for the public good by withdrawing the grant.

(c) That where the grant of a loan place is withdrawn for the public good, it is usually done in order to render the same of more value to the Colony, by which the value is naturally increased in proportion, and therefore a regular profit and not a loss accrues to Government; for Government never can have any interest for agricultural objects to withdraw the grant of a loan place, if the same does not give an opportunity for more produce. This is confirmed by several instances besides that of the *Yzerfontein*.

I have not made any difference between loan places which are granted for cultivation and those which have been granted for the grazing of cattle, because with respect to the latter the most material of the reasons alledged apply to both, and besides, as long as the latter cannot be cultivated with real benefit, the withdrawing of the grant can be considered as less necessary; but in the mean time the proposed remarks could serve to bring the withdrawing

* A striking instance of the exercise of this right appears in the Resolution of the Governor and Council of the 26th February 1793 relative to the place *Yzerfontein*.

of grants of places at present only made use of for grazing, under proper regulations, less subject to difficulties.

What further regards the rights of possessors of loan, they are confined to pasturage for the cattle and the cultivation of the land, so that, for instance, when a coal or other mine is found on a loan place the exclusive right thereto belongs to Government as land owner. And with respect to the extent of ground which a loan possessor must be considered by his *ordonnantie* entitled to possess, I could not discover that in this respect any general regulation had ever been prescribed. In the beginning when land was granted on loan for the making of gardens, the extent thereof was very small; and when further land was granted for the grazing of cattle, the loan possessor probably did not occupy more than for his cattle, the number of which at the commencement of the colony was very trifling. It is generally maintained at present that a loan possessor has a right to occupy three hours ground round the middle point of his place, that is half an hour on every side of the same; but however generally this is asserted, and even confirmed by some Magistrates, yet I cannot coincide therein, because there are many places which cannot be extended to an hour in diameter without injuring other places, and because if there be no law, as is the case, prescribing this distance, there does not exist any why this distance should be considered as natural; it being moreover necessary to view the business in this light, as otherwise many places must be considered as not having their legal extent, which since many years have been possessed as fully sufficient.

If I be asked in what manner I then should conceive that the extent of loan places should be regulated, I believe I could safely answer that there should be a difference made between Loan places already granted, and those which may in future be granted.

With respect to *the first*, I should (with due submission) be of opinion that it should be prescribed that the possessors of such might make use of an half hour's ground on each side of the centre, or an hour from the one end to the other, unless thereby injury would be occasioned to any other place or places already granted either on loan or property, in which case the possessor should content himself with what he could occupy without prejudice to the neighbouring place or places; but *in future* Government

should not by any means bind themselves to any fixed extent in granting of lands on loan, without however altering the 267th Art. of the Instructions for the administration of the Country districts, as being a rule for the Fieldcornets, and even for the Landdrosts and Heemraads, not to act arbitrarily in their examination and reports.

There are some possessors on loan who claim a greater distance of ground for use than an half hour round the middle point, but the right hereto should appear to the satisfaction of Government, and in want of sufficient proof not be admitted.

2nd. The origin of perpetual loan places (Leening's Eygendom), and their rights.

3rd. The commutation of loan places into freehold measured by diagram, and whether any rights beyond the limits of the measured ground attach to places so commuted.

Before I was charged with this report, I must confess I possessed some prejudices in favor of perpetual loan places, and felt inclined to think that the continuation of the payment of the recognition accroached an indisputable right of grazing to such property; but now that my arguments must lead to a decision, I have in vain sought for sufficient grounds to establish such right, and after having considered the case, I am obliged to give it as my opinion that all the loan places which have been given in property, whether such has been done as has been the case in some extraordinary cases, without limiting the number of morgen, whether with specification of the exact extent, whether on the payment of a certain sum with the continuation of yearly rent, or whether without the payment or burthen of a yearly rent, should be considered in point of right to be actually property places. To be convinced of this it is only necessary to look into the Erfgrondbriefs, which are different from other Erfgrondbriefs only herein, that the land is expressed as having been formerly held on loan, but for the rest nothing more or less is granted to the possessor than what is allowed to other lands possessed in property. And with respect to the continuation of the payment of the yearly recognition of Rds. 24, there does not consist in it the shadow of any more right, because the sum of 24 Rds. is expressly said to be the annual tax *on each place*, which on the delivery of the eigendoms brief is measured and taken at 60 morgen, and again provided the place as is said be measured and delivered at the limited extent, as also

leaving the present imposition of Rds. 24 thereon. (See the Memorial of Instructions of General Van Imhoff Art. 5).

As therefore it is not to be found that over and above the limited extent of loan ground which is given in property, any right is conferred on the possessor either by the Erfgrondbrief itself or by any other public act, from the nature of the case nothing more can be said to have been allowed to the same than what proprietors of other property places, which were not formerly loan places, have obtained a right to, on the subject of which I shall have the honor to state my opinions in answering the following point.

4th. Measured freehold. Whether any and what right of waste or commonage attach to them, and whether any particular quantity of measured freehold gives such rights:—

The answer to this question demands particular attention, and I freely confess I do not undertake it without some anxiety.

I must here again repeat what I have already said, that when I speak of *Right* I always wish to have it touched on a reciprocal *obligation*, without which relation no right can exist. It is hereby necessary to remark that right is a thing which must be obtained by some legal manner or other, and that when right is spoken of one supposes that there exists a title by which the same has been acquired. This title of acquisition cannot be anterior to the acquisition of the land itself, but must be coeval with it at least as far as regards the present general question, whether any and what right of waste or commonage attaches to Freehold in this Colony. The first question therefore now is, Is there in the usual grants of property land any concession of the right of grazing expressed? This cannot be answered otherwise than in the negative, and for so far as such might possibly have been the case in single instances, or which sometimes took place on particular concessions, it must be considered as an exception which confirms that no general concession exists. But there arises in the second place the question, Is there anything in the nature of the case by which the possession of property ground could be considered as containing a presumptive concession in consequence of which any right of waste or commonage could be pretended to? It appears to me that when the land owner or the sovereign grants land in a colony, he is at liberty to make the conditions, and that what does appear to have been allowed must not lightly be supposed to have been tacitly granted, and when a tacit concession is alledged with-

out any proof, it is at least in the first place required that what one maintains to possess as a tacit concession should also be enjoyed by all others under the same circumstances; now this generality by no means exists; instead of finding the necessary pasturage of all places, on the contrary in the fruitful grounds, for example Rondebosch, Waggonmakers Valley, Drakenstein, &c., one will find the places with scarcely any intermediate space, and there are particular concessions which are sometimes gratuitous, and sometimes subject to recognition, required for pasturage for the cattle of most of those places. It is only at greater distances from the Town, and in less fruitful parts, that a great intermediate extent allows pasturage for the surrounding places, the owners of which make claim to a right of pasturage, which consists in nothing else than the utility which each of them finds for his cattle in that pasturage which from custom he has come to consider as his own, and the want of which he must naturally feel as a loss of his own property.

I therefore cannot find any sufficient grounds to be able to affirm that there exists in this Colony *a right of pasturage* which Government ought to respect, and in consequence of which A could institute any action against B.

But the business being placed in another point of view, the following considerations have appeared to me not inapplicable:—

Agriculture is one of the principal sources of the existence and prosperity of this Colony, and therefore should experience all the support and encouragement from the Government which can be serviceable to the promotion of the same, and consequently the means necessary thereto should be made easy by Government. Among the principal means for the promotion of agriculture is that of the cattle which are necessary for the manuring of the ground, the cultivation of the same, the transport of the produce, and for the food of the hands which are requisite for the work of each place.

The food for those cattle stands in a natural connection with agriculture, and therefore demands a like attention. That the Government of the Colony acknowledges these principles appears from the successive concessions which have been granted to the proprietors of property grounds which were not provided with pasturage (vide an example in the Proclamation of the 29th September 1803) and I have never met with any prohibition by which

the proprietors of property places are prevented from grazing their cattle on the waste grounds, without the limits of their lands; on the contrary the Regulation on the granting of small pieces of ground (Erven) *to hold but a small number of cattle*, and the Regulation in a certain Resolution of the 18th February 1732 respecting grants on quit rent, *not to conceive it too near his neighbour's land*, shew that Government is not unwilling to allow that the pasturage on the waste land without the limits of the property ground may be made use of by the owners for their cattle, the prohibition of the 28th February 1732 on the first grants on quit rent *not to occupy any Government ground* being expressly restricted to the *not sowing or cultivating the same*.

But although Government has acknowledged the necessity of providing for the cattle requisite for agriculture, and has made the means thereto easy, this has nevertheless always taken place under the unequivocal impression that by such proviso no hindrance should be occasioned to the necessary extension of agriculture, which ought to keep pace with the increasing population, and to secure the existence and prosperity of the same. And those considerations dictated to me under the Batavian Government the 40th Article of the Instructions for the administration of the country districts, which is as follows:—

“The Landdrost is in general to observe that in proportion as the population increases, the necessity also increases to restrain all the places within their boundaries, and to take care that from all the ground still at the disposal of Government the most possible profit be derived, and that consequently the strictest regularity be observed, as well in the granting of land as in the cultivation of the same.”

This Article also tends as a proof that the former Government which, after seven years successful British Administration, endeavoured to develop the most benevolent principles of administration, and not acknowledge any right of waste or commonage; but I can safely add here, that the same Government conceived the subject of pasturage of sufficient consequence to prescribe, if they had continued, some leading principles by which the grazing of the cattle could be regulated in a regular manner, without losing sight of the main object.

Towards this purpose the present Government has the same benevolent intention, and I dare therefore safely recommend the

necessity of pointing out certain rules to act upon with respect to pasturage; but there exist many difficulties to effect this purpose before Government shall by a continuation of the present enquiry respecting lands be further acquainted with the actual state of the land, at least for so far as is necessary for the above mentioned object; because Government do not at present know what proportion there exists between the lands already cultivated and those which are still waste, or how much land is occupied by the different farmers beyond the limits of their places, and other circumstances upon which the opinions respecting such rules must be formed. To this is to be added that the making of artificial pasturage will by degrees diminish the necessity of waste pasturage, and that the promotion of artificial pasturage necessarily requires that in making regulations respecting grazing in general no injury be occasioned thereto, which injury I conceive would also ensue by making the natural or waste pasturage easily attainable. The implements of husbandry moreover will from time to time be improved here, by which the same work can be performed with fewer hands and with less cattle, which will also cause a great saving in the pasturage.

All these circumstances enjoin a great degree of caution in the making of concessions or general regulations, which being once granted and having become a right, cannot be revoked without injustice, while in the mean time they would occasion a great hindrance to Government in the regular promotion of agriculture. The point of pasturage is therefore from its nature in this colony a subject for future consideration, which in my opinion Government should decide on as soon as they are in the possession of the requisite data, not as a point of obligation, because there does not exist any right with the possessors of lands to make use of the pasturage beyond the limits of their places, but as a benevolent promotion of the general good, by which the regulations of Government are actuated.

This leads me to the consideration of a passage in the report of Mr. Baumgardt, where after quoting the interdiction of the 18th of February 1732, and the subsequent warning of the 1st July of the same year, by which the sowing, planting, and cultivation of Government's ground was specially prohibited, he thus expresses himself: "Nevertheless it has become a custom to make a *surreptitious use* of Government land beyond their

boundaries as indispensable for grazing cattle or otherwise, which never having been prevented they absolutely now claim it as their right, many disputes having been settled on that head by Landdrost and Heemraads, as well as by sentences pronounced by the Court of Justice upon the reports made by their Commissioners, which will always be alledged as precedents on their behalf." On this point I am obliged to remark that the expression "for grazing cattle or otherwise" is not correct, because it never can have been doubted but that the cultivation of Government ground was illegal, not only as it is contrary to the above mentioned interdiction, but even because if this interdiction did not exist, the usurpation of ground without the knowledge of Government can never have created any right.

And with respect to what Mr. Baumgardt further says of the decisions of the Landdrosts and Heemraden, and of the Courts of Justice, it is to be observed that the nature of the judicial power of itself does not allow that a judge should give or take away any right, and consequently if A and B have a dispute about any right, and it is found that this right belongs to C, the same cannot be given either to A or B so that C be deprived of it, judicial power only tending to enquire into and to declare what is right, but not to create a right which did not exist.

On these grounds it is that in some of the sentences of the Court of Justice, in which the limits of the property land cannot be discovered, and that necessity obliges to suffer the one or other place to encroach on Government ground in order to find the full extent of its ground, in such sentences the approbation of Government is called in, and requisite towards making the sentence effectual. An example of this is to be found in the business of G. Vieter *versus* D. de Villiers on the 15th May 1788. Instances are also to be met with in the Records of the Court of Justice, in which A and B having a dispute respecting the limits of pasturage on Government ground situated between their places, fix by agreement the boundaries before Commissioners of the Court, which arrangement has been approved; but always without giving to either of the parties an actual right by which a reciprocal obligation could be laid on Government.

I certainly do not consider it is impossible that in the judicial sentences of this Colony, and particularly in those of Landdrost and Heemraads, a deviation from that regularity may be met with,

which should guide the judicial authority ; but even if this be the case, no right is established thereby, because the authority of the Judge, exceeding the pales of his judicial power, is not binding, and cannot especially attach any obligation on Government, who have not been heard on their behalf.

From all that I have hitherto had the honor to say, the following can be considered as the principles on which my opinion respecting lands in this Colony rests, viz. :

1st. The land owner of all lands in this colony was the Sovereign at the time of settling here, and is still the Sovereign, for so far as he has not specially granted either the property or any other right thereon to individuals.

2nd. There exist in this Colony three principal sorts of Tenures, *Loan*, *Quitrent*, and *Property*.

3rd. Loan is revocable after the expiration of the time on indemnification for the *Opstal*, either by agreement or if need be by impartial valuation.

4th. Quitrent expires with the end of fifteen years, after which Government has a right again to take possession of the ground on payment of the mere *Opstal*, trees and buildings, without anything else.

5th. Property of lands gives the same right as the property of moveables, and is only subject to such reservations as are either expressed in the *Erfgrondbrief* (Grant) or connected with the supreme rights of Government for the public good.

6th. No possessor of property ground has any right beyond the limits of the same, not even for pasturage, than for so far and so long as Government may suffer or permit it.

7th. Loan property has neither more or less right than property, and therefore does not give any right to extend the limits of the property ground.

8th. Express concessions and restrictions in letters of grants of loan places, letters of quit rent, and of property (*Erfgrondbriefs*), or made by separate acts to which the so called *geaccrocheerde Plaatsen* belong, ought to be considered as exceptions to the above mentioned general principles.

As the last question proposed in your letter, namely, "whether there are instances of exceptions to the general rules under which the four sorts of tenures herein alluded to claim their privileges and rights," will find sufficient explanation in the answers given

to the other questions. I beg leave to refer thereto, and to conclude this report with a brief opinion on the memorial of the Executors of the late Jacob Laubscher.

On the principles which I, with due submission, conceive should be observed with respect to lands, and in particular respecting pasturage beyond the limits, the request of those Executors cannot be complied with, without acting against those principles and establishing a dangerous precedent. It is even dangerous to grant the rights of pasturage to the extent of a half hour on every side of the place Lange Riet Vallei on payment of a yearly rent, *as a right of pasturage for the place the Lange Riet Vallei*, because the arguments advanced in that Memorial which are admissible according to the above mentioned principles would in some degree be sanctioned by such a disposition.

And on these grounds I consider the disposition of a right of Pasturage for the place the Lange Riet Vallei also as a subject for future consideration and arrangement, on which it would not be prudent to anticipate. In the mean time the estate of Jacob Laubscher is secured from the endeavours of the widow Lambrechts by His Excellency's resolution of the 16th October 1807, while the executors retain the liberty to avail themselves of the Resolution of the 18th of February 1732 to obtain land adjacent to the place the Lange Riet Vallei on quit rent, or to request the same under such other title as they may think best for the interest of the estate, upon which Government then may dispose as the circumstances of the case shall be found to require.

Having herewith, so far as I have been at present enabled, complied with the desire of His Excellency the Governor, I respectfully submit my opinions to His Excellency's better judgment, and I particularly request, Sir, that you may be pleased to favor me with your remarks of whatsoever nature they may be on the important subject of this report, in order to afford me an opportunity of correcting any errors which may have crept in against my intentions. I have &c.

(Signed) J. A. TRUTER, Fiscal.

[Original.]

*Letter from W. EDMEADES, ESQRE., to G. HARRISON, ESQRE.*BRAMPTON PLACE, PLUMSTED, KENT, *June 29th 1811.*

SIR,—I am honor'd with your letter desiring to know why application was not made sooner for remuneration on account of losses sustained by the Commanders of the Honorable East India Company's Ships attached to the expedition against the Cape of Good Hope in 1805, and beg leave to acquaint you for the information of the Lords Commissioners of His Majesty's Treasury, that our first Memorial was not laid before the Honorable Court of East India Directors until July 1807, in consequence of the voyage we were upon when so attached not being completed until that year; that in August 1808 I solicited their attention to the said memorial by letter, but did not receive any reply to either till March 1810, at which period the parties interested were so dispers'd it was difficult to collect their sense on the subject with respect to the precedent establish'd by the board of Treasury on the previous capture of the Cape of Good Hope. I beg leave to state that application was then made by the Senior Commander, Rees, of the *Northumberland*, on the part of himself and the following Commanders, viz.

Hodgson	Ship, <i>Earl Cornwallis</i>
Foy.	Do. <i>Osterley</i>
Leigh	Do. <i>Warren Hastings</i>
Saltwell	Do. <i>Kent</i>
Dundas	Do. <i>General Coote</i>
and McNamara	Do. <i>Deptford</i>

for remuneration, in consequence of the object of their voyage being in a great measure frustrated by their detention on his Majesty's Service on the expedition against the said Colony. The result of which was, Mr. Dundas, by Letter dated Nov^r 24th 1798, signified to the Lords of the Treasury that it was His Majesty's pleasure that each of the abovementioned commanders be paid five hundred Pounds; when the same was paid accordingly. If in the absence of all official information, I shall be found to have committed any error, I must beg their Lordships' forgiveness.

I have etc.

(Signed) W. EDMEADES.

[Copy.]

Letter from LANDDROST STOCKENSTROM to MAJOR BIRD,
Deputy Colonial Secretary.

SIR,—For the information of His Excellency the Governor I have the honor of submitting the following statement of Depredations committed by the Caffers during the last three months in the Baviaans River Division:—

	Caffers shot.	Persons murdered.	Hottentots wounded.	Horses stolen.	Cattle stolen.	Do. stolen and retaken.
April 25th. Belonging to P. Brits (not pursued for want of horses).	11		
May 5th. Belonging to D. J. Erasmus.	9	18
May 24th. Belonging to C. Botha } The trace	9	}
May 26th. Do. Do. } lost in the	7	
May 30th. Do. Do. } mountains)	12	
June 6th. Belonging to G. v. d. Host	3	
BEHIND SNEEUWBERG:—						
May 28th. Belonging to Hendrik van Aswegen	4	8
IN THE TARKA:—						
April 22nd. Belonging to the Widow Swiegers, } the trace lost in the Ghonap	12	
IN THE BUFFELSHOEK:—						
April 28th. Belonging to J. van Blerk, the } trace lost	28	
May 2nd. Belonging to C. J. Olivier, the } trace lost	12	
May 5th. Belonging to C. Schoeman	130
May 7th. Belonging to G. L. Coetzee, horses } knocked up in the pursuit	48	
May 25th. Belonging to the Widow Fouche	28	12
May 30th. Belonging to D. J. Geere, a slave } boy	1	..	..	..	20
May 31st. Erasmus, for want of horses	1	..	28	
June 2nd. Belonging to D. J. Koekemoer, by } the patrol	38
June 4th. By the aforesaid Coetzee, out of } 100 Caffers	4	..	..	..	17	35
June 14th. Belonging to G. C. Olivier	9

	Caffers shot.	Persons murdered.	Hottentots wounded.	Horses stolen.	Cattle stolen.	Do. stolen and retaken.
June 24th. Belonging to C. Schutte and others in the District of Uitenhage, retaken by the Guard stationed by me in the Vogel River Division from 7 Caffers, of whom . . .	3	..	..	..	..	47
June 28th. In the service of P. S. Kruger . . .	..	..	1	..	3	
June 30th. Belonging to J. C. Coetzee and J. du Toit, retaken by the guard above alluded to from 9 Caffers, of whom	3	..	..	..	..	23

That the Burgher Willem van Deventer, who resides behind the Bruintjes Hoogte, was murdered on the 23rd of June last as he was returning home with his cattle in the evening, his gun and shot belt and all his Cattle carried off, Major Cuyler will of course have reported to you.

The Bosjesmen are in all parts tolerably peaceable, there are however still some kraals of them far back in the Storm mountains, with whom on account of the great distance it has not as yet been possible to negotiate for Peace. And of these some now and then come in behind the Sneeuwberg and into the Tarka to steal Horses. They successively stole in the course of the Autumn 46 horses. Some they killed, others they carried with them, and 13 were retaken. Upon these occasions 9 Bosjesmen in all were shot. If time and opportunity would permit I should wish to go in search of these kraals, in order to ascertain whether like those nearer to the Boundaries they might be inclined to live on terms of peace. I have &c.

(Signed) A. STOCKENSTROM, Landdrost.

[Copy.]

Extracts from a letter from EARL CALEDON *to* SIR
JOHN CRADOCK.

CAPE OF GOOD HOPE, *1st July* 1811.

There is also a point which will require your Excellency's attention, that is the disposition and conduct of some of the neighbouring Caffre Kraals.

The policy which I have hitherto observed has been that of conciliation, but I confess myself disappointed in this respect; their depredations require more active steps than those which have lately been enforced, but as the evil is only partial, it may still be hoped that a partial act of coercion will have an adequate effect.

Mr. Ryneveld's opinion, and it was one by which my decisions were most materially influenced, is that it is better to submit to a certain extent of Injury than risque a great deal for a prospect of advantage by no means certain.

Upon the receipt of two letters from Major Cuyler which Mr. Alexander will lay before you, I had adopted the resolution of immediately ordering a Commando of the Farmers to drive the Caffres over the Great Fish River, but upon more mature reflection, and upon a consideration that this measure would not (according to the opinion of those well informed) be resorted to before the month of September, I deemed it improper to anticipate what may be your Excellency's intentions on this head.

(Signed) CALEDON.

[Copy.]

Letter from H. ALEXANDER, ESQRE., *to the* FISCAL J. A.
TRUTER, ESQRE.

SECRETARY'S OFFICE, *July 2nd* 1811.

SIR,—I have the honor of transmitting to you the enclosed Copy of a Memorandum relative to the case of Messrs. Van der Kemp and Read for your information. I have &c.

(Signed) H. ALEXANDER, Secretary.

[Enclosure in the above.]

*Memorandum by HIS EXCELLENCY LORD CALEDON.**July 1st 1811.*

A letter to be written to His Majesty's Fiscal acquainting him that although from a pressure of time I have not had it in my power to pay that attention which so serious a Matter requires as the examination of Messrs. Read and Van der Kemp, yet the outline as pointed out in Mr. Truter's report meets my view of what in the first instance is requisite.

The Fiscal will therefore be pleased forthwith to institute a prosecution in all Cases of a Capital Nature which have occurred Since the last Surrender of the Colony, reserving for my Successor an ultimate decision upon Cases of Alleged Murder in former times.

With regard to those Crimes the punishment of which is cognizable by resorting to the proclamation of November 1809 I am clearly of Opinion the parties should be referred to the Landdrosts, and the landdrosts be directed to make a Special report in each instance.

(Signed) CALEDON.

[Original.]

Letter from LIEUTENANT EDWARD GRIMES *to the*
EARL OF LIVERPOOL.

COTON HOUSE NEAR RUGBY, WARWICK, *July 4, 1811.*

MY LORD,—I take the liberty of enclosing to your Lordship the copies of two Letters address'd to me, from Rear Admiral Stopford, while the Prize *La Manche*, under my command, was at the Cape of Good Hope, and under which I brought the Revd. Doctor Halloran from the Cape to England.

From the high situation under Government which Doctor Halloran had lately held at that place, I put myself to a considerable expence in fitting out my cabin and my mess for him, and from the tenor of Admiral Stopford's letter I thought myself justified in so doing, and I shall assure your Lordship that this

circumstance has laid me under a contribution of not less than One Hundred Pounds.

Being the younger son in a large family, and having no other fund in the world but that from which I derive my pay as Lieutenant in His Majesty's Navy, I cannot submit in silence to be brought so much in debt.

I beg therefore that your Lordship will be pleased to order the agent for that Colony to reimburse me the amount of my expences.

My Lord, I have etc.

(Signed) EDWARD GRIMES.

DOWNING STREET, 6th July 1811.

Permission for Messrs. Kuys, Horn, and I. Leiser to go to the Cape.

[Copy.]

Letter from LIEUTENANT GENERAL GREY *to* MAJOR LYSTER
at Graaff-Reinet.

HEAD QUARTERS, CASTLE, 18th July 1811.

SIR,—Herewith are transmitted copies of a correspondence between Major Cuyler and myself, by which you will perceive that with a view of checking the depredations of the Kaffres I have authorized Major Cuyler to assemble a Commando of Inhabitants, and if necessary to call in the aid of the Military in expelling these Savages from the Frontiers. You will therefore as Senior Officer of the Troops in those Districts, consult with Mr. Stockenstrom and Major Cuyler, lending them such assistance, and making such a disposition of the Troops under your orders, as in concurrence with their opinion may seem best.

You will however yourself consider and impress strongly upon the minds of the Officers under your command, that the Troops are on no account to act with hostility against the Kaffres, without the most positive and unavoidable necessity, that they are merely as a support and protection to the Inhabitants, and that their efforts are to be considered in the present instance as directed

against a set of wandering Vagabonds and marauders, in whose atrocities the Kaffre nation has no concern. This principle should therefore be held out to those under your command in the strongest manner, as any act under existing circumstances which would be likely to produce a systematic War with the Caffre Nation would be highly impolitic.

The accompanying papers will put you so fully in possession of my sentiments upon this occasion that I feel it to be unnecessary to add more.

I request that you will give Mr. Stockenstrom from me Copies of this Correspondence for his Guidance. I have etc.

(Signed) H. GREY.

[Copy.]

Letter from FIELD CORNET WILLEM NEL *to* LANDDROST CUYLER.

BRUINTEJES HOOGTE, July 18th 1811.

SIR,—I have to report to you that on the 13th of July in the daytime a large body of Kaffres came to the place of L. J. Erasmus on the Great Fish River. They went into the fields in search of the cattle, and although guarded by three farmers on horseback they succeeded in carrying off the whole herd. Five of the Kaffres were armed with guns and fired several shots at the farmers; they took away in all 234 head of cattle. I pursued them through the Konap, but could not overtake them, and my force was too small to proceed to the Kraal. I should much wish to ride to the Kraal to endeavour to get back the cattle, but I cannot raise a sufficient number of men in my division to attempt it; if I could do that I would soon clear the country.

I am, Sir, &c.

(Signed) WILLEM NEL, Field Cornet.

[Original.]

*Letter from the REVEREND DR. HALLORAN to the RIGHT
HONOURABLE SPENCER PERCEVAL.*

COURTEEN HALL, NEAR NORTHAMPTON, 18th July 1811.

SIR,—I had not the Honor to receive Your Letter of the 11th Inst. till Yesterday, owing to its having been misdirected to *Southampton*.

I cannot adequately express the grateful Sentiments with which my Mind is penetrated by Your condescending Attention to my Application, and by the Trouble you have had the Goodness to take in communicating with my Lord Liverpool upon the subject of it. I pray Your Acceptance of my Sincere Acknowledgments for this instance of Your Kindness and Consideration.

That Nobleman, I conjecture, can be only partially in possession of the Circumstances under which I quitted the Cape. Were they truly before Him and You, Sir, I dare affirm “that far from justly operating against the Re-appointment I have solicited from His Majesty’s Ministers, they would prove an irresistible Appeal to Your Justice, and Humanity, for that very inadequate Redress of the Hardships and oppression to which I was most illegally subjected on that Occasion.”

I will forbear to trespass upon your Attention, at present, with a detail of those Circumstances. The whole of them, Authenticated by attested official documents, is now in the Press, and will be brought before Parliament in the ensuing Session.

It was my Hope indeed, as it has been my Endeavour, to obtain Redress, without the Necessity of obtruding my Case on public Notice, That Hope being now at an End, it becomes an indispensable Act of Justice to my much injured family to appeal for Reparation of the cruel Wrongs I have sustained to the Government and Legislature of my Country.

As soon as the Publication issues from the Press, I will beg Permission to submit a Copy to Your Consideration; when I flatter myself “You will find Your Sense of Equity, every benevolent feeling, And every Constitutional Principle of Your Mind, strongly interested on behalf of an injured and oppressed family, who have been most cruelly sacrificed, the Victims of vindictive

Passions and of Laws perverted, and of Power prostituted, for their Gratification!"

I have annexed two additional Addresses from the British Inhabitants of Cape Town, which will evince the persevering Sentiments of that respectable Body of His Majesty's Subjects in my Regard.

I have etc.

(Signed) L. HALLORAN, D.D.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 23rd July 1811.

SIR,—I transmit herewith the Copy of a letter from the Secretary of the Treasury, dated the 24th Ult., inclosing an extract of a Minute of that Board conveying their Lordships' wishes that encouragement should be given for obtaining a supply of Provisions for the Troops stationed at the Cape, within the Settlement, and I am to desire You will take the necessary measures for making the same public within your Government.

I have etc.

(Signed) LIVERPOOL.

[Copy.]

Letter from LANDDROST STOCKENSTROM *to* DEPUTY COLONIAL SECRETARY BIRD.

BAVIAANS RIVER, July 26th 1811.

SIR,—Upon information I received in the beginning of last week from Captain Hawkes commanding on the Brintjes Hoogte, and from the Field Cornet Greyling of the Caffres having made several attacks as well in that Division as in this, which would force the Inhabitants as well as the Troops to abandon those Divisions if they did not receive succours from others, and perceiving also by the reports of the Field Cornets in the Divisions of Behind Sneeberg and the Tarka that vast numbers of Caffres had forced

their way thither under the pretext of merely visiting whom they had not been able to prevail upon to retire, but with great difficulty, and who when they did depart threatened to return whenever they should think proper, I in the first instance gave directions that some men from the Camdebo and Before Sneeu-berg Divisions should proceed as soon as possible to the Division of the Zwagershoek and then repaired thither myself, continuing my journey over the Bruintjes Hoogte to this Division with a view to be able to ascertain more fully the state of matters and to adopt such measures as I might have it in my power for the defence of those parts without reducing the Inhabitants to the necessity of quitting them.

Learning upon my arrival from the Field Cornet Greyling and from the Officers commanding the detachments that the Kaffres had different nights attacked him Greyling, who was in the Zwager's Hoek and Cariga with cattle, and had driven the cattle out of the Kraals but not succeeded in carrying them off, that at C. Botha's place towards evening they had wounded a slave with an assagai whose recovery was despaired of, at which place a Sergeant and ten men of the Cape Regiment with two Dragoons were stationed, and from which person, as will appear by my last reports, the Kaffers have several times stolen cattle; that the Kaffers 14 in number had attempted in the daytime to drive away the cattle of Frans du Plessis, whose place is near Botha's, but had been prevented by the herdsmen; that another party also in the day-time twice attacked the herdsmen at the place of Mr. Van der Byl on the Fish river, and the first time carried off 14, and the second 40 head of cattle, and that they had committed similar depredations upon other Inhabitants of this Division, I wrote a letter to Major Lyster to request he would send reinforcements from the Troops stationed at the Drostdy to the Posts here and at Daniel Coetzee's in the opening between the Zwager's Hoek and the Bruintjes Hoogte, and ordered the Force expected from the Camdebo to be divided at the places of said Coetzee, of Greyling (where Captain Crawford is posted with a detachment of dragoons) and of Botha, for the purpose of patrolling between the Zwager's Hoek and the Cariga, by which disposition they may also in case of need afford assistance to the Bruintjes Hoogte. I have also written to the Field Cornet of the Division Behind Sneeu-berg to desire he will send hither a Force to the above end as soon as possible, and the Field Cornet in the Tarka

I have directed to keep a Patrol at the extremity of his Division towards the Fish River, in order as much as possible to prevent the Kaffres entering that Division and Behind Sneeu-berg. To the Field cornet in the Division of the Zeekoe River I have sent orders to furnish 30 men to serve as a reinforcement or relief as circumstances may require, and the Field Cornets of the Sneeu-berg and Rhenosterberg Divisions I have directed to collect their men in order that they may hold themselves in readiness until further notice.

On the Bruintjes Hoogte a party of about 30 Kaffres having among them 5 guns made their appearance in the day-time at the place of L. Erasmus, obliged three white people to withdraw, and stole upwards of 200 head of cattle, exclusive of which they have committed various other petty robberies, which the Landdrost of Uitenhage will no doubt have already reported. Most of the Inhabitants of that part had either already fled or were about so to do, however upon my having pledged myself to render them on this side whatever assistance circumstances will admit of, they have promised Captain Hawkes not to be so hasty in quitting their places, but to unite together for their common defence. The Inhabitants of the Zuurveld who had taken refuge here have removed further up the Fish River, following the same track as those of the Bruintjes Hoogte, and this has led several of this Division to follow their example. Should such as are still left in the Bruintjes Hoogte and here be also obliged to quit their places, the Kaffres will have free access to all the Divisions, and (as in former times) may do much mischief without the possibility of their being exterminated but with great difficulty. This however might have been prevented had the offenders been immediately punished, but on the contrary the other Chiefs, seeing that these depredations are committed with impunity, permit their people to do the same, in the supposition that one is afraid of them. All the robberies and murders which take place in the Bruintjes Hoogte, on and beyond the Sunday's River, and in the Buffel's Hoek are committed by Kaffres subjects of Kyno, Casa, Habana, and Grata, who have united beyond the Fish River about the Biga. On this side again much harm is done by several Kaffre chiefs subject to Gyka, who come in under the pretence of visiting. I have sent a message to Gyka to remind him of his promise to make his people stay at home, as under present circumstances this system of visiting must

be stopped, and indeed by the adoption of forcible means, if cautions and warnings have no effect. I this day intend proceeding along the banks of the Fish River to behind Sneeuberg in order to see whether it be not possible to stop the Inhabitants from abandoning those parts, and induce them to return in order that the arrival of the aid expected from that Quarter may be expedited.

I cannot forbear observing that I consider it a great hardship to expose the people with their wives and children at so great a distance, without being able to afford them a sufficient means of resistance, if the Kaffres, as seems to be their intention, should actually attack these divisions on different sides.

The Troops, as they are for the most part inactive, are held in no consideration whatever by the Kaffres and these entertain, I dare assure you, very erroneous ideas relative to the motives with which they have been stationed. Possibly among the inhabitants are some who coincide in the ideas conceived by the Kaffres.

That Government after the Robberies and Murders committed by the Kaffres during so many successive years should still continue to show so much indulgence it is not for me to judge of, however I cannot relinquish the opinion I entertained last year and the plan I thereupon in one of my letters suggested, which was that I conceived if upon any act of outrage being committed the trace were followed and the perpetrators pursued to the Kraal with a sufficient force, the Kraal then attacked and destroyed and the plunder retaken, without however taking possession of anything belonging to the inhabitants of the Kraal, it would tend to frighten the marauders, without occasioning any open war.

I beg you will communicate the contents hereof to his Excellency the Governor, and excuse the indifference of the writing, as having undertaken the journey on horseback I have not all the requisite materials at hand. I have etc.

(Signed) A. STOCKENSTROM, Landdrost.

[Copy.]

Letter from LANDDROST CUYLER to the COLONIAL SECRETARY.

UITENHAGE, 26th July 1811.

SIR,—I have the honor herewith to transmit to you the annexed copy of a letter from the Veld Cornet of Bruintjes Hoogte of date 18th July, 1811. I have etc.

(Signed) J. G. CUYLER, Prov. Landdrost.

[Copy.]

Letter from LANDDROST CUYLER to the COLONIAL SECRETARY.

UITENHAGE, 29th July 1811.

SIR,—In consequence of the continued stealing and murdering of the Kaffirs, the Inhabitants of Bruintjes Hoogte have by Captain Hawkes and the Field Cornet W. Nel with Great difficulty been prevailed upon to remain a little longer on their places, on the promises of assistance of either Troops or Inhabitants, to enable them to Keep their ground against the intrusions of our Savage Neighbours, which has increased and continued for so many Years past, as I trust on reference to my former Reports a true Statement may be seen.

Not being able to afford any assistance of either Inhabitants or Troops from this Quarter of Uitenhage, without leaving this Drostdy, &c., too much exposed to the Kaffers on and near the Sondags river, and Landdrost Stockenstrom, to whom application was made to send a Commando to the protection of Bruintjes Hoogte, has informed me that he cannot give us any assistance, having sent a commando of 50 Inhabitants from the most interior Field Cornets of his District to the Support of Swagershoek and Baviaans River, thus Situated I have been obliged to address myself to Landdrost Van Kervel for 50 Inhabitants to proceed immediately for the protection of Bruintjes Hoogte, there to remain six weeks, before the expiration of which time I am in hope Matters may take a turn, or that Government may see fit to allow my former application of showing a sufficient force for the purpose of driving the Kaffers in awe. I have etc.

(Signed) J. G. CUYLER.

[Original.]

Letter from RICHARD WHARTON, ESQRE., *to* LIEUTENANT
COLONEL BUNBURY.

TREASURY CHAMBERS, 3rd August 1811.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury a Letter from Captn. Edmeades of the 29th ulto. stating the several circumstances which occasioned the delay in presenting the application for remuneration on account of Losses Sustained by the commanders of the East India Ships attached to the expedition against the Cape of Good Hope in 1805, and My Lords having resumed the consideration of the Report of the King's Proctor of 10 June last on the former memorial of Captn. Edmeades on this Subject, I have it in command to transmit Copy of Captn. Edmeades' Letter and of the King's Proctor's Report abovementioned, and I am to desire you will submit the same to the consideration of Lord Liverpool, and refer him to Mr. Secretary Dundas's Letter of 24 November 1798 recommending the issue of £500 to each of the captains of the East India Ships employed in the Expedition against the Cape of Good Hope in the year 1795, and that you will move his Lordship to favor this Board with his opinion whether the Captains of Ships in the Service of the East India Company employed against the Cape in the year 1805 have a claim to any and what compensation for the Losses they Sustained upon this occasion, upon Similar grounds to those upon which the Captains employed in the Expedition against that place in 1795 were compensated upon the recommendation of Mr. Secretary Dundas, or upon any other grounds. I am etc.

(Signed) RD. WHARTON.

[Enclosure in the above.]

*To the Right Honorable the Lords Commissioners for executing the
Office of Lord High Treasurer of the United Kingdom of Great
Britain & Ireland.*

May it please your Lordships:—

In Obedience to Your Lordships' Commands signified to me by George Harrison Esquire one of Your Lordships' Secretaries,

I have perused the annexed Memorial of William Edmeades, of Brampton Place, in the County of Kent, Esquire, late Commander of the Honorable East India Company's Ship the *William Pitt*, on Behalf of himself and the other Commanders of the Honorable Company's Ships employed upon the late Expedition against the Cape of Good Hope, setting forth, That in the Year 1805 an Expedition was fitted out under the command of Lieutenant General Sir David Baird and Captain Sir Home Popham against the Cape of Good Hope, and that the said Company's regular Ship *William Pitt* under the Command of the Memorialist and also the Honorable Company's regular Ships *Jane Duchess of Gordon*, *Europa*, and *Streatham* under the respective Commands of John Cameron, William Gilston, and John Dale, together with sundry extra Ships in the service of the said Honorable Company, were attached to and formed part of the Squadron employed on the said Expedition; That at the time the East India Company's Ships were so attached to the said Expedition they had received on Board the respective Investments selected by the Memorialists for the Indian Markets, which Investments were so made with a View to the state of the Market with reference to Articles at that time in the greatest demand and also to their immediate Disposal upon the Arrival of the said Ships at the Places of their ultimate Destination; That the Memorialists as Commanders of the several Ships abovementioned were entitled to take a Certain Number of Passengers on Board their respective Ships, and were also necessitated to receive Officers and Persons in the employ of His Majesty and the said Honorable East India Company for the purposes of conveying them to the different Settlements in India to which they respectively belonged, and had in Consequence agreed and engaged with several Persons to convey them to different parts of the World within the Destination of their respective Voyages and to furnish them with Provisions during their stay on Board, and in entering into such Engagements and Agreements had contracted to accommodate the Passengers in their said Ships and to furnish them with Necessaries for certain Sums of Money, calculating upon the respective Voyages being performed within the usual time, and making no Stipulation whatever (nor allowed to make any with respect to His Majesty's and the Honorable Company's Servants) in case their respective Ships should by unforeseen Circumstances be detained beyond

such usual time; That in consequence of the Ships under the respective Commands of the Memorialists being attached to the said Expedition they were detained at the Cape of Good Hope and various Ports previously so long as to prevent their completing their Voyages till five months after the regular period, and as no allowances were made to the Memorialists for this extension of the time of the voyage they were at a very great and unexpected Expence in furnishing the necessary subsistence and Provisions for the Passengers and Officers before mentioned; in Addition to which the Memorialists were obliged to procure the extra Provisions for the said Passengers and Officers at the different Ports and Places, more particularly Madeira and Saint Salvador, where every Article of subsistence and Necessary of Life is almost double in Price to the same Articles and Necessaries in England; That the Investments of the Memorialists being selected as is herein before stated with a View to the state of the Market at their respective Places of Destination, the Detention they necessarily suffered by being attached to the said Expedition enabled other Ships of the Honorable East India Company to arrive at the same Destination before the Ships commanded by the Memorialists, by which means the Commanders of such other Ships who sailed from England many Months later than the Memorialists were able to dispose of their several Investments to the evident Disadvantage of the Memorialists, and having supplied the Markets would thereby have rendered the disposal of the Memorialists' Merchandize very disadvantageous to them, even had such Merchandizes been in as good a Condition as might reasonably have been expected after a Voyage of usual Duration, but as the Investments were made with a View to immediate Disposal upon the Arrival of the Ships in India, and many Articles of the said Merchandize being of a perishable nature, the Memorialists found upon their Arrival that their Investments were from the long Detention they had experienced very much deteriorated in Value, and the Memorialists were compelled to sell the same at very reduced Prices and in some Instances suffered almost a total Loss; That the Memorialists did by a Memorial read to the Court of Directors of the East India Company on the 1st day of July 1807 prefer an Application for a Remuneration for their Losses so incurred as before stated, and that Honorable Court having considered the Case of the Memo-

rialists recommended them humbly to submit it to the Consideration of Your Lordships; That the Indulgence of Your Lordships was upon a Similar Occasion extended to the Commanders of the East India Company's Ships attached to the Expedition under Lord Keith, and the Memorialists trust that their Case will be found equally deserving Your Lordships' Consideration, and they humbly pray that Relief which the Sacrifices made by them for a Great national Benefit may to your Lordships' Wisdom seem meet and expedient.

And Your Lordships having been pleased to refer the said Memorial to me to consider the same and report to Your Lordships a State of the Case together with my Opinion what is fit to be done therein, I laid the same before His Majesty's Advocate General and attended and consulted with him on the subject, and under his Advice I do most humbly report to Your Lordships that it should be explained why the Petitioner should have deferred till the present Year the Application which he was advised to make to Your Lordships in 1807, as Difficulties may arise from the Investigation of Claims long withheld which might not originally have occurred. It is believed that Captain Edmeades derived some Benefits from being attached to the Expedition in the share of Prize money, which may perhaps be fit to be considered as an Equivalent for the incidental Losses set forth in the Petition. As he relies however on a Case which is stated to have received Your Lordships' Sanction so as to be a Precedent for this Application, it will be proper to allow the Petitioner to describe the Circumstances of that Case, more particularly before the merits of the Claim are further considered.

All which I do most humbly submit to Your Lordships' Wisdom.

(Signed) CHAS. BISHOP.

[Original.]

*Letter from W. WILBERFORCE, ESQRE., to the RIGHT HONOURABLE
SPENCER PERCEVAL.*

HERSTMONCEAUX, NEAR BATTEL, *August 5th 1811.*

MY DEAR PERCEVAL,—Allow me to recommend to your most serious attention a paper which I will inclose, and which I have just now sent to Lord Wellesley to whose department, I believe, the Business officially belongs. It is right to inform you that it comes to me from a Dissenting Minister named the Revd. Geo. Burder, the author of a very popular Work called *Village Sermons*, and a man highly respectable in point both of Talents, acquirements, and Character. He writes to me I should also state in Quality of Secretary to the London Missionary Society, an Institute which was form'd some 10 to 15 years ago, consisting of all the different religious Denominations, but chiefly Dissenters. The Society has an annual Meeting, I think in May, when for several days Sermons are preached, Collections made, &c., and great numbers attend from all parts of England. The Influence therefore of this Society is very considerable, and I believe the Missionaries they have employed (Dr. Vanderkemp, Mr. Kicherer, &c.), as well as the Success of their Labours, have been superior at the Cape and its Vicinity to those of any other Country. I am persuaded you will need no Stimulus other than that which the Horrid Contents of my Inclosure furnish to induce you to pay all due Attention to this Subject. Yours etc.

(Signed) W. WILBERFORCE.

[Enclosures in the above.]

*Extracts from the Letters and Journals of the Missionary James
Read, relating the murders of Numbers of Hottentots.*

BETHELSDORP, SOUTH AFRICA, *9th January 1811.*

My Letter to the Directors of the Missionary Society in 1808 and which was printed in the 20th number of the transactions of the Society has given rise to circumstances of vast importance, if God should be pleased to incline the Government to give an impartial attention to the business, which is our daily prayer,

then would the most happy effects follow for the poor Hottentots. The persons who feel themselves hurt by my letter, and not without cause have shewn us much ill will since. Major Cuyler who was unfortunately appointed to investigate the matter has married one of these Farmer's Daughters, of course shutting his ears to the poor Hottentots. Indeed the complaints are become so numerous we can no longer pinch our consciences. There are of late several Hottentots missing, but we fear little will be done, as those who are accused as their murderers are not arrested. Some of the falsely called Christian Boers are accused of 8 or 9 murders. Many of our poor people have also lost their children, whom they keep as slaves, and will not restore. A poor old man has been travelling 9 or 10 times backwards and forwards to the Cape, and has now brought a Letter from the Fiscal, and an order from the Landdrost of Graaff-Reinet, after waiting several years, to the Boer to give him up his children, but is deterred from going, thro' fear of being killed. He entreated an officer of Justice to be sent, but was refused. With such kind of complaints we could fill a volume. I write these things that if you publish them, the subjects of England may prize their privileges. Should these things be buried in oblivion, for a few wicked men in the Colony who hate the Missionaries for bringing them to light, should we act according to humanity, justice, and religion? I believe when Government really understand it, we shall be commended instead of being condemned. I must entreat your cooperation, for such crimes still continue, upwards of 100 murders have been brought to our knowledge in this small part of the Colony. If we take the whole into account, what a field of blood, of innocent blood crying to God for vengeance. The following circumstance was related to me only a few days ago by Windvogel Stuurman one of our people. He was driver of a Waggon to a Boer, who had taken with him in his Waggon a Hottentot woman and her two children (Twins). Going between two mountains, the Boer ordered Windvogel to murder the Woman, which he refused to do. The Boer cocked and pointed his Gun at him threatening to shoot him if he did not. At which he threw a stone at her head which knocked her down, as she was rising again, the Boer shot her and horrid to add, left the twins with the dead mother a prey for the wolves or other ravenous beasts. He is anxious to make it known to Government but Lord Caledon will not give an opportunity.

The truth could easily be ascertained if only impartial Judges were to examine. Conscience compels me to bring these things before you, and the hope that survivors may get protection from the hands of their tyrants and murderers, whose wealth and influence seem to bid defiance to any measures to curb or punish them. The policy of punishing or conniving I leave to persons of greater judgment, and to the account of those whom it may concern, but I tremble for any Government where justice is sacrificed to policy. Tho' I may bring down resentment upon me for what I have done, I shall have God and justice on my side, and your prayers and the sighs and cries of hundreds of my poor people for whom I plead. The Directors will, we hope, do what they can. We have reason to believe that many could give us more information but are afraid to expose themselves to the resentment of the Boers, being without any protection from them. There has been a great decrease of the Hottentot nation in the last 10 years, and if these things continue they may soon become an extinct people. It was entirely in consequence of this oppression that the Hottentots rose some years ago. Happily our institution was then just formed, and was the means of stopping the rebellion, if it may be so called. Most of them joined our institution as soon as they were assured of an Asylum and have ever since been the most peaceable subjects. We are not therefore afraid of this matter being made public. If Mr. Wilberforce, the friend of injured Africa, had a fair statement of this business, he would surely exert himself, we hope, with the same success. Our only wish is that *suitable* persons might be appointed to examine into matters. We had hoped that Lord Caledon would have sent such persons. But his Excellency must be kept in ignorance, or be prejudiced against us, and the institution, and the Hottentots, as our enemies cease not to misrepresent us, so that his Excellency is to be pitied not knowing who to believe. From these misrepresentations proceed our hindrances to going to other nations. We hope Dear Brethren you will not cease to pray for our success that hindrances may be removed out of the way of the free propagation of the Gospel.

Extract from the Journal October 8th.

Brother Read was summoned by the Beadle to appear the next day before the Landdrost Major Cuyler at 9 o'clock. At the time appointed the Landdrost informed him that he had received an order from the Governor, to examine him on oath, on the ground of a Letter he had written in 1808 to the Directors of the Missionary Society published in the 20th number of their transactions respecting the sufferings and murders of Hottentots. He readily acknowledged he had written that Letter, and mentioned persons who could give evidence, who being called were intimidated, and some little difference being found in their declarations from the unfriendly behaviour he experienced, it was visible that the examination was not very pleasant. Brother Read then gave the Landdrost two papers for the information of his Excellency Lord Caledon, containing accounts of 14 murders (some of the sufferers were members of our institution) and is able to mention 70 more cases most or all of which have been committed since our residence in the Colony, and most of the reputed murderers are still living, some of them holding Offices under Government, besides innumerable instances of ill usage. On the 19th Brother Read addressed a Letter to Lord Caledon a copy of which follows at the end of the Journal offering to go to Cape Town, but to our utter astonishment he has as yet received no answer. We begin to fear the Letter is somewhere detained, we are however daily praying that these injuries may in due time be redressed.

*Copy of a Letter addressed to the GOVERNOR EARL CALEDON,
October 19th 1810.*

MY LORD,—On the 8th of this month I was summoned to appear before Major Cuyler, the Landdrost, to give information of some acts of cruelty and murder mentioned in a Letter of mine written to England dated August 30th 1808. I have given the Major an account of the persons who informed me, and shall with the greatest cheerfulness give every further information in my power, if it should be your Lordship's desire. I have likewise given to Major Cuyler two papers containing many acts of barbarity since I have been in this country, and where no justice

has ever been administered, not even the least notice taken of them, which is undoubtedly the cause of the continuance of the inhumanity committed against the poor people in question. It has pleased God in his providence, my Lord, to cast me and my fellow labourers in such a situation as enables me to become better acquainted with the sufferings of this people than any other person whatever. The poor Hottentot in vain turns his eye to any to whom he dare unbosom himself. He has sought perhaps for redress at the hazard of his life, at last he finds a friend in the Missionary, whom he begins to experience is more or less concerned for his temporal as well as his spiritual welfare; then, but not without some degree of fear, he tells his pitiable story, and a heart of stone must bleed to hear the father relate the slavery of his child, the child the loss of his Father, the tender husband of his wife, and wife the loss of her husband, the survivor forced into endless bondage, and the orphans worse than slaves. I hope that the time is near, that their cries will be heard, and their complaints impartially attended to, and effectual means adopted to deliver them from their oppressions. Providence seems to point to you, my Lord, as the person to whom this is reserved; and the heart of your humble servant, and his Missionary Brethren will rejoice when this shall engage your Lordship's attention, and the evil be cured. They will consider their prayers answered, and your memory will be revered by these sufferers and their posterity. The information I have given to Major Cuyler is a very small part of what we should be able to produce, and ought to be produced to prove the acts of cruelty already committed notwithstanding your Lordship's late good intentions, and active measures to put a stop to some of these abominations. I beg leave to submit to your Lordship a few ideas upon the subject. I must acknowledge that I find some difficulty in giving this information thro' Major Cuyler. I should be sorry to hurt the Major's feelings, by giving particulars of many horrid acts reported to be committed by many who are nearly related to him, which undoubtedly would be very unpleasant for him to hear and be obliged to transmit to your Excellency, and which would not for this reason be expected to be impartial. From the reports of the Major's conduct towards Hottentots bringing their complaints before him I am sorry to say that I cannot look on him as an impartial person to examine the grievances of this class of afflicted people. Another idea of the

utmost importance which I have to suggest is the rooted dread that reigns in the minds of the Hottentots in these distant districts to give information against any Boer, as he considers himself endangering his life by exposing himself to the resentment of all the connections of those against whom he is called to bear witness. The truth will never be brought to light till effectual means are taken to protect and encourage those who are able to give information. My reluctance to be absent from our Mission at Bethelsdorp, or to occasion any expense to the Missionary Society is very great; yet nothing would be so gratifying to me as to be honoured with an interview with your Lordship, in order to state my ideas on this subject, which it is almost impossible to do in its full extent by letter. Waiting with all due submission your Excellency's orders, I have &c.

(Signed) JAMES READ.

[Copy.]

*Letter from LANDDROST STOCKENSTROM to the
DEPUTY COLONIAL SECRETARY.*

GRAAFF REINET, August 7th 1811.

SIR,—I had lately the honor of addressing you a letter in haste from the Baviaan's River, stating for the information of His Excellency the Lieutenant Governor, the measures which circumstances had rendered it necessary for me to adopt and which I still intended adopting for the security of those Divisions which were exposed to the depredations of the Kaffres, and for the purpose of setting at ease the minds of the Inhabitants and of the Troops stationed in them. I now feel it my duty to add that although I had no reason to fear any attack on the part of Gyka, notwithstanding many entertained the idea, yet that prudence demanded, with a view to attain the end above alluded to, that each should be enabled to be upon his guard, so that however impossible to prevent the incursions of the Kaffres, I deemed it most expedient to strengthen the principal Posts and to collect the remainder of the Inhabitants here and there in the vicinity. Having likewise given the matter into consideration of Major Lyster, it has been determined to remove the posts stationed at Bezuidenhout's and Botha's, which

only consisted of a Sergeant and 10 men, the former to the place of D. J. Erasmus Jb. son, situated nearest the frontier, where Lieutenant Lynch is stationed, and the latter to Captain Kirby's post at the place of D. J. Erasmus, Senior, with an addition of some few Burghers from the Division of Behind Sneeu Berg at each place, exclusive of the inhabitants themselves. These places being situated in a flat country at the distance of $1\frac{1}{4}$ hour walking from each other and in sight of each other, have accordingly now the means of making an ample defence, and should it be necessary, of even affording assistance to those Inhabitants who are collected and living together as above mentioned ; all the others being protected by the Guards stationed in the Cariga and along the Fish River.

Having left the Division of Baviaan's River and proceeded by the Kromme River and Riet River along the Fish River to behind the Sneeu Berg and the Tarka, I found everything in those parts quiet, and that the Kaffres who had been visiting as far as the Brakke River had been sent back by the respective Field Cornets into their own country. They committed no robberies worth mentioning, but were extremely troublesome with constantly begging and promising, if they were suffered to remain, that they would be peaceable and satisfied with mutton. The threats they made use of, when prevented from wandering about any longer, accompanied by the reports of some who had quitted the Bruintjes Hoogte, and the circumstance of cattle being now and then sent from thence, had in some measure excited the attention, but in no wise fear or consternation among the inhabitants of those parts, and I soon succeeded in setting them entirely at ease. None of the fugitives however were to be prevailed upon either by the force of reasoning or by threats, to return and assist those of their fellow inhabitants who had remained. Whether the late orders issued by Major Cuyler to the Field Cornets will have any effect time will show.

On my return to the Baviaan's River I met some who had quitted the Bruintjes Hoogte ; I gave them strict orders not to leave the Baviaan's River, as in that Division they were quite safe. Learning from them that there were others about to follow, I immediately took the road to the Hoogte, where I had the pleasure of meeting Major Cuyler, who had arrived but a few moments before.

At a meeting he convened of the inhabitants, some of them having declared that they should be obliged to abandon their places if speedy assistance were not afforded them, I, at his request, agreed to furnish such assistance, which I effected by immediately recalling the Guards which had been posted at the foot of the Bruintjes Hoogte and in the Vogel River Ruggens, in order to be disposed of as Captain Hawkes conjointly with the Field Cornet Nel might deem most expedient.

I conceived I might do this with the less risk to my district, as Habana has removed with his Kraal to the other side of the Fish River, as I mentioned in my last, in consequence of having been repeatedly baffled in his attempts, with the loss of some people as appears in my report of the 15th inst. To make those however quite easy who have returned to these parts whence the Guards have been removed, I have ordered a small force from the vicinity of the Drostdy to proceed thither.

That I had ground to expect no hostilities on the part of Gyka, or that at least if such disposition were evinced, the measures which have been taken would be sufficient to counteract them, a proof has just been given. Major Lyster has this moment received a report from Captain Kirby, stating that Gyka has sent out with one of his chiefs, Foena, and some men and women Kaffres 127 head of cattle and the gun which belonged to one Van Deventer, who was murdered, asking at the same time what punishment it is wished should be inflicted on the murderer or murderers. I am in expectation of a more circumstantial report from the Veld Cornet, but in the meantime have written to him to desire he will ask Gyka to deliver up one or more of the parties guilty in order that he or they may be punished according to our laws, which possibly might create greater terror among them than if Gyka were to torture them to death and take away their cattle to the prejudice of their families. We might express to him our thanks in some other manner. In the hope of this meeting His Excellency's approbation, I have &c.

(Signed) A. STOCKENSTROM, Landdrost.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 9th August 1811.

SIR,—I have received the enclosed paper containing Extracts from the Letters and Journals of a Missionary of the name of James Read, and I have taken the earliest opportunity of transmitting it to You.

It is needless for me to recommend the subject of it to your most serious attention, or to point out to You (should these statements upon enquiry prove correct) that the Interests of Humanity and Justice and the Honor of the British Name demand the immediate adoption of the most effectual measures to secure the exemplary punishment of such atrocious crimes and to shield the injured Natives from the Barbarity of their oppressors in future.

I have etc.

(Signed) LIVERPOOL.

[Original.]

Letter from R. WHARTON, ESQRE., *to* ROBERT PEEL, ESQRE.

TREASURY CHAMBERS, 10th August 1811.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury a Letter from Lord Liverpool of the 18th June last, requesting that the sum of £2000 may be impressed to Mr. Robt. Willimott, appointed to act as Agent for the Cape of Good Hope, in consequence of the Death of Mr. Agar, to enable him to pay Bills drawn for Pay due to the Officers of the Cape Regiment, or any other Expences arising out of the Cape Government which he may be authorized to defray; I am commanded by their Lordships to acquaint you for the Information of the Earl of Liverpool that they have directed a Warrant to be prepared for that purpose. I am etc.

(Signed) RD. WHARTON.

[Copy.]

Memorial to His Excellency the HONOURABLE LIEUTENANT GENERAL GREY, Lieutenant Governor and Commander in Chief of the Cape of Good Hope, &c., &c., &c.

CAPE OF GOOD HOPE, August 21st 1811.

The Memorial of the undersigned British Inhabitants most respectfully sheweth

That your Memorialists are in the habit of annually importing from Great Britain considerable quantities of British and other Goods for the consumption of this Settlement, that owing to the present enormous price and difficulty of obtaining Bills, Memorialists are prevented from making their remittances in due Season, which to them and their Creditors in England is productive of the most ruinous consequences.

Memorialists beg leave to represent to Your Excellency that independent of the difficulties sustained by them and their Creditors there, Government at home Suffers a considerable diminution in Revenue owing to the circumstances already Stated, for Your Memorialists confidently assert that in the latter part of the year 1809 and the whole of 1810, no less than five Hundred thousand pounds worth of Goods were cleared out at the Custom Houses in England for this Colony, whereas they are Confident that in the present year not one fourth of the quantity will be Shipped.

This enormous diminution is not alone productive of a loss of Revenue to Government, but it causes an equal (and probably a more Severe felt loss) to the Manufacturer, the Ship Owner, and the Merchant at Home.

Your Memorialists are aware that it is difficult for Your Excellency to remove the Grievances at present, but they respectfully request Your Excellency will use Your Authority in mitigating them by directing the whole of Government Bills to be issued to such Individuals as have Remittances to make to England, which will prevent a System at present established by Individuals of purchasing up and monopolizing Bills for the purpose of extorting a higher premium for them. It will also give the British Merchant a preference which in the present distressed times we hope Your Excellency will deem him entitled to,

for at present not only the Americans, but even the Agents for Persons on the Continent have an equal right to, and do frequently purchase up Government Bills, by which means the Funds that might be sent to the relief of distressed Individuals in England are often diverted into foreign Channels. Your Memorialists therefore request you will be pleased to direct that all Persons tendering for Bills in future Shall mention in their Tender or Tenders the Person or Persons at home to whom they wish to remit, in whose names the Bills must be made out, by which means they will not be negociable until their arrival in England.

Memorialists are far from expecting or wishing Your Excellency to continue this System, but hope You will be pleased to keep it in force until the present distresses are partially relieved, and Memorialists as in duty bound will pray.

(Signed) HAMILTON ROSS
AMYOT & Co.
EBDEN & WATTS
ALEXR. GRAY
ROBERT SWAN
STEPHEN TWYXCROSS JR.
R. McNAUGHTON
JOHN HAWKINS
R. JOHNSON
JOHN HOETS
R. PHILIPS
R. STONE
R. WRANKMORE
W. P. ROPER
ROBERT STUART
JAS. KELLY
WATTS & SMITH
JOHN BECK
R. DUNCAN.

[Copy.]

*Letter from the LANDDROSTS STOCKENSTROM and CUYLER to
LIEUTENANT GENERAL GREY.*

RIET RIVER, *August 23rd 1811.*

SIR,—We have the honor of informing your Excellency that we have this day met here for the purpose of deliberating upon the arrangements necessary to be made in pursuance of Your Excellency's letter to Major Cuyler, under date the 18th of July, and having maturely considered the situation of our two Districts and their Inhabitants, from the knowledge we have of the Caffres we feel ourselves under the obligation of respectfully requesting to be permitted to submit our ideas to Your Excellency.

Your Excellency's letter subjects the execution of the plan of marching a Commando against the Caffres to very great restrictions, insomuch that it is almost impossible to act according to the spirit of the Instructions laid down in that letter, for the Caffres, like the wild beasts, will never commence hostilities unless certain of having the superiority by seeing the possibility of surrounding a part of the Commando when it would be too late for the Inhabitants to defend themselves.

It is well known that no Caffre Chief will make his appearance when a large force of armed Inhabitants shows itself near his kraal, or he must previously have obtained good information from some of his people as to the object of the visit. Until then he conceals himself in the bushes. We therefore respectfully beg leave to suggest the following plan:—

That a Commando consisting of about six hundred inhabitants be assembled and marched in three divisions to a point of concentration. That, however, as perhaps not sufficient can be placed in the different Field Commandants and Field cornets, owing to the jealousy, discord, and desire of revenge which subsists among them, an active military officer be placed at the head of each division, as a measure which would possibly be more prudent than leaving them entirely to themselves.

The military now stationed in the two districts might be posted in a line at the places of those Inhabitants who live upon the frontier, in order to turn such Caffres as might endeavour to get

round into the rear of the Commando to do mischief and in order also to be at hand to afford assistance in case of need.

With a view to execute the plan with success and without the loss of much blood, either to the Inhabitants or Caffres, we should propose that in the first place an attempt be made to secure Sjambe's person and retain him in custody as a Hostage until all the Caffres shall be driven beyond the Boundaries, after which we should propose his being delivered over to Gyka to be dealt with as Gyka may think proper, they being both of the same Family and Sjambe having deserted from Gyka about 12 years ago to the Zuurveld, where he still is. Previous however to making ourselves masters of Sjambe's person every disposition being made for the undertaking, we might communicate to Gyka our intention, as we have no reason to doubt but he will do his best to prevent all the Caffres belonging to the kraals near him from going to the aid of the Zuurveld Caffres. We might also further state to Gyka that Government will acknowledge him as the only Chief of the Caffres, and that therefore every Caffre who shall hereafter enter the Colony without some token from him shall be shot, and that in like manner no Inhabitant shall be permitted to enter his boundaries without a due authority from Government.

The taking of Sjambe prisoner ought to be effected by a small number of from 12 or 20 Inhabitants, as we should never succeed in getting him into our power were it to be attempted with a larger force, without considerable slaughter among the Caffres, which would in that case amount to pretty nearly the same as a general attack.

In the event of the attempt to take Sjambe prisoner failing, we hope that confidence enough will be reposed in us to enable us to act as circumstances may seem to require, and we take this opportunity of assuring Your Excellency that no more Caffres shall be shot than will be found absolutely requisite to the attainment of the desired end of *exterminating* them from the Zuurveld and driving them back into their own country, in order by that means to secure peace and tranquillity to the unfortunate Inhabitants of these two districts. We are perfectly convinced that the driving out of the Caffres, unless they feel that what we do is meant in good earnest, would be attended with little or no advantage, so that it is absolutely necessary some few examples should be made of such as prove themselves the worst, and most ready to oppose

us. This once executed with determination upon those who are known offenders would eventually be productive of advantage.

Should these our suggestions meet with Your Excellency's concurrence, we trust Your Excellency will be pleased to grant us a certain military control over the Inhabitants when assembled and authorise us to inflict corporal punishment on such as may have deserved it, as an example to others; without this we are afraid we should find great difficulty in maintaining good order among them.

We lastly beg to be favored with a decisive answer from Your Excellency at as early a moment as possible, as the season for carrying this plan into execution without prejudice to the Inhabitants is now drawing fast to a close. We have etc.

(Signed) A. STOCKENSTROM, Landdrost,
J. G. CUYLER, Prov. Landdrost.

[Original.]

*Return of Troops serving at the Cape of Good Hope on the
25th of August 1811.*

Officers of all ranks at the Regimental Head	
Quarters or on Detached Duty at the Station .	146
Officers on Staff Employ	41
Sergeants, Trumpeters, Drummers, and Rank and File :	
Royal Artillery	307
Gunner Drivers	86
Royal Engineers	16
21st Light Dragoons	760
83rd Foot	961
93rd Foot	1009
Cape Regiment	543
	<hr/>
Grand Total	3869

[Original.]

Letter from MAJOR LYSTER *to* LIEUTENANT GENERAL GREY.

GRAAFF REINET, *August 26th 1811.*

SIR,—I have the honor to inform Your Excellency that on the 23rd inst. Mr. Stockenstrom and myself had an interview with Major Cuyler at the Riet river, where, after mature consideration, they concurred in opinion that it would not be advisable in the first instance to assemble the military force of the two Districts in a body, but when the Commando was in readiness to act, then to establish a line of posts from Baviaans river, where I at present have a Company, to the banks of the Great Fish river in Bruintjes Hoogte, posting detachments near the different passes thro' which the Kaffers generally enter the Colony. Major Cuyler informs me that the force he has at Uitenhage will not be more than sufficient to guard the Drostdy and its vicinity. I shall therefore leave it at his disposal, and shall myself, when the Commando is embodied, move forward with the company at Melk River, and the one stationed here, to occupy the several posts on the frontier, placing myself in a central position, so as to be able to assemble the whole detachment at the shortest notice, should circumstances render such a measure necessary. Altho' Graaff Reinet is the only place in the District where the interior economy of the Detachment can be properly conducted, yet I trust you will approve of my removing to the advanced posts for such time as the Commando will be actively employed. I have etc.

(Signed) T. LYSTER, Major Cape Regt.

[Original.]

Memorial of the REVEREND DR. HALLORAN.

To His Royal Highness the Prince of the United Kingdoms of Great Britain and Ireland, &c., &c.

The Memorial of the Reverend Laurence Halloran, Doctor of Divinity, late Chaplain to His Majesty's forces at the Cape of Good Hope, &c., &c., respectfully setteth forth

That your Royal Highness's Memorialist was appointed Chaplain to His Majesty's forces at the Cape of Good Hope, by Commission bearing date the 24th June, 1807.

That your Memorialist arrived at his destination on the 6th December, 1807.

That from the latter Period to the 1st June, 1810, Your Memorialist regularly & faithfully performed all the duties of his Appointment, as will appear by the annexed joint Certificate from the Honorable Lieut. General Grey, Commander of the forces, and from Major Gen^l Wetherall, Commandant of Cape Town.

That the general Estimation in which Your Memorialist was held by the whole British Population of the Colony is also strongly attested by the several annexed Addresses from that very respectable Body of His Majesty's Subjects, which Memorialist humbly prays Permission to Submit to Your Royal Highness's Consideration.

On these Premises Your Memorialist presumes to rest his earnest Entreaty for Your Royal Highness's benign Attention to the Statement of his present most afflicting Situation, and to the Causes by which it has been produced.

This detail your Memorialist cannot offer, without feelings of deep Regret, as tending to inculpate an Officer to whose real, valuable Qualities, even the Severities inflicted by him, have not blinded Your Memorialist; whose duty to his own Character and family should alone impose upon him so ungrateful a Necessity!

Your Memorialist proceeds to represent, that on the 25th December, 1809, a Duel was fought at the Cape between Captain R. Ryan, of the 93rd Regt., Seconded by Captⁿ Nicolls, of the 72nd Reg^t, and the Paymaster Patullo, of the 93rd Regt., attended by Captⁿ Hitchins of the same Corps.

That, independently of the implied Compact of mutual Confidence upon such Occasions, a solemn Pledge of Secrecy upon Honor was exchanged on the Ground by the Parties, who alone were privy to the transaction, as will appear on Reference to the printed Proceedings of the subsequent Court Martial.

That the result of the Rencontre was a Slight flesh Wound received by the Paymaster Patullo!

That the Manner in which such Wound had been received was, nevertheless, betrayed by Mr. Patullo to the Staff Surgeon, by whom it was dress'd, one Alexander Dunlop, (the Person at present

engaged as the Itinerant Exhibitor of the Hottentot Venus in this Country!)

That this Man gave such Publicity to the Circumstances of the Duel that it became known to Lieut. Gen^l Grey, who immediately order'd a Court Martial on the Captains Ryan and Nicolls!

That the opposite Parties, Mr. Patullo and Captⁿ Hitchins, prevailed upon by a Promise of personal Indemnity, did actually appear as Evidences upon this Court Martial, and that the only Barrister in the Colony, the King's Advocate in the Admiralty Court, was retained on the Part of the Prosecution.

That the Captains Ryan and Nicolls had long been the most intimate and valued friends of Your Memorialist, and that the former of those Officers is his Son in Law.

That, prompted by these Considerations, and urged also by the Entreaty of Several of the most Respectable Officers of the Garrison, Your Memorialist, (who had formerly Officiated as Deputy Judge Advocate to His Majesty's fleet in the Mediterranean) did undertake to conduct the defence of his friends, the Captains Ryan and Nicolls.

That, for this Act of friendship and Humanity the Honorable Lieu^t General Grey severely reproached Your Memorialist as an Advocate for Duelling and Duellists!

Altho' your Memorialist had not long before prevented an intended Duel in the Garrison, of which he had caught a Slight Intimation, by apprizing Gen. Grey of his Suspicions.

And altho' Your Memorialist would as certainly have endeavoured to prevent the present Meeting, had he been pre-acquainted with the design of the Parties!

That, in Consequence of the Conduct of the Paymaster Patullo and Captⁿ Hitchins on this Occasion, these Persons were excluded from all military Messes and from the Society of almost all the Officers of the Cape Army.

That Mr. Patullo was some time after proposed for Admission into a Reading Society, of which Your Memorialist was a Member.

That a Ballot took place, at which were present twelve Members only, of whom *Seven* were Dutch; and *five* English Gentlemen; and that the Candidate was admitted by the former, who were entire Strangers to him; but una Voce rejected by the latter, to whom his late Conduct was known!

That Your Memorialist, upon learning this Man's Admission,

immediately desired to withdraw his Name from the Books of the Society, declining to allow it to remain associated with that of a Person under the degrading Circumstances in which Mr. Patullo was at that time generally consider'd to be placed !

That for this Act, an Act, as Your Memorialist humbly presumes, bearing solely on his private Conduct as a Member of Civil Society, and totally unconnected with his Military Appointment, Gen^l Grey issued a severe Censure on Your Memorialist ; and order'd him, without hearing or trial, and expressly as a Punishment, to remove from his family and Residence in Cape Town, and to settle at a distant Outpost !

Altho' Your Memorialist had been specifically fixed at Cape Town by the Commander in Chief, and had form'd there an Establishment, long a desideratum in that Colony, for general Education, at an Expençe of more than two thousand Pounds Sterling !

And, altho' Your Memorialist had been recently appointed Rector of the Public grammar School in that Town, with the Approbation of the Governor and General, under a legal Engagement to retain the Appointment five Years ; and had entered on the functions of that Office upon the *very day* on which Gen^l Grey issued the above Order !

That, under these Circumstances, as a Compliance with the General's Order would have nearly included the Ruin of Your Memorialist's family and Property, He had no Alternative ; but the temporary resignation of his Military Commission, until on the Subject at Issue (the General's legal Right to inflict such summary Punishment, without Hearing or Investigation, or any Proof of Offence) His Majesty's gracious pleasure should be ascertained ; and that Your Memorialist accordingly sent in Such provisional Resignation.

That shortly after this Event an offensive anonymous letter was sent to Lieu^t Gen^l Grey, (tho' not upon the subject of it, as appears), and that it was publickly intimated, a Suspicion by Gen^l Grey attached to Your Memorialist, as having some knowledge of, or Concern in, Such Writing.

That Your Memorialist, naturally indignant at such unfounded Insinuation, addressed a Letter to Gen^l Grey, solemnly disclaiming all Knowledge of, or Participation in, So unworthy a Procedure, but admitting that Memorialist had written, for Publication in

England, certain Strictures on the General's Conduct in his Command, "which (Memorialist added,) if you possess Sufficient Magnanimity, You are welcome to peruse, and I enclose one of the number for that Purpose!"

That your Memorialist does not hesitate candidly to acknowledge that he was blameable in this Instance, but he begs respectfully to allege the previous most serious Injury inflicted on Him by the General, in Extenuation of his Error!

That this Enclosure which, thus submitted to the General's Magnanimity, ought surely to have been consider'd almost confidential, especially as not otherwise divulged by Your Memorialist, was made by that Officer the Ground of a Criminal Prosecution for a Libel against Your Memorialist, in the Dutch Court of Justice, to whose Jurisdiction there exists no Precedent of a British Subject, in the public Service of his Sovereign, having ever been, on any Occasion, Submitted!

That your Memorialist vainly protested against the Competency and Jurisdiction of this foreign Tribunal, and appealed from its Authority to the King in Council! His Protest was rejected, and his Appeal, disallowed!

Your Memorialist was thus compulsorily subjected to a protracted and most expensive Process, and was ultimately, without the production of any Evidence, on the Simple Statement of the General, and that not upon Oath, Sentenced to be fined, imprisoned, and banished from the Colony, by this foreign Tribunal, whose Proceedings are conducted in a Manner most repugnant to the feelings and hostile to the Rights of Englishmen, *clausis foribus*, in an unknown language, and without the intervention of a Jury!

Your Memorialist was in Consequence confined in the Common Prison several Weeks, refused Permission to see his family or settle his Affairs, and ultimately put on board a Ship by force, without such Permission to see his Wife and Children, and banished the Colony, where his little property is locked up, and his Family still detained, without his Protection, without even the Means of Subsistence there, or of Return to their Native Country.

Your Memorialist has thus been nearly ruined in his fortunes, and grossly insulted in his Person, by a foreign Tribunal, on a Charge, which even if legally proved, (as was by no Means the Case) is subject to no Such Severity of Animadversion by the Laws of England!

Your Memorialist most humbly implores Your Royal Highness's benevolent Regard to this faithful Representation of his most distressing Case, on the Authenticity of which he pledges his fortunes, his Character, and his Existence!

Deprived of an Income of more than twelve hundred Pounds Sterling Per Annum, the Result of useful and honorable Exertions, his personal freedom violated, his Profession insulted, Your Memorialist is consigned to unmerited disgrace and poverty! while his beloved family is detained in a remote and semi-barbarous Colony, in Circumstances of extreme distress, on which he will not pain Your Royal Highness's humane feelings by expatiating.

While, however, the British Nation is blessed by a Regent, the Representative and Heir of her most beloved Monarch, and eminently distinguished by every princely Virtue, His Meanest Subject, (laying Claim, however to the title of a faithful, and affectionate Subject also) feels every Confidence that, in approaching Your Royal Person with the sad detail of his Sufferings, he addresses his Complaint to Ears that will listen with Complacency, to a Mind that will discriminate with Judgment, and to a Heart that will decide with Mercy!

Your Memorialist, therefore, tho' without assuming to allege absolute Inculpability, yet conceiving the Punishment inflicted upon him to be mark'd by illegal and excessive Severity, most humbly appeals to Your Royal Highness's generosity and Justice for Redress.

Your Memorialist has devoted most of the best Years of his life to the Service of His Majesty, in His Naval and Military Employ, and has therein supported not only a respectable, but an estimable Character; And, even were the pretended Accusation against him fully proved, he humbly presumes it cannot be deemed of so deep a dye as to justify his total Ruin in his declining Years; the Object of Punishment, in all such Cases, looking rather to the Reformation than to the destruction of even a "convicted Offender!"

If any Part of this Statement can be invalidated, Your Memorialist will readily submit to the Justice of your Royal Highness's high displeasure, and to the painful Addition of a total rejection from Your Consideration and Service.

But, if it be, as he is prepared to prove, a genuine detail of

incontrovertible facts, then Your Memorialist presumes to hope that Your Royal Highness's just and honorable feelings will admit the Rigor of his sufferings to have greatly exceeded the Extent of his alleged Offence, and, in this Conviction, will be pleased to direct such reparation to be made to Your Memorialist as may be deem'd equitable by that noble and beneficent Heart which has never, in any Instance, failed to remember and exemplify

“That earthly Pow'r does then seem most divine, when Mercy seasons Justice!”

And your Royal Highness's faithful and devoted Memorialist, as in duty and Gratitude bound, will ever pray.

(Signed) LAURENCE HALLORAN.

28th August, 1811.

Mr. Browne's Chambers,
No. 2 Bernard's Inn.

[Copy.]

Proclamation by HIS EXCELLENCY LIEUTENANT GENERAL SIR JOHN FRANCIS CRADOCK, Knight of the Most Honorable Orders of the Bath and Crescent, Colonel of His Majesty's 43rd Regiment of Foot, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c., &c.

Whereas His Majesty, by Letters Patent bearing date at Westminster, the 9th day of April, 1811, has been graciously pleased to nominate and appoint me Governor of this Settlement, with the Territories and Dependencies thereof; and having this day taken and subscribed the Oaths accordingly,—Notice is hereby given to all officers, Civil and Military, and all Persons and Inhabitants whatsoever are hereby called upon, from the date of these presents, to obey all Orders and Commands that may from time to time be issued by me.

Given under my Hand and Seal, at the Cape of Good Hope, this 6th day of September 1811.

(Signed) J. F. CRADOCK.

[Original.]

*Letter from the EARL OF CALEDON to the EARL OF LIVERPOOL.*MILFORD HAVEN, *September 11th 1811.*

MY LORD,—Agreeable to the permission of His Royal Highness the Prince Regent communicated to me by your Lordship, I resigned the government of the Cape of Good Hope on the 4th of July.

I shall lose no time in waiting upon your Lordship for the purpose of receiving your commands and of giving such explanations as may be required of me touching my own conduct or the state of the Settlement which was entrusted to my Care.

No circumstance of any moment occur'd at the Cape in the interval of my last dispatch and the time of my resignation, but lest the opportunity should not have offered to Mr. Farquhar I transmit your Lordship some information regarding three French frigates which appeared off the Mauritius in the month of May.

I have etc.

(Signed) CALEDON.

[Original.]

*Letter from SIR JOHN CRADOCK to ROBERT PEEL, ESQRE.*GOVERNMENT HOUSE, CAPE OF GOOD HOPE, *September 11th 1811.*

SIR,—I have the Honor to inform you that, in Pursuance of your Desire by Your Letter of the 23rd May, I have forwarded to Mr. Farquhar his Commission as Governor of the Isle of France, &c.

As Admiral Stopford with the whole of the Naval Force had proceeded to Batavia, I was obliged to avail myself of the opportunity of Lt. Dixon of the Engineers going to that station to take Charge of the Commission, and I entertain no Doubt of its safe delivery. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, *September 13th 1811.*

MY LORD,—I have the Honor to acquaint Your Lordship that I arrived in His Majesty's Ship *Emerald* at this Station on the 5th Inst., and assumed the Government on the same Day.

From the very short Period that has elapsed since my Arrival, it is out of my Power at present to submit to your Lordship any further Information than the general Sentiment that the Civil and Military Proceedings of this Settlement appear to have been conducted on the best Principles, and cannot fail to reflect the highest Honor upon my Predecessor in the Government and Command of the Forces.

As soon as ever I shall feel myself competent to the Duty, I shall lay before your Lordship every Detail that can put your Lordship into full Possession of the actual State of this Establishment, in either its Civil or Military View.

In the meantime I have to acknowledge the Receipt of your Lordship's Dispatches delivered to me at Portsmouth, from No. 1 to 7, and shall have the Honor to reply to them as well as the very limited Information I can have obtained will permit.

No. 1. Dated the 22nd April 1811. The Transcription of His Majesty's Commission and Instructions.

2. Dated the 22nd April 1811. The Communication of a Minute from the Lords of the Committee of Council for Trade and Plantations, &c. Upon this extensive Subject every Attention will be given, and the fullest Information submitted as soon as practicable.

3. Dated 22nd April 1811. Desiring that every assistance should be given to Commissioner Shield in the Inspection of the Woods in this Settlement, &c. Mr. Jones, the Gentleman named in the Communication from the Lords of the Admiralty, is arrived, and every Assistance has already been afforded to him by the Lt. Governor, Lt. General Grey.

4. Dated 16th May 1811. Respecting the Claims and Situation of Baron Van Hogendorp. It appears that the Earl of Caledon, in his Dispatch to Mr. Secretary Windham of the 7th June 1807, has very fully reported upon the Case of this Gentleman (a Copy

of which I have the Honor to enclose), and I cannot as yet learn that anything has since appeared to strengthen his Claims. If I find that Circumstances arise to sustain his further Pretensions, I shall have the Honor to advert again to the Subject, and shall in obedience to your Lordship's Desire, give every due support to the Baron or his Agents.

5. Dated 18th May 1811. With a Communication from the Treasury that some Deviations have taken place in the Issue of Military allowances, And Enclosing Two Books for my future guidance, &c. I communicated this Dispatch to the Honbl^e Lt Genl. Grey, who does not, after a careful examination, appear aware of any Deviation, and I submit the Acting Deputy Commissary General's Letter to the General, expressing himself to the same effect.

6. Dated the 18th June 1811. Desiring Information respecting the ship *Felicity* alleged to have cleared out at the Custom House of the Cape. I am informed by the Colonial Secretary that the Ship *Felicity* did sail from the Cape, and cleared out by the permission of the Earl of Caledon.

7. Dated the 18th June 1811. To announce the Death of Mr. Agar, and the appointment of Mr. Willimot as Colonial Agent in England.

I have also to acknowlege a Dispatch addressed to the Earl of Caledon, dated the 20th April 1811, relative to the Payment of Alleged Prize Money to the Captors of the Colony.

Upon this Subject, as it is of considerable Importance and some Difficulty, I regret to defer Observation until the next Dispatch.

I have at present only to add that in every Respect it will be my anxious Endeavor to fulfil the Intentions of His Majesty's Government. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from the REVEREND DR. HALLORAN *to the* EARL OF LIVERPOOL.

THE RETREAT, TAMERTON NEAR PLYMOUTH, 19th September 1811.

MY LORD,—I had the Honor to address your Lordship, nearly a twelvemonth ago, from the Cape of Good Hope, stating various Instances of Hardship and Oppression to which British Residents in that Colony had been peculiarly subjected. And, in May last, on my return to England, I immediately forwarded to your Lordship, officially, a Number of Cases of individual Oppression, which I stated my readiness to authenticate; More particularly I detailed to your Lordship the illegal Severities exercised personally against myself by the Colonial Government, And solicited the Redress, which I consider justly due, for the cruel Injuries, I may add, almost total ruin, which myself and family have sustained.

Your Lordship, thro' the Medium of Mr. Peel, replied to the latter Representation, with equal Propriety and Equity, deferring to enter into the Merits of the Case till the return to this Country of the Parties against whose Conduct I appealed.

I am this day apprized by my Law Agent of Lord Caledon's Arrival in London, where I purpose to be on Tuesday Next, and where I shall hope to be honored with your Lordship's Commands, addressed to me at Mr. Browne's Chambers No. 2 Bernard's Inn, Holborn.

The whole of the proceedings, Correspondence, &c., in my Case, are in the Press, and will be ready for Publication before the period fixed for the Meeting of Parliament. I have purposely retarded their progress thro' the press till Lord Caledon's Arrival; not wishing to prepossess the Public with any unfavorable Impressions in His Lordship's regard, or to anticipate their Judgement on the Subject. The power of Self Vindication being now open to Him by his Return, the same motive of delicacy no longer subsists; and the Publication shall be expedited and laid before Your Lordship, with as little delay as possible.

In the meantime, I have etc.

(Signed) L. HALLORAN, D.D.

[Original.]

*Return of Troops serving at the Cape of Good Hope on the
25th of September 1811.*

Officers of all ranks at the Regimental Head Quarters or on Detached Duty at the Station	192
Officers on Staff Employ	45
Sergeants, Trumpeters, Drummers, and Rank and File:	
Royal Artillery	307
Gunner Drivers	85
Royal Engineers	16
21st Light Dragoons	765
60th Foot 1st Battalion	977
83rd Foot	960
93rd Foot	1011
Cape Regiment	539
	<hr/>
Grand Total	4897

Negroes, Slaves to the navy, attached to the Army as by
Order in Council 16th March 1808, Act of Parliament
47 Geo. III, Chap. 36 45

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the exchange of worn out and defaced Paper Money.

CAPE OF GOOD HOPE, 27th September 1811.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, September 29th 1811.

MY LORD,—I have the Honor to submit to your Lordship that I have granted, out of the Colonial Revenues, to Major General Cockill, the next to me in Command of his Majesty's Forces in this Settle-

ment, an Allowance of Thirty Shillings per Diem as long as He shall remain in that situation, from the Date of the Departure of the Honble. L^t Gen^l Grey, L^t Governor. This allowance is only to continue till the pleasure of His Majesty's Government be known, and in the Event of Disapprobation, Major Gen^l Cockill is to refund the Extra Pay.

I beg to observe that a similar Allowance had been made by Sir David Baird, upon the Capture of the Colony, to the Commandant of Cape Town, for the extraordinary Trouble and Expence that attaches to the officer in that station, as in Fact the great Body of the Troops, from their situation, fall under his superintendance, and I understand that my Predecessor Lord Caledon applied for Permission to revive this allowance.

I am the more induced to adopt this Measure, as the Duty of the officer who is Second in Command is naturally much encreased by my attention to the Civil affairs of the Government, and I have had the less Hesitation, as the saving of the Salary of the L^t Governor during his absence so much more than meets the Expence. I have etc.

(Signed) J. F. CRADOCK

[Original.]

Letter from REAR ADMIRAL ROBERT STOPFORD *to*
J. W. CROKER, ESQRE.

HIS MAJESTY'S SHIP *Scipion*,
OFF SOURABAYA, 29th September 1811.

SIR,—In my letter to you from Batavia Roads under date the 30th of August, I acquainted you, for the information of my Lords Commissioners of the Admiralty, that it was my intention to proceed in the *Scipion* to the Isle of France in consequence of the principal part of the Enemy's force having been captured or destroyed in the Successful assault of their Works by the British troops on the 26th of that Month.

On communication of this my intention to His Excellency the Governor General of India, who was residing at Batavia, and to Lieutenant General Sir Samuel Auchmuty, the Commander in

Chief of the Forces, I was informed by these authorities that the future resources of the Enemy were yet unknown, and that they considered it requisite to use all means to bring the contest to as speedy a conclusion as possible, hoping that I would not diminish any part of the British force by my departure.

Upon these suggestions I waived my first intention of quitting the station and prepared for immediately proceeding to Sourabaya.

In pursuance of my former arrangement, the *Nisus*, *President*, *Phoebe*, and *Hesper* (Sloop) sailed on the 31st August to Cheribon for the purpose of intercepting the Enemy's retreat from Meester Cornelius to the Eastward. As no Troops were ready for embarkation I relied upon the Marines of these ships (to which the party of His Majesty's ship *Lion* was added) for performing this Service, and they fully answered my expectation. Captain Beaver of His Majesty's ship *Nisus* having Summoned the place to Surrender, took possession of it without opposition. Captain Warren bearer of the Summons having hoisted the British Flag received information that the Commander in Chief of the French Troops (General Jumelle) had just arrived, and was changing horses to proceed to the Eastward. Captain Warren with his Gigg's crew immediately made him his Prisoner and Secured him; many other Officers and Privates were also made Prisoners, as their Lordships will observe by Captain Beaver's Report to me of his proceedings, with Captain Hillyar's account of the Surrender of Taggall, both forwarded by this opportunity. The Services performed by these Ships were of the greatest importance to the ultimate result of the Campaign.

On the 4th September I detached Commodore Broughton in the *Illustrious* with the *Minden*, *Lion*, and *Leda*, to rendezvous off the entrance of Gressie; on board these ships were embarked the 14th and part of the 78th Regiments of foot with Field Pieces. The *Modeste* sailed on the 5th with Lieutenant General Sir Samuel Auchmuty, and I sailed in the *Scipion* on the 6th, having on board two companies of Artillery and four Field Pieces. The Transports with the remainder of the Troops were directed to Sail as soon as they were ready.

On the 8th of September I received a dispatch from Sir Samuel Auchmuty acquainting me that he had received information of General Janssens' intention of assembling his forces and making a stand at Samarang, and requesting I would proceed

there and collect as many Troops as possible. Measures for this purpose were accordingly taken. On the 9th I anchored off Samarang, and on the 10th was joined by Commodore Broughton with the Ships under his orders and some few Transports. On the same day the General in conjunction with me sent a Summons to General Janssens, which was rejected; on that night I directed the armed Boats of the Squadron to take or destroy Several of the Enemy's Gun Boats lying in shore with French Colours. This Service was compleatly executed under the direction of Captain Maunsell, acting Captain of the *Illustrious*.

The General being in possession of a plan of the Town of Samarang which mark'd it as strongly fortified, and being unacquainted with the Number of the Enemy's Troops, did not think it advisable to land the Nine hundred Troops which were collected, but waited for reinforcements from Batavia. Nothing was therefore attempted until the 12th, when having learnt that the Enemy had quitted the Town of Samarang and retired into the interior, a party of Troops was landed and took possession of the Town without opposition. On the 13th the whole of the Troops were landed, which now amounted to Fifteen hundred men, preparatory to an attack upon the Enemy's position on an eminence about Seven Miles from Samarang, where some guns were placed and a work hastily thrown up.

Concluding that the final retreat of the Enemy would be towards Sourabaya, I represented to the General the necessity of being beforehand with the Enemy and immediately occupying that post. I accordingly sailed for this purpose on the 15th with the *Scipion*, *Lion*, *Nisus*, *President*, *Phoebe* and *Harpy* (the four last having joined on the 14th). I intended to collect on my passage such Transports with Troops as had proceeded under the original intention of going to Sourabaya and had not received the counter order to go to Samarang.

On the 17th I anchored with the Squadron off the Town of Sedaya on the Java Shore leading to Gressie, and was joined by three Transports having two Hundred effective Sepoys and Fifty European Cavalry. To these were added the Marines of the Squadron, making a force of nearly Four hundred and Fifty Men.

On the 18th Captain Harris of His Majesty's ship *Sir Francis Drake* came on board the *Scipion* from the Island of Madura. For the previous proceedings of this meritorious officer, whom I had

detached from Batavia on the 12th of August to take possession of the French fortress at Samanap, in which he was eminently successful, and for his Subsequent Master Stroke of policy in drawing the Sultan of Madura from the French Alliance and attaching him to the British interests, I beg leave to refer their Lordships to my Letter No. 21, containing Captain Harris's report of his proceedings, and the able and Spirited assistance he received from Captain Pellew of His Majesty's Ship *Phaeton*.

As there was no Field officer of the army with me, I directed Captain Harris to take command of the Troops which were landed on the 19th, and to march to Gressie. On the 20th the place was in our possession, some parties of the Enemy with Guns having been put to flight.

On the approach of the Troops to Sourabaya on the 22nd articles of Capitulation were agreed upon between Captain Harris and the Commandant (a Colonel in the French Service) for the Surrender of the place. When these terms were on the point of being signed intelligence was received of the Capitulation for the Surrender of Java and its dependencies having been concluded on the 18th. Sourabaya was therefore taken possession of, and fell under the General terms of the Capitulation.

The General's Letter having nearly at the same time reached me I sent an officer to take possession of Fort Ludowick, a place of Great Strength towards the Sea and Compleatly defending the Northern entrance towards Gressie. The Fort was in excellent order, containing Ninety-eight pieces of heavy cannon, chiefly Brass. I had however previously mark'd out the Ground for erecting a Mortar Battery upon the Island of Menare, from which it might have been effectually Bombarded.

Having thus far detailed the Successes of the campaign, I regret that in one point there has been a failure, but occasioned by an unforeseen circumstance. I allude to the escape of the Two French Frigates the *Medusa* and *La Nymphe* from Sourabaya on the 4th of September by the Northern passage. Their Lordships will observe by my Letter of the 30th ultimo (No. 2) that I had Stationed two Frigates the *Bucephalus* and *Akbar* to Watch this northern entrance, and the *Hussar* and *Phaeton* were on the Southern Side. By Captain Pelly's report it appears that shortly after his arrival upon the station Captain Drury, Acting Captain of the *Akbar*, represented to him that the water in the hold of that ship had

leaked out, and instead of her having one hundred and twenty Tons on board only Forty-eight were found. The *Bucephalus* being short of Water took Thirty Tons, and the *Akbar* was sent to Indermaya, a distance of seventy leagues, to procure a Supply. I do not approve of Captain Pelly's proceedings in this instance in sending the *Akbar* to such a distance or in sending her away at all until the last extremity; still less can I approve of Captain Drury's conduct in not sooner taking precautions against so great an evil, which from its nature ought to have been sooner discovered if proper attention had been directed to the ship's hold. These circumstances came to my knowledge so short a time previous to my quitting the station that I had not an opportunity of instituting an inquiry into this transaction; but I purpose sending directions to Commodore Broughton by the *Malacca* from the Isle of France to hold an inquiry into the conduct of Captains Pelly and Drury upon this occasion, that a Court Martial may be ordered if necessary.

The Enemy's Frigates taking advantage of the *Akbar's* absence sailed in presence of the *Bucephalus*, who was on that day accidentally joined by His Majesty's Sloop *Barracouta*. The Enemy were pursued until the 13th, when the *Bucephalus* lost sight of them, and joined me on the 21st. As Captain Pelly was of opinion that the Enemy's ultimate design was to push through the Straits of Sunda, I immediately detached the *Nisus* and *President* by that route with orders to proceed to the southward of the Isle of France, and not receiving any intelligence of the Enemy to join me at Port Louis. For Captain Pelly's proceedings in pursuit of the Enemy I beg leave to refer their Lordships to my Letter No. 22 transmitting his report.

Finding that my presence was necessary at Sourabaya until an Officer arrived from the Army to take charge as Commandant, I went on shore there on the 22nd September, and remained until the 28th, at which time a Field Officer arrived with the necessary Instructions.

Having made over to Commodore Broughton the command of the Ships belonging to the East Indies, I directed the *Lion* and *Phoebe* to procure at Samanap water Sufficient for their passage to the Isle of France, and on the 29th I sailed in company with the *Harpy* for that Rendezvous.

It was my wish to have communicated with Lord Minto and

Sir Samuel Auchmuty before I quitted the Station, but as they were both at Batavia where the Westerly Monsoon had already commenced, my return to the Isle of France would have been much retarded by so doing. I have etc.

(Signed) ROBERT STOPFORD.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint Lieutenant Colonel J. Graham Commissioner on the part of His Majesty for all Civil and Military Affairs within the Districts Graaff-Reinet, Uitenhage, and George.

Castle of Good Hope, 30th September 1811.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Col. Sec.

[Office Copy.]

Letter from H. E. BUNBURY, ESQRE., to SIR JOHN CRADOCK.

DOWNING STREET, 3rd October 1811.

SIR,—I am directed by the Earl of Liverpool to transmit for your information a Notification received from the Treasury of Promotions that have lately taken place in the Commissariat Department at the Cape of Good Hope. I am etc.

(Signed) H. E. BUNBURY.

[Original.]

Letter from LORD CHETWYND *to* ROBERT PEEL, ESQRE.

COUNCIL OFFICE, WHITEHALL, 3rd October 1811.

SIR,—Inclosed you receive an Order made by His Royal Highness the Prince Regent in Council of the 1st of this Inst^t, for revoking certain Parts of an Order in Council made on the 12th April 1809, for regulating the Trade and Commerce to and from the Cape of Good Hope and the Territories and Dependencies thereof; and I am to desire that you will lay the said Order before the Earl of Liverpool and receive his Lordship's Directions for transmitting the same forthwith to the Governor of the said Settlement.

I am etc.

(Signed) CHETWYND.

[Enclosure in the above.]

At the Court at Whitehall,

The 1st day of October 1811.

Present

HIS ROYAL HIGHNESS THE PRINCE REGENT
in Council.

Whereas it is expedient, That the Trade and Commerce to and from the Cape of Good Hope and the Territories and Dependencies thereof, which is at present carried on not only by British Ships and Vessels, but also by Ships and Vessels belonging to the Subjects of any Country or State in Amity with His Majesty, should from this Day hereinafter mentioned be carried on in British Ships and Vessels only, and the Permission that has been granted by an Order of His Majesty in Council of the 12th April 1809, for Foreign Ships and Vessels to carry on the said Trade and Commerce should cease and determine, His Royal Highness The Prince Regent in the Name and on the behalf of His Majesty, and by and with the Advice of His Majesty's Privy Council, is pleased to order, and it is hereby ordered, That everything in the said Order contained, which permits Ships and Vessels belonging to the Subjects of any Country or State in Amity with His Majesty to enter into the Ports of the said Settlement of the Cape

of Good Hope, and of the Territories and Dependencies thereof, and to carry on Trade and Traffic with the Inhabitants of the said Settlement, and of the Territories and Dependencies thereof, and to import and export to and from the Ports of the said Settlement, and of the Territories and Dependencies thereof, any Goods, Wares or Merchandize whatsoever, shall be, and the same is hereby, from and after the 12th Day of April 1812, revoked and determined.

Provided however that nothing in this Order contained shall extend, or shall be construed to extend, to prevent the Entry into the Ports of the said settlement of the Cape of Good Hope, and of the Territories and Dependencies thereof, of any Ships or Vessels belonging to the Subjects of any Country or State in Amity with His Majesty which may resort thither for Repairs or Refreshment, in which Case a part of the Cargoes of such Ships and Vessels may be permitted to be disposed of, for the purpose of defraying the Expence of such Repairs or Refreshment, nor to prevent the Entry into the said Ports of any Vessels belonging to the Subjects of any Country or State in Amity with His Majesty, laden with Provisions, and which shall be furnished with a Licence from the Governor of the Cape of Good Hope, permitting such Importation, which Licence He is hereby empowered to grant; And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary Directions herein as to them may respectively appertain.

(Signed) CHETWYND.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint the Rev. Mr. Robert Jones Chaplain to the British Civil Establishment in this Colony.

Castle of Good Hope, 3 October 1811.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Col. Sec.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 4th October, 1811.

SIR,—I transmit herewith for your information and guidance an Order issued by His Royal Highness the Prince Regent in Council on the 1st Instant, for revoking certain Parts of an Order in Council of the 12 April 1809, regulating the Trade and Commerce to and from the Cape of Good Hope. I am &c.

(Signed) LIVERPOOL.

[Copy.]

Instructions from SIR J. F. CRADOCK *to* LIEUTENANT
COLONEL GRAHAM.

GOVERNMENT HOUSE, CAPE TOWN, 6th October 1811.

SIR,—It has fallen to my lot to give effect to the apparent intentions of my predecessors in the Government of this Settlement, to free the Territories of His Majesty from the incursions of the Caffre Nation or of any other Tribes that may molest His Majesty's Subjects in the peaceable possession of their Habitations and Property.

I have not entered upon this duty without being assured by the communications of those who have preceded me in the Government that the measures they had tried had proved ineffectual, and at length it was become necessary to take those steps which however they were to accord with the same principles of amity and conciliation, were better calculated to prevent aggression in future and by firmness and activity to maintain inviolate the British Territory, resisting under any pretence the Inroad either for permanent or even temporary purposes of any neighbouring state.

Unacquainted as I must be at this period of my administration with the local circumstances of the Colony, I can only reason to act upon such general principles as will apply to every case of the like nature, but I derive the greatest satisfaction in considering that the detail and execution of this operation, upon which so much depends, are consigned to an Officer of your experience in

this Colony and ability, which gives every promise that the important object in view will be accomplished equally with Resolution, Temper, and Humanity.

From these reflections my Instructions to you will be but very few, and in fact they will only be the declaration of my general sentiments, upon which your conduct will take its course, and which are to prove the foundation of your proceedings, as they would of mine were I in your place.

The basis upon which the whole subject rests, is the undisturbed establishment of that Territory which was surrendered by the Dutch, and is now the undoubted Possession of the British Government. That this fundamental point should remain without dispute, I annex a Paper of the most Authentic Information that is to be found in the Colonial Office. This foundation being admitted, it cannot be denied that security and good order cannot prevail if any description of persons are suffered to remain within that Territory who are not subject to the Regulations of the State, or who live either uncontrolled or obey the mandates of any other authority. It is unnecessary to expatiate upon a subject of so plain a nature, and where the arguments are so fully proved by the repeated aggressions of the Caffre Nation, who have made such continued Inroads into our Territories and have to a great extent after outrages of the most atrocious kind banished the peaceable Inhabitants from their Dwellings and Property.

As the measures of passive conciliation and forbearance have proved ineffectual, it is necessary to adopt another mode of proceeding, and their complete expulsion from our Territory must be accomplished. I experience much satisfaction, while entering upon a measure of this description, from the general information that His Majesty's subjects have not in any of the late proceedings been the aggressors, but that the Caffre Nation have been constantly the depredators and offenders.

After this general view, it will be my desire that you take the most effectual measures to clear His Majesty's Territories from the Caffre Nation, or Marauders of any description, and that they be repelled permanently within their own Boundaries. In effecting this, I am to enjoin in the first operations the greatest Mildness and Temper from every person under your command, that the nature of such a proceeding will bear; that as far as it is practicable Explanation and Persuasion to the utmost extent are to be the

means employed, and that it is not till such a course be found hopeless after successive trials that measures of severity be resorted to.

It is by the effect of due explanation, if it be practicable, I wish to succeed, as the one also most likely to have a permanent result; and I am anxious that they be made fully to comprehend that the demarcation now acted upon is to have mutual force. That the Inhabitants of either Territory are not to pass the Boundaries prescribed without due authority, and what this authority may be your experience gained upon the spot will best decide. If the Caffre Nation after the methods of explanation and persuasion already stated be so infatuated and hostile as to persevere in their present course of Irruption and Depredation, and that no hope can be entertained of their reform, and that they persist in their molestation of His Majesty's Territory, so convinced must every person be that under such circumstances it is impossible the Colony should prosper, and that it would be an unjustifiable weakness to suffer any longer such unprovoked aggressions.

In this case I empower you to proceed to those measures of example and effect as will produce the object of your mission, that His Majesty's Territory should be freed from every Invader, and that this indispensable point should be established both now and hereafter upon a lasting foundation. In the course of your operations it may happen that persons of the Caffre Nation may become your prisoners, upon whose fate circumstances at the moment may render it difficult to decide. In this point of view it is within your discretion to retain them in custody till you can receive further instructions, but if all the intermediate steps are taken that have already been inculcated, I am free to declare I do not foresee the grounds upon which a distinction can be formed, and that the last extremity is justified by self preservation and the simple policy of every State to repel Invasion by every means within their power.

Though I have augmented the Force under your orders as far as is consistent with the defence of this essential position of the Colony, and I trust it may prove entirely adequate to the service to be performed under any contingency, yet I do not recommend its employment in active operations beyond which you may find the real necessity, for there is every argument in having the first application of the civil means that have already been placed in a

state of preparation, and it appears indispensable that the Country Force or Commando should be employed as far as their powers or sphere of action can prevail, and as the future tranquillity of the Country must be left to their exertions, it would be unwise to teach them to think that they were not equal to the defence.

The force under your orders you are certainly at liberty to employ as you shall think most conducive to the purpose of your Mission, but I wish to consider it more in the light of a guard against mischance than as the direct means of its execution. It would certainly be desirable if any precise Instruction could be given upon the intercourse it may be necessary to establish with Gyka, the reputed Chief of the Caffre Nation, or with any subordinate or rival leader. But I really feel that any orders from hence to this effect under the different impressions that prevail would only embarrass rather than assist your proceedings.

It therefore only remains for me to say on this head, that it is my wish that as little connection as possible with these people should be observed, and that much less should we ever interfere in their differences or espouse the one side against the other, in whatever their quarrels may be. It should be our invariable object to establish the separation from them, as intercourse can never subsist to the advantage of one party or the other. Whenever unforeseen circumstances render a communication necessary, it should be carried on under authority from the one side or the other, and it may be hoped, as no cause of contention ought in future to exist, that it may be effected without animosity, and the subjects of His Majesty will best evince their superior civilisation by every advance towards amity and good will.

I entertain but little doubt of the accomplishment of your undertaking in the first instance, but the prosperity of the Colony so much demands that this subject should be placed upon a permanent foundation, that I especially call your attention to this part of the view, and shall be much obliged that as soon as you have maturely considered it you will communicate to me all the observations that you may think necessary to give a security against the recurrence of the present evil.

I trust that the arrangements which have already been made, both in the Civil and Military Departments, will meet all the objects proposed, but should this prove defective, I empower you,

till you can receive further intructions, to adopt such measures as will best promote His Majesty's service.

On all civil concerns you will be so good as to immediately communicate with the Colonial Secretary, H. Alexander, Esqre., and upon all Military proceedings with my Military Secretary, Lieut. Col. Reynell.

To ensure the earliest Information, I have established a Line of Expresses from Cape Town to your Head Quarters, as will be detailed to you by the Deputy Quarter Master General.

With every confidence in your discretion, experience, activity, and ability in the course of this remote command, I am &c.

(Signed) J. F. CRADOCK, Lt. Gen.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it has been represented to me by the Landdrosts of Graaff-Reinet and Uitenhage, that notwithstanding the repeated promises of several of the petty Caffre Chiefs wandering in the Zuureveld to return to their own Country over the Great Fish River, they still continue to annoy the Inhabitants of those remote Districts, and to plunder the Farmers to a very great extent; and that they have in several recent instances atrociously murdered His Majesty's subjects whom they fell in with.

Now, in order to put a stop to these calamities, I have authorized the Landdrosts of Graaff-Reinet and Uitenhage to assemble a Commando for the purpose of driving these Marauders out of their Districts over the Great Fish River, the acknowledged boundary of this His Majesty's Settlement. And I have thought proper to send a Military force under Lt. Col. J. Graham of the Cape Regiment to support the same, having appointed that Officer Commissioner for all Civil and Military affairs within the Drosties of Graaff-Reinet, Uitenhage, and George.

These are therefore to give notice that from and after the promulgation of these presents, which shall take place as soon as the aforesaid Commissioner Lt. Col. Graham shall arrive at the Drostdy of Uitenhage, Martial Law shall be in force within

the Drostdies of Graaff-Reinet, Uitenhage, and George, for all such cases as shall be connected with the assembling and conducting the Commando aforesaid, and shall continue till the object thereof be accomplished, of which the aforesaid Commissioner duly authorized by me shall give public notice, but without prejudice to the usual course of Law in all other matters whatsoever, as if this Proclamation had not been issued.

And that no person may plead ignorance hereof, I have thought proper to direct, as I do by these presents, that besides the usual mode of making known the same, each Field Commandant and Field Cornet shall be furnished with a Copy hereof.

This done at the Castle of Good Hope, this 8th day of October, 1811.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas by a Proclamation bearing date the 29th September 1809, it was made known that His Majesty, being duly authorized thereto by Act of Parliament, had been graciously pleased to take into consideration the state of the Trade of this Settlement, and to pass an order in Council for the better regulation thereof, and for imposing certain duties upon all Goods, Wares, and Merchandize, not of the growth, produce, and manufacture of the United Kingdoms of Great Britain and Ireland, which duties are, by the Proclamation aforesaid, directed to be rated and levied on the value of such Goods, Wares, and Merchandize, and whereas it appears to have been the intention of His Majesty in Council, that the duties so payable to His Majesty should be rated and collected in a manner different from that which had been heretofore established in this Settlement.

Be it therefore ordered and made known, that from and after the date of these presents all duties to be levied upon the importation of Goods, Wares, and Merchandize, into the Ports of this Government, not of the growth, produce, and manufacture of the United Kingdoms of Great Britain and Ireland, shall be taken and considered at the value of the same at this Place, without any

abatment or deduction whatsoever, except of so much as the duties payable on the importation thereof by the Authority aforesaid shall amount to.

And it is hereby further directed that the value of such Goods, Wares, and Merchandize upon which duties are to be levied, collected, and paid, as aforesaid, shall be ascertained by the declaration of the Importer or Proprietor of such Goods, or his known Agent or Factor, in the manner and form following :

“I A. B. do hereby declare that the Goods mentioned in this Entry, and contained in the Packages, (here specifying the several Packages, and describing the several marks and numbers, as the case may be) are of the growth, production, or manufacture (as the case may be) of _____ and that I am the Importer and Proprietor thereof, or that I am duly authorized by him, (as the case may be), and I do enter the same at the value of _____

Witness my Hand, the _____ day of _____

A. B.

The above Declaration signed the _____ day of _____ in the presence of _____

C. D. Collector

E. F. Comp, or other principal Officer”

Which Declaration shall be written on the Warrant of Entry of such Goods, Wares, or Merchandize, and shall be subscribed with the hand of the Importer or Proprietor, or his known Agent or Factor, in the presence of two of the principal Officers of the Customs, who shall certify the same under their Hands, and such Declaration shall be in every respect binding on the Importer or Proprietor of such Goods, Wares, and Merchandize; and if upon view and examination of such Goods, Wares, and Merchandize, by the Proper Officer of the Customs, it shall appear to him or them that they are not valued according to the true price thereof, and according to the true intent and meaning of this Proclamation, then the proper Officer or Officers shall detain such Goods, Wares, and Merchandize, and cause them to be properly secured, and take them for the use and benefit of His Majesty, and cause the said Goods, Wares, and Merchandize to be publicly sold on account of His Majesty; and at the expiration of three months from the date of the sale, the Collector of His Majesty's Customs shall pay, or cause to be paid, to the Proprietor or Importer aforesaid

said, the value thereof so ascertained as aforesaid, together with an addition of 10 p. Ct. thereon, without any other allowance, charge, or expence whatsoever, which payment so made to the Proprietor or Importer of such Goods, Wares, and Merchandize, shall be in full satisfaction for the same to all intents and purposes whatsoever.

And it is hereby further ordered and directed, that in case there shall be any overplus remaining from the produce of such sale, after deducting the value so ascertained as aforesaid, together with the addition of 10 p. Ct. thereon, and of the duties paid on the importation, and of the charges arising from the Warehousing and sale of such Goods, Wares, and Merchandize, the Collector of His Majesty's Customs shall be authorized to cause a moiety of such overplus to be paid to the several and respective Officers of the Customs concerned in the view and examination of such Goods, Wares, and Merchandize, as an encouragement for the faithful discharge of their duty; and the Collector of His Majesty's Customs shall cause the remaining moiety, together with the amount of the usual duties of the aforesaid Goods, Wares, and Merchandize to be paid to His Majesty's Receiver General, together with the amount of the collections made in his Department as usual.

And whereas doubts have been expressed as to the manner in which the duties upon Foreign Goods, Wares, and Merchandize exported from the Ports of this Government should be rated and collected, it is therefore hereby ordered, by virtue of the power and authority in me vested, that henceforward all such export duties payable upon the value of any Foreign Goods, Wares, and Merchandize to be exported, shall be taken and considered precisely upon the same principles which are herein directed for the levying of all *ad valorem* duties upon Goods, Wares, and Merchandize imported as above described.

Given under my Hand and Seal, at the Cape of Good Hope, this 9th day of October 1811.

(Signed) J. F. CRADOCK.

[Original.]

*Letter from the EARL OF CALEDON to the EARL OF LIVERPOOL.*LONDON, *October 11th 1811.*

MY LORD,—When I had the honor of holding a conversation with your Lordship upon the subject of a complaint preferred against me by a Person calling himself the Revd. Doctor Halloran, I stated to your Lordship the doubts I entertained of his being in orders, and as those doubts have lately been considerably increased, I beg leave to solicit your Lordship's attention upon the subject.

Halloran came to the Cape of Good Hope in the year 1807, and being deputed by the Secretary at War, officiated as Chaplain to the Forces until he resigned that appointment in 1810, having during his residence in many instances performed marriage ceremonies and other clerical duties for the British Inhabitants.

His conduct on various occasions was so immoral and improper that it led me to address myself to my Relative and Friend the Bishop of Down, requesting him to obtain for me some information respecting Halloran's character when at home. With this request the Bishop complied, and procured from the Lord Bishop of Meath a letter the copy of which I have the honor to submit, by which it should seem that Halloran has forged his Letter of Orders.

As the Bishop of Meath did not appear to have a perfect recollection of the Clergyman's name upon whom Halloran practised the imposition of shewing his certificates of ordination, I ascertained it on enquiry to be Ellicombe; and the place of his residence Alphington in Devonshire. The latter circumstance came to my knowledge through the means of a most respectable friend (a Canon of Christ Church, Oxford) to whom the letter No. 2 was written by his brother. Although the signature is omitted, it shall certainly be added if deemed requisite.

I need not I am confident point out to Your Lordship the importance of clearly ascertaining whether the Letter of Orders under which Halloran has acted has been fabricated. The uneasiness suffered by many of the first families at the Cape, arising from the supposed illegality of Marriages where the ceremony has been performed by one not duly authorized, is very great, and

though the mischief already committed may be remedied, still it is necessary to guard against future Imposition.

I have foreborne to state any instance of Misconduct in Halloran in addition to those already before Your Lordship, but I am prepared to prove, if unexpectedly his Letter of Orders be genuine, that his immoral behaviour has rendered him wholly unworthy of the clerical profession. I have &c.

(Signed) CALEDON.

[Enclosure 1 in the above.]

ARDBRACCAN HOUSE, *March 2nd 1811.*

MY DEAR LORD,—I right well remember the name of O'Halloran. For many months it plagued me, and engaged me in a long correspondence with the late Archbishop of Canterbury, the late Bishop of Ely, and a very respectable Clergyman of Appleby near Exeter, whose name, if I forget not, was Allison, on whom Mr. O'Halloran successfully practised his deceits for a length of time. He forged my letters of Orders, and produced them to this Clergyman, after returning from a journey from Appleby to Dublin, whence he had amused him with accounts of frequent interviews with me, of my kind reception of him from my love for the memory of his uncle Dr. Hynes Master of the Diocesan School at Longford, with whom I had been at school when a boy, and who never had such a nephew, and with my going to Kilkenny on purpose to ordain him as I had some reasons for not ordaining him in Dublin.

When on an application to the Archbishop and Bishop of Ely I disclaimed all knowledge of such a person and denied my having ever given him Orders, he practised another most curious forgery. He found, I suppose by the Almanac, that a Mr. Peter Wall was Depy. Registrar of the See of Ossory, and to the Clergyman already mentioned he produced a letter signed Peter Wall, apologizing for not having sooner answered a letter received from him, as it had followed him to a place where he then was for the benefit of sea bathing, expressing surprize that I should have forgotten the circumstance of having ordained him, which he (Mr. Wall) very well remembered, and promising that as soon as he returned to Kilkenny he would search the Registry and send him an authenticated copy of his Letters of Orders. This Mr. Wall had never

left Kilkenny for years before that time, so that Mr. O'Halloran could have known nothing about him except from the Almanac, otherwise he would have managed this forging better. I was not offended at a not very respectful letter I got from Mr. Allison on this supposed letter from Mr. Wall being produced to him, for how was it possible that he could have suspected such a complicated scene of deception from a man of whom he had conceived a good opinion. But to satisfy him I got my Chaplain Doctor Butler to write to Mr. Wall, and his answer and this Impostor's leaving the Country as he understood for America opened his eyes, and some time after he got himself introduced to me at Bath to explain his conduct and apologize for the part he had acted in this curious transaction. I am pretty sure the Clergyman's name is Allison, but his residence I know was Appleby near Exeter, and he is a very likely person to give some account of this Adventurer. I have &c.

(Signed) T. L. MEATH.

To the LORD BISHOP OF DOWN AND CONNOR.

[Enclosure 2 in the above.]

EXETER, Oct 6th, 1811.

MY DEAR FREDERICK,—I was glad to have an opportunity of to-day calling on Ellicombe, and the curious history which the tale of Mr. Halloran's life seems now to involve really makes the matter quite interesting. Mr. Ellicombe was formerly on terms of intimacy and friendship with Halloran, and is naturally cautious of betraying private conversation and correspondence. I can only therefore give you the general outline, and I believe a very faint one, of this gentleman's struttings on this stage.

Laurence Hynes Halloran (for the addition of O' to his surname I believe he has added to aid his deception of his Irish Orders) for some few years previous to 1796 kept a school at Alphington, teaching all the Polite Arts, Astronomy, Geography, Arithmetic, &c., and a little Latin and Greek, in short, keeping an Academy. He came there I believe originally a stranger, but he had exactly the talents to impose on the hospitality of his neighbours, and he was during his stay at Alphington on terms of intimacy and friendship with our friend Ellicombe. In 1795 or 6 he applied to

Bishop Baller (Exeter) to ordain him, and from some cause or perhaps more than one, for I apprehend he never had taken any degree, and moreover began rather to be scandalized for his morality, as well as his revolutionary politics, but for some good cause or other Bishop Baller refused to ordain him.

Soon after (in the year 1796) Halloran was obliged to leave Alphington for debt, but about a year or so after he returned and was in the neighbourhood of Exeter some time, till he left it, and I believe the Kingdom, and has now again reappeared.

Upon his return to Exeter after this temporary absence, Halloran stated himself to be in Orders, in Deacon's Orders, and he applied to Bishop Courtenay to Ordain him Priest. Halloran stated that he had been ordained by the Bishop of Ossory, O'Byrne the present Bishop of Meath, but Courtenay was not satisfied with this account, perhaps more dissatisfied with the man himself, and very properly refused to give him Priest's orders. Indeed Bishop Courtenay did I understand afterwards say that he had learned from the Bishop of Ossory that he had never ordained any such man. Halloran was loud in his abuse of Courtenay. He certainly never was licensed in this Diocese, but he did occasional duty for some Clergymen. The only instance Mr. Ellicombe recollects is his doing duty once at Kenton for poor Mr. Mackenzie. I apprehend that Lord Caledon has applied to the Bishop of Meath and has learned from him that he never did ordain Halloran. The Bishop is of course the best authority on this point, and there are his registers and papers to refer to. Mr. Ellicombe did at the time write to the Bishop of Ossory intending either to set Halloran's character right or to shew the imposition, and he had an answer from the Bishop that he never did ordain any such man, accompanied with certificates from the proper Officer of the fact. Mr. Ellicombe forwarded a copy of this correspondence to Halloran, a circumstance which completely stops Halloran's mouth from accusing his friend Ellicombe of secrecy, and moreover strongly shews Halloran's consciousness that he could not contradict the Bishop, for otherwise why had he not done so.

I understand Halloran is now in England, and persists in his story of his having been ordained by O'Byrne and that he has lately been doing duty for a Doctor Bayly, at or near Northampton, and been expelled from thence on the Doctor's discovering his Curate's history.

I have not myself a shadow of a doubt but that the whole story of the Orders is a fabrication, and that the Letters of Orders which it is said Halloran has shewn are perhaps like a trick I have heard of, Letters of Orders belonging to some other Person with the name erased and his own inserted. But at all events I think we may safely say that the story wears the strongest appearance of an imposture, and it would be highly desirable for the sake of the public, whom he may yet deceive further, that the question should be brought to issue, but in what way I hardly know; of course the first step is to demand Production of his Letters of Orders.

Yours affectionately,

*Observations by LORD CALEDON on the Memorial of a person
styling himself the REV. L. H. HALLORAN.*

The first part of this memorial relating exclusively to the conduct of Lieut. General Grey, late Commander of the Forces, at the Cape of Good Hope, any information concerning it is no doubt to be procured at the Horse Guards. Although I am not officially acquainted with all the circumstances I am so far informed as to observe that the 93rd regiment had been for a long time distracted by regimental dissensions which the attention and exertions of General Grey had nearly smothered when a duel took place between two officers under circumstances which induced General Grey to order a Court Martial upon them. On this occasion Dr. Halloran came forward the avowed champion of the defendants, appeared in Court, read their defence, and so identified himself in the case that Major General Cockett the President of the Court was compelled to censure him, and to report his conduct to the Commander of the Forces, who frequently expressed to me in conversation his disgust and displeasure at seeing one in the character of a clergyman adopt so unworthy a course.

The heat of party again subsiding, the Commanding Officer of the corps—93rd—attended a Club for the purpose of proposing a balloting for the admission of the Paymaster, who was one of the seconds in the duel, and on this occasion the language of Dr. Halloran in the coffee room was so outrageous and indecent, so subversive of respect to General Grey and of the discipline it was

his duty to maintain, that as a punishment (and a mild one) he ordered Dr. Halloran to leave Cape Town and repair to Simon's Bay, there to perform his clerical functions, but this he avoided by tendering his resignation, which was accepted of.

He now commenced a series of libellous attacks on General Grey, which terminated in a public prosecution and in his condemnation by the Court of Justice to fine and banishment, from which sentence he appealed, but it was ultimately confirmed and carried into execution.

During the whole of the foregoing scene the conduct of Dr. Halloran tended to irritate and excite dissensions in the 93rd Regiment in particular and dissatisfaction amongst the military generally, and when any person came under the displeasure of the naval Commander in Chief or myself, he equally lent that person his utmost assistance. His words and acts in all instances were calculated to bring into odium and disrepute those who were placed in authority over him.

For the trials which took place, 1st as regarding the competence of the Court, 2nd as regarding the guilt of the accused, I refer to the documents already in the Colonial Office in Downing Street.

It is stated in the memorial: "Your Memorialist was thus compulsorily subjected to a protracted and most expensive process, and was ultimately without the production of any evidence, on the simple statement of the General, and that not on oath, sentenced to be fined, imprisoned, and banished from the Colony by this foreign tribunal whose proceedings were conducted in a manner most repugnant to British feelings and hostile to the rights of Englishmen, *clausis foribus*, in an unknown language and without the intervention of a jury!"

These assertions are wholly devoid of truth. When Dr. Halloran stated his poverty, the Court of Justice directed him to select any advocate he pleased for conducting his defence, but this he declined, and the Court in consequence of his doing so, did of itself appoint Mr. Henoch Neethling, the senior practising Advocate, who, being duly assigned, conducted the defence without any remuneration. The proceedings were instituted and carried on in strict conformity with the law of the land, in which the accused was brought to trial, but not *clausis foribus*, nor are any trials, as the Memorialist alledges, held at the Cape *clausis foribus*.

The Memorial then continues: "your Memorialist was in consequence confined in the common prison several weeks, refused permission to see his family or settle his affairs, and ultimately put on board a ship by force, without such permission to see his wife and children, and banished the Colony, where his little property is locked up, and his family detained without his protection, without even the means of subsistence there or of return to his native land."

The whole of this statement is also destitute of truth. Without reference to my papers, (and they are not yet arrived from Portsmouth) I can not say how long Dr. Halloran was confined, but it could not have been for several weeks. The prison as he calls it in which he was lodged was the Fiscal's apartment adjoining the Hall of the Court of Justice, a spacious room to which he had free access whenever the Court was not sitting, and where his family and those who chose to visit him had free ingress and egress at all hours, nor was even the outward door of the building ever locked.

How he could be refused permission to settle his affairs I am at a loss to comprehend, and as to force being used in putting him on board a ship, force was nominally used as he himself desired to see the constables before he would embark, but so far from the detention of his family being sought, it was on the contrary proposed to Dr. Halloran, (and the proposal was repeated) when Lieut. Grymes was ordered to receive him on board the French prize frigate *La Manche*, that accommodation should be provided for his wife and family, but this he declined, and instead of expressing any gratitude for the kind intention of Rear Admiral Stopford, he wrote to him an insulting letter and threatened him with a prosecution for the orders he had given.

Having thus noticed the only allegations which seem to require a comment, I beg leave briefly to remark that from the commencement of the difficulties in which Dr. Halloran involved himself until the final execution of the sentence, no measure was left untried to bring him to a sense of propriety, and although from the most conscientious conviction of his guilt and of the necessity of exemplary punishment I confirmed the sentence of the Court of Justice, yet I certainly did not intend that that part of it should have been carried into effect which deprived him of his personal liberty had not his outrageous and insulting conduct before and

after condemnation obliged me to do so in support of the laws of the Colony, the dignity of its Judges, and of the high situation which I had the honor of filling.

With regard to the four documents annexed to the memorial I shall offer a few observations.

The first, which bears the signature of Lieut. General Grey and Major General Wetherall, was I apprehend a necessary form without which Dr. Halloran's pay would not have been issued, that the General did not approve of his conduct is sufficiently obvious by reference to the trial.

The second. An address to Dr. Halloran was written by himself (or at least the original document which is now in the Secretary's Office at the Cape is in the Dr's. handwriting) and was framed under these circumstances. He addressed himself to me in the year 1807, saying that he should assume the title of Colonial Chaplain, and expecting that I would attach a salary to it. To each of which proposals I objected on the ground of having recommended my Lord Castlereagh to appoint a Chaplain whose duties should be distinct from those of the clergyman attached to the forces. This address he prevailed upon Mr. Bird under misrepresentation to sign, and the other signatures, many of them of people of obscure or indifferent character, were obtained without difficulty. Mr. Bird has since frequently regretted to me the countenance he showed to Dr. Halloran. The assertion that he performed divine service regularly twice a week is false.

The third paper I had not seen before and cannot judge as to its authenticity, which I very much doubt, and am the more inclined to discredit from the truth being attested by H. Staedel a Dutchman of very bad character and to whom Sir David Baird refused a passport to remain in the Colony.

Some signatures to the following Memorial (particularly the name of Alex. Tennant) were procured by deception, viz. by Dr. Halloran's friend, Mons. Grand, assuring the parties that I was anxious to extend a pardon, but wished to receive such an address for the purpose of aiding the intention. Although there is nothing disrespectful or improper in the terms in which it is couched, it is right I should apprise your Lordship that the parties subscribing it are not of any importance in the Colony, five or six of them were lately in service, and two or three of them are or have been under prosecution for different offences.

The fourth and last paper is signed Robert Stuart and Hamilton Ross, and is said to be on the part of the British Inhabitants. I do not hesitate to contradict the assertion that the British Inhabitants at the Cape ever did depute Robert Stuart or Hamilton Ross to convey their sentiments and particularly such as are stated in this paper. I would at once treat it as a forgery were it not for my knowledge of the persons whose names are attached, the former of whom was during the last war taken out of compassion by Mr. Pringle, the Agent for the East India Company, into his employment as a clerk in consequence of his being found on board a vessel accidentally stranded in Table Bay. The latter was formerly an officer in the King's service, but was obliged to leave the Corps in which he served, and is now living at the Cape, where he occasionally acts as Agent for Americans who arrive in the Settlement.

That the respectable part of the British Inhabitants should depute two such persons to represent their sentiments is not to be supposed.

(Signed) CALEDON.

LONDON, *October 14th 1811.*

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, *October 15th 1811.*

MY LORD,—I have the honor to enter upon the consideration of Your Lordship's Dispatch No. 2, with its various enclosures from the Lords of the Committee of Council for Trade and Plantations, and to advert to the several points therein stated, as well as the limited information I can as yet possess will admit.

Such observations as their Lordships have made in approbation of the measures adopted by my predecessor the Earl of Caledon I shall pass over, and proceed only to those articles that are either recommended for execution, or upon which an opinion is desired before the issue of final orders.

1st. The Duty on Public Sales.

Mr. Fagel was appointed sole Vendue Master by Lord Castle-reagh, and as the Business seems now well conducted, and the Bank arrangements have done away what appeared prejudicial to the Public Interests, another change would probably be more disadvantageous than otherwise.

2nd. The Land Revenue.

This is a subject of such extreme Importance to every Interest of the Colony and Government that I request permission to suspend for some time the communication of my opinion.

In the mean time I beg to assure Your Lordship that the subject is undergoing the deepest Investigation among the confidential servants of the Government, for its consideration involves great difficulties, from the complicated and defective tenures under which Dutch possessions are held, and the wish, in the cause of improvement, to introduce as far as may be practicable under existing circumstances some of the valuable institutions of England.

3rd. The Tythes.

This is a very extensive subject, and intimately connected with others that will make Parts of a general View for the Improvement of the Revenue. The Tythes, as their Lordships justly observe, have no Relation to any Dues to the Church, and are, in Fact, a Part of the Land Revenue, and cannot well be considered till that Subject is settled.

Formerly a Tenth was levied upon such Articles (for it is not a general Impost) as pay this Duty on passing the Barrier, and this continued for one year during the Administration of Sir George Yonge. L^t Gen^l Dundas altered the System, and placed it on the present Footing.

There can be no Doubt but the present Tariff ought to be revised and augmented in Proportion to the increased Riches and Improvements of the Colony. This Arrangement will engage my earliest attention.

4th. Proceeds of Grain.

I am led to believe that the Lords of the Committee are under some misapprehension with Regard to the Proceeds of the Grain Commission, it being, as I am informed, by no means a Profit upon Grain Sold.

The frequent Recurrence of Dry Seasons must render it advisable to have a Depot of Grain here in Case of Accident, and a sum of Money was placed at the Disposal of certain Commissioners for that Purpose; but the High Price of Grain has hitherto prevented any Purchase being made. The Receipts in Question arose from the Sale of a Quantity of Rice brought from India to meet the Wants of the Colony; and it will not appear, when the Account is closed, that there has been any Advantage to Government from the Transaction, though it has been a very great Accommodation to the Public. The Rice was brought here in Return Transports, by which the Freight was saved, as they would otherwise have returned empty. It was ordered by L^t General Grey.

Independent of the apprehension from a dry Season, which might involve the numerous Inhabitants of this Town in the greatest Distress, it appears to be indispensable in a Military Point of View, as well as Civil, that a suitable Depot of Grain should never be neglected in Cape Town; for situated as this Place is (upon which the whole Fate of this Settlement would turn) when the Possession of two or three distant Passes in the Hands of an Enemy would reduce its Defenders to the greatest Difficulties not to be averted at that Crisis, it would be hazardous in the extreme to omit the Precaution of a Magazine; and I shall therefore think it my Duty to avail Myself of the present Prospect of a most abundant Harvest. It may also be added that unless Government, without the View of making any Profit by it, establish such a Check over interested Persons, the Grain of every Species is subject to any Imposition that may be attempted.

5th. The Wine License.

I take the Liberty to express my entire Concurrence in the general opinion of the Lords of the Council on this subject, and

their Lordships' Recommendations shall be carried into effect as soon as it is practicable.

Unfortunately the License for retailing Wine on the present System was let last Month, previous to the Receipt of your Lordship's Dispatch, for the Year ending first September 1812, for Rix Dollars 101,400, which proves the Importance of this Branch of the Revenue; and however bad the System must be viewed from intrinsic Circumstances, It is very doubtful if any future Arrangements will augment the Profits. It must be remembered that Sir James Craig, under the Conviction of the Defects of the present Mode, altered it, but he was obliged to recur to the old System now in Force, the following year. As I am obliged to wait a Twelvemonth before any Alteration can take place, the Delay will give me the opportunity of considering the subject to the best advantage.

6th. The Rent of a Mill.

The Rent of this Mill is not received in kind, as their Lordships understand, but in Money, according to the Work which is performed.

7th. Customs.

It appears from the Minute of the Lords of Trade that the Instructions which the officers of the Customs act under have been submitted to the Commissioners of Customs, and are to be returned at a future Period, with their Remarks.

In obedience to the Recommendation of their Lordships, I have directed the Adoption of the Regulations upon the Duties *Ad Valorem* on Foreign Goods, &c., and a Proclamation, which is submitted, has been issued to that Effect, the Benefit of which to the Revenue, I think will be considerable, and is not liable to any local objection.

I have also consulted with the most experienced Persons in the Settlement upon the subject of a low Impost upon the Importation of British Goods, and I do not learn that It would be likely to check the Consumption in the Colony, and certainly It would very materially increase the Revenue. If therefore It is free from objection at Home, I shall receive with Satisfaction the Communication of your Lordship's Orders to this effect.

I have directed the statement of the Imports and Exports, with their Valuation, as required by their Lordships, to be made out, and hope to be able to transmit It by the present Dispatch.

With Respect to the Encrease of Expense in the Customs Department, I am informed It arose from the appointment of a Collector, Comptroller, and Searcher, with inferior officers in England. The Collector arrived in July 1807, the Comptroller in December 1807, the Searcher in July 1807, and the First brought Clerks with Him from England. The Dutch officers, who previously performed these Duties, had very small salaries, but, at the same time, took Fees, which are now credited to the Publick, and they had besides a per centage on the Receipt of the Customs.

It is with much Satisfaction that I can conclude these observations upon your Lordship's late financial Dispatch with an opinion much in Favor of the encreasing Improvements and Prosperity of this Colony, which might be carried to a great extent, were the Restrictions imposed by the East India Charter relaxed or modified. As they stand at present, It forms a lamentable view to behold the natural Advantages of this Station so entirely overthrown. I have etc.

(Signed) J. F. CRADOCK.

P.S.—Since I concluded my Letter to your Lordship I learn from the Collector of the Customs that He has not been able to prepare the Statement of the Imports and Exports, with their Valuation, in Time for the present Dispatch.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, *October 18th 1811.*

MY LORD,—I take the earliest opportunity of submitting to your Lordship the necessity I have felt to enter upon some measures of more effectual operation against the ill-disposed of the Caffre Tribes contiguous to His Majesty's Territory in this

Country than those heretofore adopted, but which from the Extracts I enclose of the sentiments of my predecessors, the Earl of Caledon and the Honble. Lt. Genl. Grey, I conceive will only be viewed by your Lordship as following the course of their opinions, and which would probably have been directed by them had they continued in the Government.

From the papers I have the honor to lay before your Lordship, you will observe that the repeated aggressions of the wandering kraals of the Caffres had still increased, and gone to every extent of plunder and violence, and that unless some decisive stop were put to such proceedings the peaceful Inhabitants of these most fertile parts of the Colony would have fled from their Habitations and abandoned altogether the Country. In fact, unless the Boundaries of the Settlement were maintained, and the proper demarcation naturally established upon permanent Foundations, there could not be a reasonable hope of good order or prosperity in any shape. I have the satisfaction to add upon this subject, that the aggressions at present appear invariably to have been on the part of the Caffre Kraals, and that the Dutch Settlers do not seem to have acted in any manner likely to produce these Disorders.

As no benefit can possibly arise either to the Kaffre Tribes or the Dutch Settlers from any intercourse, and that all the present evils proceed from their intermixture, under any pretence the indispensable object in view is to establish such an acknowledged Boundary as shall not be passed by either side without due authority. Forbearance and conciliation seem to have failed of their effect hitherto, but it may be hoped that by proper explanation, aided by the appearance of a determination to enforce the measure if necessary, that the end will be accomplished without recourse to violence.

Your Lordship will perceive from the communication of Lt. Col. Lyster, who commands in these districts, that in the pursuance of the former measures of the same nature, he has not applied for further military aid from the regular forces, but rests their execution upon the exertions of the Commando already prepared. However, as it is very difficult to ascertain the degree of opposition he may experience, or the numbers he would have to encounter did the several Kraals unite, or the Caffre people make it a common cause, I have judged it prudent to considerably augment

the regular military means of operation, and have sent the remainder of the Cape Regiment, supported by an additional detachment of Europeans to the amount I could spare from the defence of this essential position, where at present there is not a single vessel of War. I should have detached a larger European Force to remove all apprehension of a Deficiency, but I confess I have not as yet that reliance on the 2nd Battalion of the 60th Regt., which forms so considerable a part of this Garrison, as would justify the measure.

These reinforcements have proceeded in the *Upton Castle*, one of the Cartel ships returning to India, to Algoa Bay, from whence whatever operations that may be deemed necessary will take place.

I have placed the whole, both in a civil and military view, under the command of Lt. Col. Graham of the Cape Regiment, an officer of the most acknowledged experience and activity, and who, I am persuaded, will obey the Instructions I have given to him (a copy of which I have the honor to enclose) with equal temper, humanity and resolution. The further papers which I submit to your Lordship will shew the whole of the steps that have been taken and the principles upon which they were directed, and I anxiously hope they will meet with the approbation of His Majesty's Government.

The measures now laid before your Lordship seem peculiarly to accord, in every respect, with the important object so wisely instituted by the Earl of Caledon, and now in actual operation, the Establishment of an annual Mission from the Court of Justice to enquire into and report upon the State of the Interior and promote the Course of Justice and Good Order throughout their Circuit. I have etc.

(Signed) J. F. CRADOCK.

1811.

[Copy.]

State of the Troops employed in the Interior of the Colony, 18th October, 1811.

		Field Officers.	Captains.	Subalterns.	Staff.	Troop Quartermasters.	Sergeants.	Drummers.	Rank and File.	Horses.
ORIGINAL STRENGTH.										
	Algoa Bay									
		21st Light Dragoons	1	1	1	1	2	1	50	50
		{ Royal Artillery . . . . .	..	..	..	..	..	..	1	1
		{ 83rd Foot . . . . .	..	..	..	..	..	..	100	100
		{ 93rd Do. . . . .	..	..	..	..	..	..	1	1
		{ Cape Regiment . . . . .	..	..	..	..	..	..	161	161
	Graaff Reinet. . . .	{ 21st Light Dragoons	1	1	1	1	3	1	49	49
		{ Cape Regiment. . . . .	..	..	..	..	..	..	163	163
			3	2	2	2	1	3	48	48
			7	10	2	1	16	10	525	98
	Reinforced from Cape } Town 8th October }	21st Light Dragoons . . . . .	..	..	..	..	..	..	48	68
		{ Royal Artillery and Drivers . . . . .	..	..	..	..	..	..	47	28
		{ 83rd Foot . . . . .	..	..	..	..	..	..	100	100
		{ Cape Regiment. . . . .	..	..	..	..	..	..	198	198
			1	14	2	16	14	14	198	198
			10	29	5	1	40	27	918	194
		Total in the Interior	3	29	5	1	40	27	918	194

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it appears to be essential for the encreasing welfare of this settlement that every possible encouragement should be given to the industry of the inhabitants, and that as far as may be, every obstacle be removed which is in the way of their receiving the full reward of their exertions. And whereas nothing is more likely to contribute to this object than the encouragement of the exports of the produce of the settlement, and that the exporters may be enabled to deliver their goods at foreign ports at the cheapest rate possible.

Having therefore maturely considered this subject, and wishing to give to the inhabitants of his Majesty's settlement an early proof of the interest I shall always take in their prosperity, I have thought proper to direct, and do hereby order, that from and after the date of these presents all duties heretofore collected upon any articles the growth or produce of this settlement, entered for exportation from any of the ports of this government, shall cease and determine. But it shall nevertheless be imperative upon the exporter or his agent to give a detailed account of all such articles of Cape growth or produce as he may be about to export, with the estimated value thereof, to the collector of his Majesty's customs, and to obtain from him a permit for the exportation thereof, without which permit such shipment shall be considered as illegal, and the goods so shipped, or so attempted to be exported, shall be seized and sold, and the proceeds thereof distributed according to the regulations existing with regard to seizures in this Colony.

And that no one may plead ignorance hereof, this shall be published and affixed as usual.

Given under my hand and seal, at the Cape of Good Hope, this 18th day of October 1811.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.GOVERNMENT HOUSE, *October 19 1811.*

MY LORD,—I have the honor to enclose for Your Lordship's information the several Proclamations and Government Advertisements issued since the 6th day of September last. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from the BISHOP OF LONDON *to the* EARL OF LIVERPOOL.FULHAM, *October 19th 1811.*

MY LORD,—I have no means of calling Mr. Halloran before me, he not having officiated in my Diocese as far as I know, nor am I acquainted with his present residence. But it so happens that no such enquiry is necessary to enable me to answer your Lordship's Queries. I have in my possession a complete account of his forgeries, with reference if necessary to the original documents. I can therefore say with certainty that he *has* produced forged Letters of Orders from the Bishop of Ossory (now Meath), that he *has* also produced a fabricated Letter from Mr. Wall, Registrar of the Diocese of Ossory, dated from a place where Mr. W. never was in his life, and farther on being tax'd with these forgeries he had no defence to make, but pleaded "that if the means were wrong the end was beneficial and praiseworthy." Nothing can be worse than the character which the same account gives of him. The above I imagine will be quite sufficient to corroborate all Lord Caledon's suspicions of him. I remain etc.

(Signed) J. LONDON.

I conclude that your Lordship knows that he officiated some years at the Cape without its being suspected that he had never been ordained.

[Copy.]

Memorial to his Excellency LIEUTENANT GENERAL SIR JOHN FRANCIS CRADOCK, *Knight of the most Hon'ble Orders of the Bath and Crescent, Governor and Commander in Chief of the Cape of Good Hope, &c., &c., &c.*

CAPE OF GOOD HOPE, October 19th 1811.

The memorial of the undermentioned British Inhabitants most respectfully representeth

That your Memorialists have had the honor to receive Your Excellency's Official Answer to their Memorial of the 21st of August on the Subject of exchange presented to the Honble. Lieut. Genl. Henry George Grey, then Acting Governor, in which your Excellency has been pleased to state, that tho' the prayer of their Memorial could not be immediately complied with, it should claim your Excellency's most serious consideration: a copy of which Memorial they now beg leave to enclose, humbly requesting that as no immediate steps can be taken in regard to the measure therein solicited, that Your Excellency will be graciously pleased to Submit the case to the consideration of the Lords of the Treasury, with such representation as may be deemed necessary. And as Memorialists have been led to understand that the adoption of the step, requesting that all Government Bills might be drawn payable to the Parties in England, and issued to such Individuals as had actually Remittances to make, would in the opinion of Government tend to depreciate the Exchange and thereby occasion a diminution of Revenue; they most respectfully beg to state, admitting that it might cause some fall in the Exchange, and on the Supposition that Government derives an advantage from its high rate, that such diminution would bear no sort of proportion to the increase of *Revenue* which would consequently ensue both to the Government at home as well as that of this Colony, by the facility and advantage which such a measure would afford to the Export of British Manufactured Goods for this Colony; the small Quantity of which imported this last year, when compared with any other period since the Capture of this Settlement, is a further proof that the System of monopoly complained of is not alone

inimical to the Mercantile interest, but that it materially affects the Revenue of Great Britain.

Again requesting that your Excellency will be pleased to transmit this Memorial, with the accompanying Copy of that of the 21st of August, to the Lords of the Treasury, and in the hope that the Subject will claim their attention, Memorialists as in duty bound will pray.

(Signed) HAMILTON ROSS
 EBDEN AND WATTS
 STEPHEN TWYGCROSS JR.
 AMYOT & Co.
 EDWARD SMITH
 ALEXR. WATTS
 ROBERT SWAN
 J. HOETS
 R. J. JOHNSON
 R. STONE.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
 CAPE OF GOOD HOPE, *October 20th 1811.*

MY LORD,—I have the honour of transmitting to your Lordship herewith a Copy of a Memorial with copy of its Enclosure which has been laid before me by certain British Merchants of this Place, with a request that I should have the subject of it brought to the consideration of the Lords Commissioners of His Majesty's Treasury.

The respectable interest which is affected by the very high rate of Exchange given for Government Bills is the motive which induces me to trouble your Lordship on this occasion, but I am not aware that a compliance with the Request of the Memorialists would do away the inconvenience they complain of.

Indeed the Merchants who now Solicit the interference of His Majesty's Treasury Department for their relief appear to me to have pointed out in their own speculations the true cause of the evil; they State to have imported in the course of the latter part

of the years 1809 and 1810 into this Settlement British Manufactures to the Value of near 500,000 pounds sterling ; this Sum then, with some profit thereon, is in the hands of the Importers to be remitted to their Creditors in England, and there being little or no Export from hence, the only way in which the remittance can be effected is by Government Bills. Now the value of Bills drawn by the Army and Navy Departments in any one Year since the period in question not having amounted to more than half the Sum required for this excessive importation, and the other ordinary and usual call for Government Bills not having diminished, it is evident that the Competition caused thereby must have had the effect of raising the value of the Bills in question.

I am not however aware that any real advantage is derived to the Public Departments from the very high rate of Exchange, as the price of everything is enhanced thereby ; certainly the Colonial Expenditure is much increased by it, particularly the expences of the Cape Regiment, which is paid in paper currency, with the addition of the Exchange, and falls consequently nearly one third more heavily upon the Colonial Treasury than it did previous to the great rise of the Exchange.

The immediate cause of grievance to the Merchants arises under the following circumstances. Your Lordship is aware of the nature of the Paper Currency of this Colony, which is the only circulating Medium here, except that the Army is paid in Spanish Dollars at 4s. 8d. sterling.

This renders it necessary for the Commissary General to negotiate two different Sorts of Bills, One for Specie for the payment of the Troops, and One for Paper Currency for the other Expences of the Service. When the Specie has been distributed for the payment of the Companies, it appears that an active Broker makes it his business, by his own exertions and by those of Subordinate Agents, to purchase from the Soldiery and principally from the pay Sergeants as many of the Spanish Dollars as possible, and as a Money Dealer and Changer he spares no trouble to collect Specie to be ready to furnish the same to the Commissary or Paymaster General whenever Tenders for Bills may be advertised for. Having by these means the Command of this branch of the Money Market, he has it in his power to tender for Bills on more advantageous terms than his Competitors, and

has been in the habit of Securing the greater part of the Specie Bills, which he negotiates here for Paper Currency at such profit as he is able to obtain.

When Your Lordship considers the amount of Pay issued for this Garrison, your Lordship will see that the Traffic in question is to a considerable extent, but I am not prepared to say that the Service, that is the Paymaster General's Department, might not be seriously inconvenienced by any measures that might be taken to put a stop to this intermediate Trade.

Should the Lords of the Treasury nevertheless be inclined to take any general measure with regard to the negotiation of Public Bills in consequence of the inclosed representation, and thereby change the System now adopted of giving those Bills to the highest Bidder by Public Tender, it will of course occur to their Lordships that the Bills for the Naval Service should be Subject to the same rules as those which are drawn by my Authority as Commander of the Forces. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from REAR ADMIRAL STOPFORD *to* J. W. CROKER, ESQRE.

HIS MAJESTY'S SHIP *Scipion*,
PORT LOUIS, 21st October 1811.

SIR,—You will be pleased to acquaint my Lords Commissioners of the Admiralty with my arrival at Port Louis (Isle of France) yesterday. I sailed from Sourabaya (Island of Java) on the 29th Ultimo, and I beg leave to congratulate their Lordships on the Surrender of that valuable Island by Capitulation on the 18th September.

Their Lordships will be informed by my Letters sent by the *Caroline* from Batavia of the proceedings of the combined operations of the Navy and Army up to the 4th September, and as the opportunity which now offers for sending Letters to England is by an East India Company Cruizer, I shall defer Sending a more particular detail of the proceedings until the *Phæbe* proceeds to

England with the *Scipion* and the two French Frigates lately taken upon this Station by the *Astrea* and *Phæbe*.

I shall therefore at present only state that Sir Samuel Auchmuty having received intelligence of General Janssens' intention of making a stand at Samarang, the expedition proceeded to that place instead of Sourabaya, the Troops landed without opposition on the 13th September, and a few days afterwards attacked the Enemy's position, which was carried with little loss.

As soon as the Troops were landed from the Men of War at Samarang I proceeded to Sourabaya, where the Marines were landed, and took possession of Gressie and Sourabaya. General Janssens, finding his retreat cut off, surrendered as above mentioned. My distance from the Head Quarters of the Army prevented my Signature to the terms, but I perfectly approve of them.

The *Nisus*, *President*, and *Harpy* arrived here this day, and I hourly expect the *Lion* and *Phæbe*.

I shall take the earliest opportunity of fulfilling their Lordships' Orders relative to the Isle of France, an account of which shall be transmitted by the *Phæbe*. I have etc.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Original.]

Letter from the REV. DR. WERNINCK to the EARL OF LIVERPOOL.

38 FOLEY PLACE, CAVENDISH SQUARE,
October 22nd 1811.

MY LORD,—Having been requested some time ago by Mr. Alexander, in the name of His Excellency Lord Caledon, Governor of the Cape of Good Hope, to recommend to your Lordship respectable and properly qualified Dutch Clergymen, who wish to obtain a living in the interior of that Colony, I beg leave to recommend to your Lordship's notice the Revd. T. I. Herold, a native of the Cape of Good Hope, and last week arrived in this country from the University of Leyden, where he has finished his studies and been properly ordained for the Presbyterian Church. He has brought with him the best testimonials from his Professors respecting his moral conduct, abilities and qualification, on account

of which I take the liberty of requesting that your Lordship may be pleased to appoint him as one of the regular Clergymen of the Cape of Good Hope, that he may be thereby enabled to fill one of the vacant livings which are still unoccupied in that colony.

I have etc.

(Signed) I. WERNINCK, D.D.,
Minister of the Dutch Church.

[Original.]

Letter from REAR ADMIRAL STOPFORD *to* J. W. CROKER, ESQRE.

HIS MAJESTY'S SHIP *Scipion*,
PORT LOUIS, ISLE OF FRANCE, 26th October 1811.

SIR,—You will be pleased to acquaint my Lords Commissioners of the Admiralty with my arrival at the Isle of France on the 20th Instant in the *Scipion*.

I have to acknowledge the receipt of their Lordships' Instruction desiring me to report upon every subject connected with the Naval Department at the Isle of France, and it is some consolation to me in the regret I feel at the protracted length of time which my going to Java has occasioned in fulfilling these Instructions, that no useful measure has been set aside or retarded in consequence of it.

The situation of Port Louis accords so well with the plans of it at the Admiralty Office that I have nothing to add to its Geographical position, with the exception that the depth of water diminishes for the want of attention in clearing the Harbour of Mud during the greatest part of this War. The Vessel with the proper Machinery for this purpose is here and fitted, and may be put into progress whenever the Colonial Government thinks proper, but as from their Lordships' Letter of the 1st June transmitting one written to Mr. Peel, the measure of deepening the Harbor does not meet with their Lordships' approbation, it will of course not be adopted without further orders. Nor indeed do I think it requisite if likely to be attended with much expense, as the present depth is sufficient for Frigates at their usual Moorings.

The safety of this Harbor during the Months of January, February, and March cannot be depended upon. The *Visus*, *Phœbe*, and *Astrea* at different times of these Months in this Year experienced very heavy Gales from the Westward, and broke some two and some three Cables out of the Eight with which they were secured. The Wind however at no time blew directly in, had it ever come in that direction no number of Anchors or Cables would have saved the ships from going on shore.

The Water here is excellent and abundant, but every other Sort of Supply is very Scanty and extravagantly high in price.

The Island appears quite in its infancy, and its improvement has been much retarded by a Succession of Governors; since its capture no regular system is yet established, but as Mr. Farquhar imagines himself to be permanently fixed he is about to introduce the plans of the Ceylon Government as his model, by which many useful regulations will be introduced.

In a former Letter from the Cape of Good Hope I acquainted their Lordships with my intention of Sending four Coppered Transports to the Isle of France for the purpose of Supplying the Island with live Cattle from Madagascar. One of these Transports (the *Britannia*) I find has been Sent to England by Commissioner Shield with a Cargo of Timber from Plettenberg's Bay. Two others, the *Oxford* and *Hercules*, have been sent to Java with Salt Provisions for the Expedition employed there in consequence of a most pressing demand made for this purpose by the Government of India, by the loss of the *Chichester*. These Transports went to Java under Convoy of His Majesty's Sloop *Eclipse*, and arrived off Sourabaya before I left it, but I did not fall in with them and therefore left orders for the *Eclipse* to return to the Isle of France with the Transports as soon as possible. The other Transport (*Kingston*) is now at Madagascar, and will shortly return here. Supplies of Cattle are chiefly wanted for the Navy and Army, the Inhabitants who have been for some years restricted in getting Slaves from Madagascar, are so anxious to procure them that were they permitted they would employ all their means in this traffic.

Forty thousand are now wanted to complete the Number which is thought requisite for the cultivation of the Island, and as they consider the importation of Slaves as much more profitable than that of Cattle, a vigilant look out is requisite to prevent the

smuggling of Slaves into the Island. Governor Farquhar had Sanctioned the importation of Eight Hundred from Tamatave at Madagascar, as the private property of the French who were Settled there, but who evacuated it upon the English taking possession. The Vessels which brought a part of these Slaves had so much abused the indulgence, that many above the proportion were secreted under the Hatches, which induced Captain Schomberg to seize the Vessels and Send them to the Cape of Good Hope for condemnation.

Labouring therefore, at present, under many difficulties in obtaining a supply of Cattle for the use of the army and Navy, which however may and will I trust be obviated, I can not consider Port Louis in the respect of supplies as by any means a desirable Naval Port excepting for a very small force.

This force can always be supplied from the Cape of Good Hope with Stores and Salt Provisions by means of the Transports attached to the Station, the whole of which I should recommend to be under the direction of Commissioner Shield.

With respect to the Establishment for the Security of the Naval Stores deposited here, I am of opinion that a Storekeeper and two Clerks would be Sufficient to Superintend both the Naval Stores and Provisions, submitting his accounts and constantly corresponding with the Naval Commissioner at the Cape. With respect to the repairs of His Majesty's Ships which may occasionally require more assistance than can be furnished by their Carpenters' Crews, I should recommend such work to be done by contract, and from experience in the refitting of His Majesty's Ships recently engaged in action with the Enemy such Work can be done by contract at a much cheaper rate than by maintaining a large permanent establishment.

I should propose that during the Hurricane Months of January, February, and March, one Frigate and Sloop should remain at the Seychelles and two other Frigates should Secure themselves in the Trou Fanfaron, unless there should be reason to apprehend a Naval Force in these Seas.

I found the former *Nereide* in the Trou Fanfaron, and having had her surveyed and an estimate of what it would require to make her a receiving Ship (the only use to which She can be put) I find it amounts to Four thousand Pounds, and as I conceive it will be attended with many advantages to have a Vessel of this descrip-

tion to use for the Crews of any Ships requiring to be hove down, and particularly for Convalescents whose recovery is frequently retarded by irregularities at the Hospital on shore, I have directed Monsieur Piston to undertake her equipment. As much of the Copper has been rubbed off her bottom, it will be necessary to heave her down to repair it, to prevent the worms from ruining her planks entirely. The *Staunch* Gun Brig having also been Surveyed, has been found fit for Service, and I propose sending her to the Cape in the good season, and from thence to England. As the Island of Bourbon possesses no Harbor I have nothing to add respecting that Island. As to what relates to its commercial concerns I am not competent at present to give an opinion.

Captain Beaver of the *Nisus* having been at the Seychelles, I have his authority for saying that the Island Mahe possesses two secure Harbors, and that the Island Proslin has also an excellent Harbor. I enclose for their Lordships' Information a copy of Captain Beaver's report of the Population, Productions, and Commerce of these Islands, also a Capitulation which has been renewed by the different Ships of War which have occasionally called there, and which I fancy was the only method the French Governor had in his power to deprecate the Wrath of any French force which might have taken umbrage at the frequent visits of the English.

These Islands are very healthy, and have never yet experienced any Wind to do mischief; the Sea abounds with Fish.

I shall take the liberty of appointing from the *Scipion* a person to act as Naval Storekeeper at Port Louis until the pleasure of their Lordships is made known, and I trust he will do justice to his Situation. I am now removing all the King's Stores from those of the Colony with which they have been hitherto mixed, and having effected a complete Separation shall place them under the charge of this person.

The *Phoebe* arrived from Java on the 25th Instant, and she will immediately proceed Straight to England, Captain Harris, who is charged with the detail of the Surrender of Java, goes passenger in the Ship. I propose going to the Cape of Good Hope very shortly, from whence the *Scipion* will proceed to England. I have etc.

(Signed) ROBERT STOPFORD.

[Original.]

Letter from REAR ADMIRAL STOPFORD *to* J. W. CROKER, ESQRE.HIS MAJESTY'S SHIP *Scipion*,
PORT LOUIS, ISLE OF FRANCE, 26th October 1811.

SIR,—I have the Honor to transmit herewith for their Lordships' Information the copy of a Letter which I have received from Captain Schomberg detailing the account of an engagement and capture of one of the Enemy's Frigates on the 20th of May, and his Subsequent proceedings at Tamatave in the Island of Madagascar which ended in the capture of another of the Enemy's Frigates, and also the copies of two Letters which I wrote to Captain Schomberg upon these occasions. I have etc.

(Signed) ROBERT STOPFORD.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 29th October 1811.

SIR,—The account of Mr. Agar, the late agent of the Colony of the Cape of Good Hope, having been under the consideration of the Lords Commissioners of His Majesty's Treasury, the Accountant has been surcharged with several sums paid by him to Officers of the Colonial Regiment, in consequence of the non-production of certain certificates from the Paymaster of the Regiment; and their Lordships having desired that these surcharges with the Reasons for making the same should be transmitted to the Governor of the Cape, and that he should be instructed to direct the Paymaster forthwith to send home the Certificates required in order that the surcharges in question may be taken off, I herewith transmit to you a copy of that part of the stated Account which relates to those surcharges, and I am to desire that you will direct the Paymaster of the Colonial Regiment to transmit to this Department the certificates required by the Lords Commissioners of the Treasury. I have etc.

(Signed) LIVERPOOL.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, *October* 1811.

MY LORD,—I have the honour to transmit to your Lordship Copy of a Letter from Lieut. General Grey to Lord Caledon with Copies of its enclosures, on the Subject of a Supposed over issue of Pay made to Lieut. Lynch of the Cape Regiment from the Paymaster of the 62nd Foot, as Stated in your Lordship's Letter to Lord Caledon of the 2nd July 1810. I likewise enclose a certificate from the Officer commanding the Cape Regiment and the Paymaster, from all which it will appear that Lieut. Lynch did not draw Pay from that Corps previous to the 25th December 1806, and that any Pay due to him from the Cape Corps previous to that day is not chargeable against the Colony, as the Cape Regiment was at the period in question upon the British Establishment. I have etc.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

His Excellency the Governor, in pursuance of the disposition which he has already expressed for the welfare of this settlement, and for the encouragement of the industry of its inhabitants, has directed it to be made public that he intends to set on foot and protect an undertaking for the supply of salt provisions to the army and navy on this establishment, cured within the Colony.

His Excellency therefore is willing to encourage proposals from any person or persons whatsoever, willing to contract to deliver tierces or barrels of beef at Cape Town, Algoa Bay, Mossel Bay, or Saldanha Bay, or any convenient place for its embarkation, and will receive them until the 5th of March, 1812.

Every information as to the quality of the meat, the nature of the packages, and the advances to be made to enable the parties,

capable of giving undoubted security, to undertake such a contract, will be given at the offices of R. Hill, Esq., Commissary-General, and of A. Johnson, Esq., agent victualler; as upon the excellence of the provision, and the moderation of the price, the success of the undertaking can alone be permanently secured.

Castle of Good Hope, 1st November 1811.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the exchange of new pieces for worn out and defaced paper money. Similar to many preceding.

1st of November 1811.

DOWNING STREET, 7 November 1811.

Permit Mr. Van Blommestein and family to proceed to the Cape of Good Hope.

[Copy.]

Government Advertisement.

Notice is hereby given to merchants and others importing and exporting goods, wares, or merchandize from the Isles of Mauritius and Bourbon, that they are not upon any plea or pretence to exceed the licences granted here, with the concurrence of the agent for the Hon. E. I. Company according to law, or to import other than the articles specified in such licences, without being subject to the enforcement of the pains and penalties by the different acts of Parliament imposed and made for the protection of the trade of the Hon. E. I. Company.

Also, further notice is given, that no entry will be admitted in

the Custom House, or permit given for the exportation of any goods, wares, or merchandize, not the product of the Cape of Good Hope or its dependencies, unless under peculiar circumstances, previously specified, laid before, and approved of by the Hon. the Company's agent, sea stores and necessaries for the voyage excepted.

Castle of Good Hope, 8th November 1811.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Original.]

Letter from the EARL OF CALEDON *to* ROBERT PEEL, ESQRE.

CALEDON, 10th November 1811.

SIR,—I have received the honor of your letter requiring on the part of Lord Liverpool some information as to the number of livings held by the Dutch regular Clergymen at the Cape of Good Hope and of the provision which is made for their Salaries.

I am sorry that I cannot write with the precision I should otherwise use if I had access to my papers which are in London, but as well as my memory serves there are Eight livings, exclusive of the Reformed and Lutheran Church Establishments in Cape Town, the salaries are paid by Government out of the Colonial treasury and amount to about £200 per annum.

The difficulty of procuring regular Clergymen has been considerable, and when they have resided in the country districts and applied themselves with assiduity to their clerical functions they have materially improved the morals of the Inhabitants.

Under these considerations, and knowing that two livings were vacant when I left the Cape, I beg leave to recommend for Lord Liverpool's further consideration the application of Dr. Werninck in favor of the Revd. T. I. Herold, who is well connected at the Cape, and who left it some years ago for the purpose of studying theology at Leyden. I have etc.

(Signed) CALEDON.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 23rd November 1811.

SIR,—The Revd. T. I. Herold, a Minister of the Dutch Reformed Church, having been strongly recommended to me by the Earl of Caledon and the Revd. Dr. Werninck as a proper person to fill one of the vacant Livings at the Cape of Good Hope, I have accordingly appointed him to go out for that purpose. I have etc.

(Signed) LIVERPOOL.

[Original.]

Letter from the EARL OF CALEDON *to* ROBERT PEEL, ESQRE.

CALEDON, November 23rd 1811.

DEAR SIR,—In reply to your note in which you wish for information as to the appointment of a Civil Chaplain at the Cape of Good Hope, I am to Acquaint you that no such appointment has yet taken place. I recommended this measure to Lord Castlereagh in the year 1807, and stated as a particular reason for the adoption of it that the military Chaplain was liable at any time to be detached from the Cape, in which event the civilians were deprived of the only Clergyman of the Established church of England resident in the Colony, I proposed at the same time that his salary should be equivalent to the military Chaplain's and to be defrayed by the Colonial Government. Lord Castlereagh approved of my recommendation, but his Lordship never appointed to the Office.

If Lord Liverpool has it in contemplation to carry this measure into effect, and has not yet selected any gentleman, I beg leave to observe that the appointment of a Clergyman who would take pupils or keep a school would materially benefit the Colony.

I have etc.

(Signed) CALEDON.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas J. A. Truter, Esq., His Majesty's fiscal, and C. van Nuldt Onkruydt, Esq., president of the Burgher Senate, have, in obedience to my commands, assessed the different farmers in such proportions of barley as it will be incumbent on them to furnish for the supply of His Majesty's cavalry during the ensuing year: I do therefore think proper to notify my approbation of the above-mentioned assessment, and further to direct that the several farmers herein named do deliver at the commissary general's stores in Cape Town, on or before the last day of April 1812, the several quotas of barley expressed against their names in the following list.

And if any farmer or farmers so assessed shall not have delivered his or their proportion of barley on or before the day above stated, His Majesty's fiscal will be instructed to cause an equal quantity to be purchased at the expence of such farmer or farmers, and to be delivered at His Majesty's stores.

The inhabitants dwelling in the neighbourhood of Saldanha Bay may deliver their quotas to the superintendant Mr. Kendler, who will be directed to give receipts for the same; and such farmers as may not be able to furnish the whole proportion of their assessment in barley will be at liberty to deliver oats, provided five muids thereof be given in lieu of four of barley.

And whereas it has been reported to me that the sum of two Rds. and six skillings for a muid of barley, or a muid and a quarter of oats, appears to be a fair and equitable price for the same, I do therefore hereby make known that the above sum will be paid by the deputy commissary general for the barley he may receive during the before stipulated time.

Given under my hand and seal, at the Cape of Good Hope, this 29th day of November 1811.

(Signed) J. F. CRADOCK.

DOWNING STREET, 6 December 1811.

Permit Mr. Herold and his wife to proceed to the Cape.

[Copy.]

Letter from SIR JOHN CRADOCK *to* HENRY ALEXANDER, ESQRE.

GOVERNMENT HOUSE,
CAPE TOWN, *December 6th* 1811.

DEAR SIR,—It is of such importance to the interest of His Majesty in this colony and its own prosperity that the general subject of the tenures of land should undergo the most mature and enlightened consideration, that I beg to call upon you for your opinion, in what manner it may be best to proceed in the decision it is necessary to form upon the numerous applications for land now before the Government.

I conceive it must be generally admitted that the proceedings hitherto (I mean those principally of ancient custom) have been very defective, and from their nature generated those evils that produce in so many instances confusion and uncertainty of property, equally as to the rights of the Crown and the possession of individuals.

The past system may find great if not entire excuse from the nature of the wild and extensive Districts in question at the early periods of the settlement, but which would no longer admit apology in the present improved state of its territory and civilization.

The subject appears to me to form a double and completely distinct view, and each part equally demands the adoption of fixed principles.

The first object of our present research will be to discover what arrangements will best suit the general circumstances of the colony, and having attained this knowledge, it seems to be our next duty to prescribe as far as practicable certain rules of proceeding which I hope will apply to the several cases as they may arise, and leave as little as possible to the operation of chance or accident.

What is to be done in future, however important, forms but the half of the labour of Government, for it is required from them to administer also as much remedy as they can to the imperfect tenures at present subsisting, and which in fact are alike injurious to the interest of the Crown and that stability to property so necessary to the security and happiness of the individual.

This division of the question will create, I apprehend, much more difficulty than the other, but I should hope with management and due explanation (while it cannot be openly denied that so considerable a portion of even the cultivated land is resumable at the will of the Crown) that also the measures on this head may prove acceptable, and that the land holders will find their interest in seeking the new order of distribution, and exchanging their present uncertain tenures for more established and permanent grants, though made upon the more adequate and higher valuation.

I will indulge the hope that this view of the reform, when it is fairly understood, may be gradually realized upon the happy foundation that all parties therein will find their advantage, which alone is the proper basis of every public institution.

To your ability and more direct knowledge upon the subject I shall with pleasure principally rest the variety of detail that must be required, and shall confine myself to the expression of a very imperfect outline of such prominent points as seem to prevail in those States that have made the greatest progress in establishment.

It will be necessary, however, to keep steadily in view those sentiments (for they are not communicated as positive instructions) of the Committee of Privy Council lately received, and though we may venture to deviate in some respects from the letter, yet it will be our duty to adhere strictly to the spirit.

The general arguments of their Lordships seem to rest that under the present case of a capitulation, and previous to the complete cession of the colony at a peace, it would be contrary to the laws of nations to alienate the general rights, or by the improvident sale of lands injure the revenues of a succeeding power. However painful the reflection, even as the passing thought, and however deeply injurious is the admission of the notion in the minds of His Majesty's foreign subjects in this territory, and contrary to the established practice of our mortal enemy, who has well appreciated the value of the contrary doctrine, yet the course we are called upon to pursue must be bounded by this view, and we are only permitted to do what will improve any country emerging from a rude and unsettled state, and which even upon the transfer to another power, will carry with it increase of revenue and the foundations of more extended means and resources.

I not only feel very incompetent to the task, but it would be

superfluous with you to enter upon the distinctions of property, as the tenures exist at present.

The prevailing one of a loan place I conceive to be objectionable in the highest degree, not only from the inadequacy of payment and unequal operation, and its inherent source of confusion, but on the stronger ground that it gives claims that never will be admitted as rights by the supporters of Government and yet which, if altogether resisted, would, I am persuaded, and with some reason, occasion the greatest discontent, except perhaps in those parts of the Territory that remain the same as at its first settlement. I conceive that this mode of distribution ought to be wholly discontinued.

The proceeding of later adoption, to give leases at a higher rent than that paid for the loan place for a short term of years, has also I imagine great defects.

It is argued that, as well as in the instance of the loan places, the Crown can resume those grants, but I fear however the terms of the lease may be guarded, that this principle is not better understood, and if at the expiration of the term the Government was to avail itself of the capital or the industry and exertions of the farmer during so short an occupancy, the ejected proprietor would feel great surprize and dangerous resentment.

I am not aware that any country, except at the first periods of its settlement, stood as the acting proprietor of the tracts of land within its disposal, and I conceive that a connection so similar to that of the plain landlord and his tenant, beyond the difficulty of transaction, is below the dignity of a Government, and opposite to the practice of most established States, which abandon the minute advantage of increasing rent, and that species of revenue, and without invidiously watching the progress of an individual's industry and exertions, act upon the extended view of the whole means and resources of the Community, and in the legitimate exercise of a fair but general taxation amply redeem whatever may have been the transient loss upon the territorial income.

I have made these latter observations to introduce my opinion upon the part the Crown should adopt in future in the grants of land, which at the first appearance may otherwise seem too extensive a surrender of its interest in the soil and an improvident sacrifice of those expectations of improvement and increased value of the territory at a more advanced period.

I shall therefore venture to express the idea that I would (except in certain cases that may be nearly defined) give such waste lands as may be applied for in perpetuity upon the annual payment of such a Quit Rent as may be decided a fair equivalent according to the actual value of the lands at the period the grant takes place, and by no means upon the prospect of what the active and industrious proprietor may effect by the exercise of those qualities.

I would also introduce into the system, that if the applicant for land be of a spirited and creditable character and yet not in those circumstances, to enable him to commence with the fair and adequate payment for the ground, yet his petition should not be rejected on that principle alone, but that he may be permitted to hold it at an inferior acknowledgment, and that the regular payment or Quit Rent should not be required till the expiration of five, seven, or such number of years as may suit the case.

I would also extend the indulgence in his favor that he may altogether resign the grant at the end of this term, if the expectations he may have formed should want foundation, but if he retain it the stipulated quit rent should then take place. This is an arrangement I know much adopted between great proprietors and their tenants in the present consideration of waste lands and commons, and seems the fairest principle to stimulate the active adventurer, and at the same time to give him the power of redemption from any ill judged speculation which it can never be either the true interest of the Landlord or a Government to force him to pursue.

I confess I feel so much inclined to this liberal and simple course of proceeding, viz:—the dignified allotment of the waste territory to the industry and activity of the inhabitants upon the just estimation of its present value, reserving only to the Crown the full exercise of every Royalty and privilege that ever can advance the future designs of Government for the general improvement of the Colony, that I see little occasion, save where local circumstances may partially create the exception, to form different views on the subject, and the more simple the operation (if my notions be correct, and which, without affectation, are candidly submitted to your better judgment and experience, in conjunction with the others I shall consult) the more expeditious will be the progress, and the principles better understood.

Whatever may be the course finally adopted, it appears indispensable, as each day's experience proves, that every future grant should be accurately described, and the boundaries fixed, as far as it is practicable in the clearest manner. It seems necessary also to rigidly enforce that no proprietor is to pass his own limits, or occupy a more enlarged space, because it is not actually granted to another. This encroachment not only gives birth to the several unfounded claims that now embarrass Government, but prevents the concentration of that attention and industry so much required to improve the real property of the farmer and place it in a due state of cultivation.

The provisions in all grants which prevail at present that they are all resumable, if within a certain period a stipulated progress in improvement is not made, might probably be modified, and more strengthened, or perhaps it might be advisable in particular cases to exact a security that this indispensable condition should not be neglected.

The other division of the subject now presents itself, and will require the utmost circumspection and most delicate conduct. It seems absolutely necessary to act extensively upon what has passed, and apply the best remedies in our power to a system of which we at present feel the ill effects, and which will naturally increase every day; but to unsettle property, however defective the title, or to resume lands to which, however Government may have the abstract right, yet is opposed by the general feeling, and does not carry with it all the principles of justice, is a task full of adventure, that ought to proceed through the attraction of advantage as well as the exercise of power, and will best be accomplished through invitation rather than force.

This reasoning obviously applies to the tenures of the loan places, which in no degree return to Government their just value, and though by custom they are regarded as the real and heritable property of the holder, yet they must lose at once all their supposed stability if Government will think it prudent to enter upon the measure of resumption under the view which is supported by the opinion of the best Dutch Lawyers. I think any proprietor of such a holding will be an ill advised and obstinate man if he will not gladly embrace the liberal composition that Government has in its power to offer in giving to him a perpetuity, pursuant to the general establishment, and only requiring that increase of rent

justified by the fairest consideration of the case, and every pretension to favor.

To perfect the system we are to enter upon, I would, as far as practicable, proceed to a general settlement of all claims and disputed property between individuals and Government, and to attain so desirable an end it might be prudent to make a favorable impression on the public mind, to relax somewhat of the exercise of rigid right whenever the claimant had reasonable pretension from industry, or actual cultivation.

In short, while we pursue the interests of the Crown, and augment the Revenue, I should wish that every proprietor of land should look upon it as his own estate, as a provision for himself and family, and that no future event can injure him, or render it unproductive, but the want of industry or his own mismanagement.

This is the situation of England, and how abundantly is it proved that the State does not condescend to the exercise of any but general principles, by the Acts of Parliament daily passed to enclose and cultivate waste lands and commons, which are given without payment to individuals to exercise upon them their own industry and enjoy the advantage and future profit of their exertions.

It is my further intention when this subject has passed through the consideration of the immediate servants of the Government to consult the President of the Court of Justice and His Majesty's Fiscal, Messrs. Ryneveld and Truter, who from their local experience, enlightened understandings, and approved attachment to the British Government will give the best assistance.

The necessity of immediate determination upon some of the applications before Government is so required, and so considerably affects the Revenue, that I do not conceive it would be justifiable to delay altogether the decisions; but it will be my duty to take the earliest opportunity to submit the general statement, and receive the instructions of His Majesty's Government.

It will then be the proper moment to express in the most forcible manner the value it would give to every transaction at the Cape of Good Hope to let the inhabitants feel that it is to England alone they are to direct their views, and that whatever have been the relations with Holland, now that the consideration is become simply English or French the plainest policy seems to direct on

our part that no act should lead to strengthen any opinion that they can ever return to the dominion of their old masters.

The general sentiment here may be of great good will, or what is like attachment, but certainly cannot be expected to be proof against reflections of that nature.

I therefore anxiously hope that in whatever direction we may receive from home on this important subject, there will appear the desire to assimilate the institutions of this country to those of England, as I conceive that a prudent introduction of every British principle and practice, besides an allowable confidence in their excellence, forms precisely so many steps towards the attainment of belief in inseparable English connection.

It will also be my duty to submit to what an extent the natural resources of this country may be carried, if encouragement be not withheld, and how exclusively valuable would this station be for the supply of a force to any amount in the hands of the enemy, if he ever meditate the restoration of his power in the East.

I shall conclude by adverting to the office of Surveyor of the Crown Lands now vacant by the resignation of Mr. Baumgardt. Its importance at this moment is peculiarly striking, and no time should be lost in the selection of a person, eminent in character, ability, and inflexible integrity. The emolument attached to the appointment is far below its importance, and if a person can be found to fulfil the duty with advantage to the public, it cannot be improper to adequately reward the faithful discharge of so arduous a task. I have &c.

(Signed) J. F. CRADOCK.

A similar letter was sent to the Deputy Colonial Secretary, Mr. Bird.

[Original.]

Letter from the REV. DR. HALLORAN to the EARL OF LIVERPOOL.

LONDON, 6th December 1811.

MY LORD,—I have now the Honor to submit to your Lordship, officially, as His Majesty's Secretary of State for the Colonial Department, a publication comprising the whole of the Proceedings

in detail carried on against me at the Cape of Good Hope, as extracted from the public records, and duly authenticated.

And, as Lord Caledon and Lieut. Genl. Grey have arrived in England, I beg leave respectfully to repeat my request to your Lordship for a public investigation into the Conduct of those Officers in my Regard, Agreeably to the implied Engagement conveyed by Mr. Peel's letter of the 10th May last, and addressed to me by your Lordship's Order.

After which, I confidently anticipate from the Justice and honorable feelings of Your Lordship, that prompt and effectual redress for the Injuries and Oppression I have sustained, which I trust, it will appear, is most unquestionably and equitably due, from His Majesty's Minister, to my Services and Sufferings.

I have etc.

(Signed) LAURENCE HALLORAN.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE,
December 13th 1811.

MY LORD,—I have the honor to acknowledge the receipt of Your Lordship's Dispatch No. 8 enclosing Instructions from the Board of Treasury that as far as possible the supply of Provisions for His Majesty's Forces at this Station should be drawn from the resources of the Colony, and stating how contrary it was to policy and economy to send any article of subsistence to so distant a settlement as the Cape of Good Hope.

Whatever may have been the necessities heretofore, when the situation of things could not have been so well considered as at present, I may venture to assure Your Lordship that in future I do not entertain any apprehension unless from causes to which all countries are alike subject, that the Colony will not prove equal to the maintenance of any number of Troops that might be sent here for either a temporary or more permanent purpose.

I might state this in the most general terms and without any condition as to notice or previous preparation, were the severe restrictions upon the Trade released; but as the case stands at

present it would not be safe for the cultivator or farmer to extend his agricultural operations beyond the confined view of local consumption, as he cannot look with any degree of assurance to foreign exportation.

As a further satisfaction upon this point of Your Lordship's instructions I have the honor to submit a statement of the prices of the last and present year in the ration of the soldier, and that of forage; and it cannot fail to make the strongest impression in favor of the capabilities of this Settlement that the charge is perhaps not one half of what is paid in any other part of His Majesty's Dominions, it would even be less, could all the encouragement be given to agriculture of which the territory is susceptible.

In 1811 the ration cost $4\frac{2}{5}$ d., in 1812 $3\frac{1}{2}$ d. Forage 1811 1s. 3d., not ascertained for 1812.

In extension of the Instructions now received, I have issued the annexed advertisement to receive proposals for the supply of salt provisions, and I have every reason to hope that the proposition will succeed to a very great degree. There may be doubts as to equal excellence in the provision and its power of preservation from the influence of a warm climate at the time of preparation, but if they are removed, the opportunity of supply here to any extent for the navy and army for at least half of what it would cost in England must afford means, if it be judged proper in other respects to adopt them, of a very great reduction of expense, should the harvest turn out as favorable as I have reason to suppose. I cannot, however, for some time pursue this part of the subject with much effect, as there is a very considerable stock in the possession of the Navy, and the great supplies of salt provisions transferred to the Cape upon the failure of the expedition to South America give no opportunity to enlarge the demand, but as I am obliged to order a gradual consumption to prevent the total loss through its decay, in a certain time the value of the measure may be experienced. I have &c.

(Signed) J. F. CRADOCK.

[Enclosure.]

CAPE OF GOOD HOPE, 6th December 1811.

Statement of the actual cost of the undermentioned articles of Provisions, Forage, Fuel and Candles issued to the Army during the year 1811 and of the prices fixed by contract for the year 1812, estimated in Sterling money at an exchange for Bills of $41\frac{1}{8}$ per cent premium.

		1811	1812
Bread per pound.	At the Cape	£0 0 2	£0 0 $1\frac{5}{7\frac{1}{2}}$
	Outposts	2 $\frac{3}{8}$	2 $\frac{1}{8}$
Fresh meat per pound	Cape Town	1 $\frac{7}{8}$	1 $\frac{3}{4}$
	Outposts	2	2
Sugar	At the latest purchase per } 100 lbs. }	1 9 9	
Coffee	Do. Do.	3 10 5 $\frac{1}{2}$	
	In Cape Town	1 8 11	1 5 6
Firewood per load of	Wynberg	14 2	15 6
2,000 lbs.	Simon's Town	1 2 8	
	Muizenburg	1 5 6	17 0
Candles per 100 lbs..	In Cape Town	5 3 5	4 7 10
	Wynberg	5 13 4	4 13 6
	Simon's Town	5 18 0	5 13 4
Hay per 100 lbs.. . .	. . . . .	7 1	6 7 $\frac{1}{2}$
Barley per muid of } 130 lbs. . . . . }	. . . . .	12 0	
Oats per muid of } 96 lbs. . . . . }	. . . . .	7 8	
Cost of soldier's ration	Cape Town	4 $\frac{2}{56}$	3 $\frac{17}{21}$
	Outposts	5 $\frac{1}{56}$	4 $\frac{13}{56}$
Costs of the ration } of forage . . . . }	. . . . .	1 3	

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN,
December 15th 1811.

MY LORD,—I have the honor to report to Your Lordship the death of Mr. Truter, by whose decease the situation of Searcher of the Customs is become vacant. It is an appointment that requires

great activity and the most approved character for integrity and general propriety.

If I should have the good fortune to find Your Lordship without engagement, it would confer upon me the highest favor to be permitted to recommend a very near relative, Mr. Frederick Cradock, upon whose ability for business and upright character I can place the greatest reliance.

If Your Lordship has the goodness to accede to my earnest request, I shall receive it as an additional favor if you will be so kind as to direct a communication to him at the Revd. Thomas Cradock's, Library, Bride Street, Dublin, that he may be prepared to obey such commands as Your Lordship may be pleased to give.

I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN,
December 16th 1811.

MY LORD,—It would give me great satisfaction to have the power of submitting to Your Lordship some conclusive intelligence upon the subject of my Dispatch No. 3 of the 18th October relative to the coercive measures I have been obliged to adopt against those tribes of the Caffre nation that have penetrated into His Majesty's Territories and committed the outrages already laid before Your Lordship; but the last communications I have received from Colonel Graham, the Commanding Officer and Civil Commissioner, reach no further than the 21st November, and contain no other account than the general disposition of his Forces, principally stationed with the view of effecting that part of his orders to enforce, should it prove necessary, the retreat of the whole of that nation within their own boundaries.

Colonel Graham's communication, from the short time he had been on the frontier, leaves everything pretty much in the same state of view as when I had the honor to address Your Lordship; and I have every reason to hope that the result of his operations

may end in considerable advantage to the interests and permanent tranquillity of the Colony.

However from the extensive Tracts of Country he has to act in and the difficulty to preserve the due connection between his posts, Col. Graham is engaged in a very arduous task, and it will require the constant support of Government to effect to the point desired the objects of his mission. I have etc.

(Signed) J. F. CRADOCK.

DOWNING STREET, 17th December, 1811.

Permission for Messrs. Martins with their Servant Anthony Schaffer also Messrs. Lichtvack and Horslen to proceed to the Cape.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN,
December 18th 1811.

MY LORD,—I have the Honor to transmit to your Lordship the returns from the Custom House, called for by the Lords of the Privy Council for Trade and Plantations.

As they do not extend to the periods, I should believe, that their Lordships wish to embrace, I annex the Letter from the Collector, as the best explanation in my Power, of any Deficiency that may appear.

I have the Honor to report the Death of Mr. Truter, Chief Searcher of the Customs. I have etc.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from the Collector of Customs to the Colonial Secretary.

CUSTOM HOUSE, 18th December 1811.

SIR,—I beg leave to acknowledge the extract from Lord Liverpool's dispatch dated April 23rd 1811, stating

“The Lords of the Committee finding that there is not in the Office of His Majesty's Secretary of State an Account of the Imports and Exports of the Colony as directed to be kept by the 19th Article of the Collector's Instructions on No. 22 or any other Paper to shew the Amount of the Imports and Exports in Foreign Ships, their Lordships cannot express a distinct opinion respecting the Duties on foreign Ships in the Tariff which excited very considerable surprise.”

In compliance with the wish of His Excellency the Governor and Commander in Chief, I have the honor to transmit for His Excellency's information a Return of the Imports and Exports on foreign Ships from the year 1808 to 1811 and the Imports and Exports on British Ships for the present year. On inspection of the Custom House Books I find the amount of the Imports of British Goods had not been entered for some years by my Predecessors, and I presume in consequence of the Duties on the same being taken off. I have &c.

(Signed) CHARLES BLAIR, Collector of Customs.

The Imports and Exports by each ship are given, without a general total. In many instances the value of the articles is not given separately, so that it is impossible to make out a correct list of exports, far the greater proportion of which is of merchandise imported and prize goods. The following articles of Cape produce exported are extracted from these papers, but can only be taken as approximately correct.

Aloes	7 casks
	2 cases
Butter	30,227 pounds
	58 casks
	3 barrels
	80 kegs
Candles	100 pounds
Cape Brandy	15 leggers
	2 hogsheads
	3 casks

Cape Brandy	1 barrel		
	4 aams		
	10 gallons		
Dried Fruit	3,983 pounds	raisins	
	26 boxes	do.	
	2 bags	do.	
	69 casks	do.	
	10 barrels	do.	
	5,627 pounds	dried fruit,	not otherwise
		specified	
	5 bags	do.	
	36 casks	do.	
	36 cases	do.	
	1 box	do.	
Hides and Skins	140 ox hides		
	3,500 hides		
	100 tanned hides		
	10 bales	hides	
	1,125 skins		
	21,800 sheep skins		
	300 goat skins		
Soap	2,000 pounds		
Tallow	100 barrels		
	1 cask		
	512 pounds		
Whalebone	3 tons		
Whale Oil	9,795 gallons		
	8 leggers		
	4 casks		
Constantia Wine	9 casks		
	149 half aams		
Other Cape Wine	1,574 leggers		
	1 half legger		
	88 casks		
	1 barrel		
	183 aams		
	4 cases		
	51,472 gallons		
	668 bottles		
Wool	1 bale		

[Original.]

Letter from MESSRS. ROBINSON, GIBBS, AND PLUMER *to the*
EARL OF LIVERPOOL.

DOCTORS COMMONS, 18th December 1811.

May it please Your Lordship,

We are honoured with Your Lordship's Letter of the 23rd Ultimo, Referring to a former Communication respecting doubts which have been excited at the Cape of Good Hope on the validity of certain Marriages solemnized there by a Person styling himself Dr. Halloran, and signifying the Commands of His Royal Highness The Prince Regent, that We would state Our Opinion on the validity of such Marriages, for the purpose of removing any doubts that may still exist, and quieting the Minds of the Inhabitants thereon.

In Obedience to Your Lordship's directions, We have considered the same, and are humbly of Opinion on all the Circumstances of the Case that the Marriages solemnized at the Cape by the Person officiating as a Clergyman, under assumed or forged Orders, cannot be vitiated or invalidated in any Manner by the Defect of the Holy Orders of *Priesthood* imputed to him. We have etc.

(Signed) CHS. ROBINSON,
V. GIBBS,
THOS. PLUMER.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it is necessary to call the serious attention of the Cultivator, the Merchant, and the Farmer of this Colony, to the subject of the Wine trade, a consideration above all others of the highest importance to its opulence and character.

The beneficent intentions of the Government to promote this branch of commerce to its utmost extent are entirely defeated by the practices that prevail, whether in the view of the original preparation of the Wine, as in many respects erroneous and negligent, or of its improvident and thoughtless exportation, without concern as to its quality or age. The object seems alone to make

a little profit for the moment, without regard to the future ; and by such proceedings this valuable, and in His Majesty's dominions unrivalled article of commerce, is upon the point of being sacrificed.

The Colony from these causes has already lost the demand from South America ; and unless Government interpose its powers, the bright prospects opened by the capture of the Isles of France and Batavia will be equally closed, and the Settlement will have to lament, for ever, her blindness and perseverance in a false course.

It is an undoubted fact, and it should make the pride as well as the wealth of the inhabitants, that this Colony can produce as excellent wine of various sorts as perhaps any country in the world. If therefore the cultivator and merchant be but true to their permanent interests, and will abandon the petty profit of the moment to the infinitely greater advantage of futurity, equally within their power, what the Colony has suffered in the depreciation and disesteem of its wines may be repaired, and confidence and reputation being restored, every avenue to its exportation will be reopened and enlarged.

Having thus demanded, in authority, from the Settlement a serious and lively attention to their own interests, I hereby promise the most constant support and patronage on the part of Government, and that no means of assistance shall be left unattempted to improve the cultivation, and every encouragement given to honest industry and adventure to establish the success of the Cape commerce in this her great and native superiority.

In the course of this year premiums and rewards will be given by Government for the production of the best wines.

As soon as this important subject shall have received due consideration, the necessary Regulations will be established and declared, and an office of Taster of Wines be instituted to ascertain the quality of wines for exportation.

In the mean time all persons wishing to export wine can alone have permission by making special application to Government, and a temporary order will be given for its inspection and approval.

And that no one may plead ignorance hereof, this shall be published and affixed as usual.

Given under my hand and seal at the Cape of Good Hope, this 19th day of December 1811.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from the EARL OF LIVERPOOL to SIR JOHN CRADOCK.

DOWNING STREET, 20th December 1811.

SIR,—Herewith I transmit to you the copy of a Communication which has been addressed to Mr. Halloran by my direction in reply to a letter from that Person. By it you will perceive that his request to be allowed to return to the Cape has been refused, but that his Application for a passage to England for his Wife and family has been complied with.

I am therefore to desire that you take the necessary measures for securing their conveyance to this Country so soon as an opportunity shall offer. I have &c.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from the EARL OF LIVERPOOL to SIR JOHN CRADOCK.

DOWNING STREET, 20th December 1811.

SIR,—I herewith transmit a Copy of the Report of the Law officers of the Crown, dated the 18th Inst., on the validity of certain Marriages solemnized at the Cape by a Person styling himself Dr. Halloran, and I am to desire that should it appear to you necessary to make the same public within the Settlement in order to remove any doubts that may exist and to quiet the minds of the Inhabitants thereon, that you will accordingly give to this opinion the publicity required for that purpose. I have &c.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from the EARL OF LIVERPOOL to SIR JOHN CRADOCK.

DOWNING STREET, 20th December 1811.

SIR,—I have received your several Dispatches from No. 1 to No. 7 inclusive. A Copy of your Dispatch No. 6 has been transmitted to the Lords of the Committee of Council for Trade, and I

have directed their particular attention to that part of it in which you recommend the imposition of a small Duty upon the importation of British Merchandize.

A Copy of No. 7 has been sent to the Treasury for the consideration of their Lordships, and I shall take the earliest opportunity of forwarding to you the answer which I may receive to the references so made.

His Majesty's Government have learnt with much regret that the repeated aggressions of the wandering kraals of the Caffres have imposed upon you the necessity of adopting more vigorous measures for their prevention than your immediate Predecessors have adopted. It appears to be of great importance that some distinct and acknowledged Boundary should be drawn between the Territories of His Majesty and those belonging to the Caffre Tribes and that the passage of that Boundary by Individuals of either side without due authority should subject the Offenders to severe Punishment.

It were much to be wished that an arrangement for this purpose could have been amicably concluded, and I trust that every attempt to effect it by conciliation will have failed before compulsion is resorted to.

It must be quite unnecessary for me to point out the impolicy of a systematic War with the Caffre Nation, or the little benefit that could possibly be derived from it by the most complete success, and I am convinced that the general Interests of the Settlement would be better promoted by taking measures of precaution against the Marauders and repelling their Intrusions when made than by resorting to general and offensive hostilities.

I mean by this observation rather to put you in possession of the sentiments of His Majesty's Government on this point than to imply that the Instructions which you have given to Colonel Graham are not perfectly proper, or that circumstances did not require the detachment of the regular Troops.

It will be material however that you should distinctly ascertain that the aggressions by the Caffres are not measures of retaliation, and that they are not justified in some measure by the conduct of the Dutch Settlers who reside contiguous to their Territories.

The Proclamation issued by Lord Macartney at a former period sets forth that the wretched Natives are compelled to have recourse to robbing and various other irregularities in order to support life;

in consequence of the injury which their peaceful Possessions sustained from the inhabitants of the more distant part of the Settlement, who reduced them to misery and want.

I trust that such disgraceful proceedings have long since been effectually checked, but on this subject I must refer you to the Dispatch which I had occasion to write to you. Even should the Dutch Settlers have shown no disposition to molest them, I trust that in the execution of your orders the utmost humanity will be shown to the misguided natives which is consistent with the Security of Property and the tranquillity of the Settlement, though I confess to you that the spirit in which the following extract from one of the letters you have transmitted leaves every ground for apprehension: "In the event of the attempt to take Sjambe prisoner failing we hope that confidence will be reposed in us to enable us to act as circumstances may seem to require, and we take this opportunity of assuring Your Excellency that no more Caffres shall be *shot* than will be found absolutely requisite to the attainment of the desired end of exterminating them from the Zuurveld and driving them into their own country, &c., &c."

I trust that no such confidence as is required in this Letter has been reposed, and that you will direct your utmost attention to prevent any acts of unnecessary rigour on the part of the agents who are employed. I have &c.

(Signed) LIVERPOOL.

DOWNING STREET, 26th December 1811.

Permission for Mr. Leisching to proceed to the Cape of Good Hope.

[Copy.]

Letter from the Deputy Colonial Secretary to the President and Directors of the Lombard Bank.

SECRETARY'S OFFICE, December 27th 1811.

GENTLEMEN,—I am directed by His Excellency the Governor to acquaint you that he is pleased to authorize you to discount bills at three months date, drawn by any individual or merchant, for a

sum not exceeding Rds. 5000; to discount promissory notes payable within three months, and not exceeding Rds. 5000, drawn by any individual or merchant; to discount registered bonds to the extent of one half their value, provided the same does not exceed Rds. 5000; and in case individuals be desirous of obtaining a larger sum than Rds. 5000 on their bills, notes, &c., the same to be subject to His Excellency's approbation; a monthly report of these transactions to be delivered for His Excellency's inspection.

I have &c.

(Signed) C. BIRD, Dy. Secretary.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN,
December 31st 1811.

MY LORD,—I have the honor to submit to Your Lordship a paper received within these few days, and which seems to require particular consideration. At the moment of its delivery I in no shape committed Government or myself, and barely expressed that I would transmit the Memorial to England. I was informed also at the time that the same address had been confidentially submitted to my predecessor, Lord Caledon, immediately previous to his departure, and that His Lordship had promised to lay it before His Majesty's Ministers.

The persons who presented it to me were Messrs. Bergh and Van Blokland, the one President of the Court of Insolvent Estates and the other Secretary of the Court of Justice, and whose father at this moment resides in Amsterdam.

It is necessary to state that both these gentlemen bore the character of at least a disinclination to the British Government, and had at the period of the last capture strenuously opposed the surrender to the British Troops. They seemed, in the short conversation that took place, quite aware that the knowledge of these circumstances might make an unfavourable impression, and therefore without reserve avowed that as long as Holland remained a nation they could not feel contentment under any other Government, but situated as that country now is, being a part of France,

the question at present solely was English or French, and that they had determined to abide for ever with the fate of England. They concluded that this was the universal sentiment of the Dutch Inhabitants of this Colony, and I have every reason to suppose that this is a correct statement of the general feeling since the annexation of the United Provinces to the French Dominion.

The signatures to the Address contain the names of several of the most respectable and approved inhabitants of this Settlement, and are headed by Messrs. Van Ryneveld and Truter, the President of the Court of Justice and His Majesty's Fiscal, two gentlemen eminent beyond a doubt for loyalty, talents, and devoted attachment to the principles of the British Constitution. As the paper is professed to be of the most secret and confidential nature, from apprehension of the consequences of its publicity to their friends and relations in Holland, it may account for the omission of the names of some persons of distinction and influence.

It will naturally be expected that I should venture my opinion to Your Lordship upon the prudence and wisdom of the measure now submitted by the principal Dutch Inhabitants of this Colony to afford an Asylum to their distressed friends in Holland; but it is difficult to give this subject a fair consideration or form correct judgement upon many other circumstances affecting this Settlement, without a supposed knowledge of the general views of His Majesty's Government in respect to the extension of all those advantages it possesses, for it may be safely asserted that if the population is increased and an active and zealous encouragement given, this "country" (and it may justly be so termed) will rise to any degree of prosperity and afford resources of every description that can be required for any purpose in this part of the world.

So anxious must the person be at the head of this Government, when he looks around him and sees what is lost by neglect and the want of cultivation, that he cannot but feel inclined to support any measure that carries with it the prospect of increase of numbers or wealth, however inconsiderable, but still this particular subject must be examined with care, and it must receive a more scrupulous consideration than the generosity of British minds may be disposed to admit.

Your Lordship will observe throughout the whole of this address that in the picture of things here the greatest stress is laid that everything remains Dutch, and that their brethren flying from

their persecutors at home will find upon their arrival at the Cape the same religion, the same language, the same laws, the same customs, &c., &c.

May I be permitted to observe, however natural to escape from them is all this expression, and it even adds unequivocal sincerity to the whole representation, yet that it cannot fail to excite a very serious and extended reflection, where the first question is the permanent security and future prosperity of a great British Colony, subject to all the chances of war.

Circumscribed as this settlement of the Cape of Good Hope is at present, the danger of a controlling Dutch Inhabitaney under the above circumstances is a subject of reasonable distrust and alarm, and of course will gain strength when the same state of things is enlarged, if no countervailing measures are adopted to prevent an ascendancy that will naturally attach to the prevailing system, and which is the right alone of the British nation. The power of Government cannot alone effect this, and it is more produced by the cautious and progressive introduction of the same laws, the same principles, and the same institutions of the parent state. These constitute the essential difference at present, for that between the two religions is of little import.

As all these circumstances have long since pressed on your Lordship's mind it is unnecessary for me to further engage your Lordship's attention, and I shall therefore only submit in humble, but the strongest terms, my persuasion that His Majesty's foreign subjects at the Cape will be found in general to have the most favourable dispositions to loyalty and fidelity, and that nothing is to be apprehended, but the reflection that they may return under the power of their former masters, now members of the French nation.

Whatever may be the measures adopted to banish this notion and identify with England this part of the British Empire, the greater will be the security, the happiness and unanimity of this Settlement.

If His Majesty be pleased to accede to the Petition annexed, the chief object of caution seems to be the prevention of improper persons arriving here, who under the disguise of emigration may be the actual agents of the Enemy, for they cannot long remain ignorant of the present design. I have etc.

(Signed) J. F. CRADOCK.

[Enclosure in the above.]

To HIS EXCELLENCY DU PRÉ, EARL OF CALEDON, *Governor and Commander in Chief of the Cape of Good Hope, &c., &c., &c.*

The Memorial of the undersigned Inhabitants of this Colony humbly sheweth :

That the numerous calamities which have for these some years past befallen the Republic of the United Provinces, but in which the inhabitants of this Colony have happily not partaken, have at length by a Coincidence of Events risen to that pitch that Holland, wanting in power to defend herself with any prospect of success, and wanting also possibly a head or Leader to enable her by the Force of Arms to secure herself that Liberty and Independence which used to be the Patrimony of her Ancestors, has now received the last Blow which could be struck, her Incorporation with the French Empire, the fatal consequences of which cannot but be too well known to every one, partly from private accounts, which have from time to time been received, and partly from the Intelligence contained in the public Newspapers, than that it can be necessary for the Memorialists to enter into more minute Details upon the point, which consequence, it is natural to suppose, must certainly create an Inclination among the Inhabitants of that once flourishing Country to abandon it and take up their Abode in a Place where during the Remainder of their Days they may enjoy Tranquillity and Contentment, where their Families may live in Safety, what little they still possess be secure, and where, by not having daily before their Eyes the sad Scene of fallen greatness, the wounds of their Hearts may not daily be torn open.

That in the mean time however, such desire of removing to another Country cannot be gratified unless there be some other Part of the World which comes forward to afford aid and receive into its arms an unfortunate and oppressed Nation, in order to afford such Nation an opportunity, by bringing into that Society where it finds a Refuge bodily and mental qualifications, of being of advantage to both.

That Memorialists feeling for the Fate of their Mother Country, it has struck them that no Place in the World could be better calculated to afford a secure Shelter to its unfortunate Inhabitants, who are circumstanced as above described, and entertain the

Feelings above supposed, than the Cape of Good Hope, situated in a temperate Climate, producing every necessary, nay, even more than every necessary of Life, enjoying by the Blessing of Heaven constant and external Tranquillity, in Nation, Religion, Language, Laws and Customs, similar to ancient Holland, where under the Influence of a mild Government everyone is Master of the Fruits of his Labour, and where, in a word, the Law protects all, and the Sword of the Law is alone unsheathed to punish the Wicked.

That however this Transmigration, to resolve on which Necessity alone can be the Cause, many may be desirous but few have the means of effecting, unless those means be supplied to them, and which means in a Colony like this neither can or ought to be wanting, when it be considered that it was by Holland this Colony was founded, that it was out of Dutch Money it rose to Eminence, and that therefore like a grateful Child, who when its Mother is advanced in years is oppressed and poor, will contribute everything in its Power to support her in this unfortunate State, and unable to live longer alone will cheerfully receive her into its Arms, pay this last Tribute to Love and Gratitude; should such an Endeavour succeed, at the same time that it would be an Act of Benevolence, it might also be productive of the most beneficial Effects to this Colony, by increasing its Population, would consist of Persons of civilised Manners, possessed of different Kinds of Knowledge, and who would bring with them either the Remainder of their Property or at least their Heads and Hands, and thereby give new Life to this Colony, its Welfare would by this means no doubt be greatly promoted, consequently also the Interest of the Sovereign, and as long as England is in that fortunate situation of being able to secure to her Inhabitants Bread, Liberty, and Glory, the attainment of the same Ends by an Increase of Population from England cannot be expected.

That what has been above set forth has induced Memorialists to believe that towards the accomplishment of the above Views it might not be impossible to form a Fund in this Colony for the facilitating of an Emigration from Holland to this Place of such Persons as in consideration of the above Circumstances and upon those Principles might be inclined to undertake it, and as might, without endangering the Peace of the Colony or the public Interest, be admitted.

That to carry this Plan into effect, however, a vigorous co-opera-

tion on the part of the British Government, and in the first place of the Government of this Colony, is absolutely requisite, and which co-operation and support Memorialists on the ground of the object they have in view being the Interest of the Colony, and on the ground of the old Connection which has so long subsisted between the Kingdom of Great Britain and Holland, they presume to flatter themselves they may expect.

Memorialists for these Reasons have conceived it might be permitted them to frame and lay before Your Excellency the Plan of a Subscription for raising a Fund for the Encouragement of such Natives of Holland as may be desirous of quitting their oppressed Country and of settling with the previous Permission of the British Government with what little Fortune they may have left at the Cape of Good Hope, and humbly to request that Your Excellency may be pleased to support this Plan by Your Excellency's powerful Influence in the Recommendation of it to His Majesty's Government in England, where, should it be approved, they would further request Your Excellency's strongest co-operation in the forwarding of it here, subject to such conditions and precautions as to His Majesty's Government may seem consistent with the public Interest and the Peace of this Colony.

And Memorialists as in duty bound shall ever pray.

This Memorial was signed by the following Inhabitants :

W. S. van Ryneveld	J. F. Reitz
J. A. Truter	M. Borchers
E. Bergh	J. L. Hesse
G. Beelaarts van Blokland	D. G. Anosi
F. W. Fagel	J. J. Vos
L. C. H. Strubberg	C. van Nuldt Onkruydt,
C. Brand	A. S. Aurijol (sic)
J. P. Serrurier	G. Buyskes
J. Zorn	D. Denyssen
C. Matthiessen	H. v. Manger
A. Fleck	J. P. Baumgardt
P. Diemel	G. F. Berrangé
W. S. van Andringa	J. P. de Wit
W. Hiddingh	J. P. Faure
P. J. Truter, Senr.	A. Faure
P. L. Cloete	H. G. Muntingh
Ch. Fleck	

[Copy.]

Plan upon which it is proposed to open a Subscription for the Encouragement of Emigration from Holland to the Cape of Good Hope, under the Protection of the English Government.

Art. 1. The Subscription will be opened as soon as Government shall have given Permission to that Effect.

2. Each Person will subscribe such Sum as he may choose, as a gratuitous Donation, payable on the first application from the Directors of the Fund.

3. And enclosure of this as an annual Contribution the Sum of . . . payable on the . . . into the Hands of the Treasurer of the Fund.

4. The Fund will be formed out of the above Subscriptions made in this Colony, and of such as may be made in Great Britain and India.

5. To that End Corresponding Commissioners will be appointed in England and India.

6. The Fund in England must provisionally be applied to the promoting of the Emigration and the Payment of the Passages of such as require this assistance.

7. The Fund in England is under the more immediate Control of the Direction here, and will remit hither the sums there collected.

8. The general Administration of the Fund will be entrusted to three Commissioners here, to be elected by the Subscribers according to Majority, each Subscriber of the sum of 50 Rixdollars being entitled to a Vote. To these three Government will add three others.

9. These Commissioners to be furnished by Government with the necessary Instructions.

10. The Directors will admit of no Emigrants having any relation to this Fund or the Principles on which it is established, except those who shall have obtained Permission from His Majesty's Government in England to proceed hither as such.

11. The Direction will choose a Treasurer, Secretary, and such further Assistants as may be necessary; alone bearing in mind not to load the Fund with more Expence than can be avoided.

12. The Corresponding Commissioners in England will take

every opportunity of reporting the State of the Fund there, in order (if necessary) to be able to draw upon it, which however during the first three years shall never be done for an amount exceeding one third of the Sum in hand.

13. A person coming over to settle here, and having the power of furnishing anything out of his own means towards the furtherance of this Plan, will be expected to take a Share in the Fund, by paying Contribution either here or in England, on pain should he neglect so to do, of losing all further Claim both in as far as regards himself personally, and also his widow and Descendants.

14. Each Person will be obliged to state what Profession he formerly exercised, or is able to exercise.

15. Each Subscriber binds himself for the annual Contribution, for the Term of three successive Years, at the Expiration of which it is at his option either to renew his Engagement or to decline it altogether, or to reduce or augment the sum he may have engaged himself for.

16. Extraordinary Donations will at all times be received.

17. Monies advanced from the Fund are advanced either in the Shape of *Donations* or of Loans according to the Circumstances of the Parties.

18. Of the State and Administration of the Fund an Account will annually be rendered to the Subscribers.

[Original.]

Letter from DEPUTY SECRETARY BIRD *to* SIR JOHN CRADOCK.

CASTLE, *December 31st 1811.*

SIR,—I have had the honor of Your Excellency's letter of the 7th instant, enclosing me a copy of a letter which Your Excellency had addressed to Mr. Alexander on the subject of the Tenures and Waste Lands of this Colony, and desiring me to lay before Your Excellency my opinion thereon.

It would be with the greatest diffidence that I should presume to offer an opinion upon a subject which your Excellency so justly deems to be highly important to His Majesty's interests and to the general prosperity of this settlement, but your Excellency having communicated to us what your intentions are, and having

also given us cognizance of the sentiments of the Committee of Privy Council on this subject, by the spirit of which your Excellency wisely judges it proper to regulate your conduct, the path we have to tread appears to me to be considerably narrowed.

Your Excellency has very judiciously divided the subject into two parts, the one regarding what is past, the other embracing your intentions as to the future.

It is generally admitted that the tenure of loan land is wasteful and improvident. It comprizes however a very great proportion of the land in occupancy in this Colony, and it therefore undoubtedly merits the greatest consideration. That this tenure is capable of improvement has always forcibly struck me, and after having taken much pains to collect all the information on the subject which was to be found in the voluminous records of this office and in the offices of the Court of Justice and Land Revenue, I have been most fully convinced that the Government has not either by fact or by custom ceded any rights to the holders under this tenure by which it is precluded from granting the same lands to them under such other covenants as may appear to it to be most beneficial to the public interests. I have also formed the opinion that as the evil is general the remedy should also be such, and that any partial reform of it would only add to the confusion which a diversity of tenure is calculated to create. Moreover I have been led to think that if such a measure be not made general, the individuals who should voluntarily have embraced a new tenure from a British Government might at a future period be unnecessarily exposed to the consequences arising from a misinterpretation of their motives, while no bad consequences could ensue to the holders were the measure universally enforced.

Having this view of the subject, I had drawn up the outline of a plan for carrying it into execution, but it being decidedly stated in the observations of the Committee of Privy Council, to which your Excellency professes your intention to adhere, that it is not desirable to make any permanent alteration in these tenures at present, it appears to me that the future consideration of the first part of the subject of your Excellency's letter is thereby put an end to.

With respect to the second part, which relates to the future disposal of waste lands, the difficulties are much lessened, because it must entirely depend upon your Excellency's consideration of

the subject. But I do not entirely understand the nature of the distinction which your Excellency has drawn between the future grant of waste lands in perpetuity, which you state to intend, and the permanent alienation of them, from which your Excellency considers yourself to be debarred by the sentiments of the Privy Council already alluded to; otherwise I most perfectly agree with your Excellency that the more unshackled every man is in the holding he has of his estate, the more desirable that estate must be to him, and the more his improvement thereof will be encouraged. It is also evident that the boundaries of property cannot be too rigidly defined, and that the Government reservations cannot be too distinctly specified in every grant to be made.

It appears to me that some early decision upon the numerous applications for lands before your Excellency is essentially necessary, as much for the interest of Government as for that of the people in general, and the call for it is the more urgent from the expediency of delaying for the present the consideration of the first part of this subject. The population of the colony is rapidly increasing. Every new married couple seeks a spot whereupon a livelihood can be earned in independence, but few of these are to be found except upon the waste lands, for the loan lands not being the property of the holders they have at present no right to subdivide them, and although upon most of the loan lands a subdivision would afford under tenants a comfortable livelihood, yet it being unsafe for them to attempt to settle thereon, a distribution of other land becomes absolutely necessary.

A feeling somewhat similar to that expressed in the observations of the Committee of Privy Council I have reason to think induced the late Governor nearly to confine himself to grants upon Quit Rent (the exceptions thereto being very few), and for fear of the observations of a future Foreign Government he adopted that Quit Rent lease which had been in partial use here for near 100 years and which had been particularly recommended by the former Dutch Government. His Lordship found the confidence of the public in these leases very great; they were considered as renewable, the holders built upon them and cultivated them with more care than the other tenures, and His Lordship was satisfied that under any British administration when permanently settled the occupiers would not be deceived in their expectations. He left the interpretation of its own Ordinances to the foreign Government

if ever it should return. The leases to which your Excellency alludes are not connected with this part of the subject, they are confined to the loan places of the Groene Kloof, which places formerly in the hands of individuals but resumed by the Dutch Government were declared by their Resolutions not alienable in future, but were directed to be retained in the hands of that Government and these lands have been always considered as particularly included among those mortgaged for the security of the paper money. The British Government not having had occasion for these farms for the purposes for which the Dutch held them, they were let for a short term of years, not on renewable leases nor alienated, but to revert to Government.

I have endeavoured to explain a point which seems to have been misunderstood, by no means intending thereby to give an opinion upon a measure which your Excellency seems to disapprove. When the first and second capitulation of this colony took place it was in each stipulated that the lands and houses of the former Government should remain as security for the paper currency. If anything can be deduced from this, it appears to be a stipulation as to what was to be reserved, and what might be alienated, and we have the precedent of former times to refer to on this occasion, to prove that the Dutch Government did not consider the alienation of waste lands as contrary to the law of Nations or contrary to the capitulation, for of the various grants made by the English Governments previous to the peace of 1803, one only was cancelled by the Batavian Governors, and that was a grant of a small garden at Simon's Town which had belonged to the former Government and which therefore did not come under the head of waste land. In fact by grants of waste land the amelioration of the Revenue is constantly kept in view, every cultivated acre being liable to pay the tenth of its produce, independent of the rent, which increases in every instance the permanent resource of the settlement, and it is an observation which our enemy has publicly made, that at a peace his colonies are restored to him in a far better state than at their capture, which could not be the case unless steps were taken by the occupiers of those possessions to bring the wastes into cultivation, and to further with characteristic liberality the welfare of inhabitants who place themselves, if but for a time, under British protection.

I shall hope that by the above concise observations I have complied with your Excellency's commands. Your Excellency seems already so fully to have considered the subject that there is no doubt your final determination will be as advantageous to the individuals whose welfare is fortunately entrusted to your charge, as to the revenue which has great need of your Excellency's best exertions to enable you to carry the improvements of this rising place to the extent your Excellency could wish. I have, &c.

(Signed) C. BIRD.

Abstract of the Accounts of His Majesty's Receiver General at the Cape of Good Hope for the year 1811.

REVENUE:

	Rds.	skil.	st.
Balance	36,287	5	5 $\frac{3}{4}$
Lombard bank	71,145	1	4
Do. (repayments)	100,000	0	0
Discount bank	5,113	7	4
Vendue duties	97,907	1	4
Customs	77,797	3	0
Land revenue	103,114	3	1
Tithes and transfer duties	178,154	6	1
Stamps	61,292	7	0
Sequestrator's department	5,590	0	4
Printing department	6,018	5	4
Port dues	4,609	3	0
Postage	4,364	0	0
Fines	4,444	7	2
Fees of offices	35,430	6	5
Annual repayment by Stellenbosch	6,000	0	0
Purchase money of lands	1,815	2	0
Sale of timber	20,063	1	4
Miscellaneous receipts	41,855	2	1
	Rds. 861,005	1	3 $\frac{3}{4}$

EXPENDITURE:

	Rds.	skil.	st.
Civil list, sterling salaries	242,648	6	4½
Colonial salaries	252,051	2	5
Public buildings, (erection of new and repairs of old buildings, including waterworks, &c.)	53,142	1	2
Cape regiment	163,174	6	1¼
Burgher Senate, on account of interest	8,250	0	0
Expenses of offices	19,774	6	2
Criminal prisoners and convicts	12,003	6	1
Freight and passage money, travelling expenses, &c.	4,397	3	1
Vessels and boats, purchase money and repairs of ditto, in- cluding charges of the harbour master's departments at outposts	12,855	0	3
Repair of the wharf	6,521	4	0
Buckbay and Grootepost establishments	4,120	6	0
Government Constantia wine	4,667	4	0
Commission of circuit	5,000	0	0
Timber.	2,189	0	0
Roads and bridges	12,493	0	3
Agricultural board	205	0	0
Miscellaneous expenditure	36,222	2	2
Balance	21,287	7	2½
	Rds.	861,005	1 3½

(Signed) J. W. STOLL,
Rec^r Gen^l.

MISCELLANEOUS RECEIPTS:—1811.

	Rds.	skil.	st.
Fiscal's department, the amount of expenses refunded by several masters, whose slaves were criminally prose- cuted and afterwards returned to them	457	0	0
J. Muller, the amount of 20,000 Spanish dollars bought from him for	30,833	2	4
Colonial paymaster, on account of the Cape regiment	187	6	0
The amount of salary paid to the honourable Lieutenant General Grey, as Lieutenant Governor of this settle- ment, previous to his arrival in the Colony	9,723	1	2
Ordnance storekeeper for timber	557	0	0
Premium on specie sold	97	0	1
	Rds.	41,855	2 1

(Signed) J. W. STOLL, Rec^r Gen^l.

SUNDRY EXPENDITURE:—1811.

	Rds.	skil.	st.
Mr. Mackrill, as a reward for introducing the vaccine matter into the colony	250	0	0
Expenses of the execution of several criminal sentences	89	4	0
A. Stockenstrom, Esq. articles purchased for the Caffre chiefs	920	4	0
P. Andriessen, for a quantity of lead and flints	218	6	0
Mr. Edwards, for gunpowder	376	0	0
J. Muller, for 5,000 Spanish dollars	7,500	0	0
Do. Do.	7,708	2	4
Do. 10,000 Do.	15,625	0	0
Mr. Seaver, for having brought to the colony the vaccine matter	100	0	0
Expenses in the execution of several criminal sentences	114	4	0
Do. Do.	311	1	4
Mr. Smuts, the amount of a billiard licence paid by him into the Treasury, which was afterwards cancelled	104	4	0
Premiums given to the highest bidders at the letting of the wine farms	920	0	0
Lieut.-Colonel Pigot, amount of certain import duties refunded	81	0	0
J. Lezar, for several articles, presents for the Caffres	603	0	0
Mr. Duncan, in reimbursement of the duties paid by him on a quantity of British goods	1,300	0	0
Total Rds.	36,222	2	2

(Signed) J. W. STOLL, Rec^r Gen^l.

Return showing the Population and Cattle in the Possession of Individuals at the Cape of Good Hope in the Year 1811.

	CHRISTIANS:				HOTTENTOTS:				SLAVES:			CATTLE:											
	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Men above 16 Years.	Men under 16 Years.	Women above 14 Years.	Women under 14 Years.	Wagon and Saddle Horses.	Breeding Horses.	Draught Oxen.	Breeding Cattle.	Wethers.	Breeding Sheep.	Spanish Sheep.	Goats.	Asses.	Pigs.	
Cape Town . . .	3,646	& do	3,666	& do	241	& do	198	& do	5,195	& do	3,256	& do	1,987	3,074	9,435	6,511
Cape District. . .	689	307	282	370	490	..	464	..	2,289	..	825	..	1,987	3,074	9,435	6,511	..	..	..	..	131	..
Stellenbosch . . .	1,462	1,127	1,012	1,373	755	421	767	563	4,516	905	1,972	888	5,755	8,469	18,904	6,242	1,143	59,114	2,100	16,510	38	772	
Swellendam . . .	1,304	1,367	903	1,430	71,074	605	1,131	787	1,526	407	875	338	1,789	8,061	17,721	36,544	3,050	138,242	1,686	81,597	16	630	
Graaff Reinet . . .	1,500	1,952	1,119	1,931	1,665	1,274	1,879	1,314	931	190	568	178	3,180	5,686	15,162	53,315	6,895	1,264,691	2,078	104,859	..	37	
Uitenhage . . .	647	803	464	740	571	439	653	421	331	81	249	67	639	1,235	7,835	27,032	..	291,171	..	62,295	..	..
Tulbagh . . .	1,035	942	723	1,038	2,100	813	1,130	888	1,669	707	881	551	3,440	7,457	13,658	18,988	13,186	260,124	30,254	61,898	3	994	
George . . .	605	720	413	667	511	552	592	505	532	336	395	221	509	2,488	10,228	22,868	5,408	409	28,293	1	528	..	
Total . . .	10,888	7,218	8,582	7,552	43,640	4,104	6,814	4,478	16,992	2,626	9,021	2,293	17,299	36,470	92,943	171,500	29,682	2,077,833	43,479	355,452	189	2,961	..

[Copy.]

Extracts from a private communication from LIEUT. COLONEL GRAHAM, *dated* Jokamma, *N. W. of the mouth of Sunday River, 10 miles.*

January 2nd 1812.

The whole of the Kaffirs within the limits are evidently under the absolute control of Slambie, and are determined to make an obstinate resistance. On the 27th, when the centre division had reached to near Habana's Kraal on the South side of the Riet Berg, I received a Despatch from Major Cuyler stating that the advance guard of his division had not proceeded 500 yards on this side the Sunday River when three assagais were thrown from behind the bushes, one of which wounded a farmer, but the Kaffirs could not be seen.

The Major proceeded to Kongo's Kraal. The Chief was not visible, but all his troops were drawn up in battle array, and ornamented with Crane feathers, the emblem of war. By the messages Kongo sent, he appeared inclined to follow the advice given to him, of quietly retiring to his own Country, and was therefore allowed till next day to consider of it. Next day however many of Slambie's Kaffirs were observed going towards the wood where Kongo lay, and that evening a number of Kaffirs making their appearance on the side of the wood next to which the Major's division lay, he rode towards them with 25 men to try to persuade them to retire beyond the Fish River, giving up to us all Hottentots, Slaves, horses, stolen cattle, and guns.

Old Slambie's figure was immediately recognized standing up, and advancing a few paces from the rest, when in great apparent agitation he called out "Here is no honey, I will eat honey and to procure it shall cross the rivers Sunday, Couga, and Zwartkops. This Country (stamping his foot violently on the ground) is mine, I won it in war, and shall maintain it." Having finished this pithy laconic oration, he with one hand shook his spear, and with the other applied a horn to his mouth, and on blowing it, his Troops, 200 or 300 in number, rushed towards the Major, who with an Interpreter only had advanced within 50 yards of him unarmed, and the same distance from his own party, on whom he retreated and ordered them to fire. This unfortunately from its

being almost dark had no other effect than making this insolent and daring crew retire to the wood.

It was ascertained that Slambie had arrived that day, and that Kongo's messages were only intended to amuse until that event took place. The Major having also informed me that the main body of the Kaffirs had assembled round Slambie and taken possession of a large wood into which they had driven a number of cattle for their subsistence, and from which the Major's division alone could not possibly drive them, together with my being convinced from all the information I have received that if Slambie was expelled, the rest would follow, I immediately resolved upon uniting as large a force as possible in this quarter, and accordingly on the 27th sent orders for two Companies of the Cape Regiment to join Mr. Stockenstrom from the Hoogte on the North side of Zuur Berg, and for him to cross that mountain and Riet Berg, and join me on the south side of the latter mountain *without loss of time after the two Companies had joined his Commando of farmers, who were also to accompany him.* Why he did not do so is a secret which, poor man, died with him. He left his post with 24 men to join me on the 29th. When more than half way a number of Kaffirs came towards the party on an open smooth ground. They (the Boers) all entreated him to canter on and have nothing to say to them, but placing a fatal confidence in their friendly professions, he rode back, and dismounting entered into conversation with them for half an hour, notwithstanding the repeated remonstrances of the Boers. At length, when upwards of a hundred Kaffirs had surrounded him, he mounted his horse, when they (the Kaffirs) rushed upon him and those who were next to him, and instantly murdered the worthy old gentleman, eight farmers, and a Hottentot. The rest, after shooting five or six of the Kaffirs, and four of the farmers being wounded, effected their escape, and brought the melancholy tidings.

Before daybreak the 30th I sent Captain Frazer of the Cape Regiment with 100 farmers to convey the same orders I had previously sent, and on the 31st the two Companies of the Cape Regiment and 50 men under Ensign Stockenstrom joined my division.

Captain Frazer's party had been attacked 3 times by a party of Kaffirs in a narrow defile leading through a wood, the farmers behaved with great bravery, killed about 20 Kaffirs, but three

horses were also killed by assagais. Ensign Stockenstrom's conduct does him much honor. He having heard of his father's death by a Hottentot boy who escaped, immediately set off with 18 men, all that could be spared, came suddenly upon a large body of the murderers, killed 16, and retaking eight horses, pursued the other Kaffirs into the wood. At the same time I must mention his having declined going to Graaff-Reinet, which I sent word to him by Captain Frazer he was at liberty to do.

The left and centre divisions I marched into this position yesterday, and altogether 4 Companies Cape Regiment with the Artillery and 20 dragoons, forming a Corps of 800 effective men. The wood in which the Kaffirs are lies close to us. Several parties from Major Cuyler's division have had skirmishes with them, killed about 20, and driven 400 head of cattle out of the wood.

My intention is now to attack the savages in a way which I confidently hope will leave a lasting impression on their memories, and shew them our vast superiority in all situations. I have ordered 500 men to enter the wood on foot tomorrow morning, divided into 6 Companies, and with orders to continue in the wood while a Kaffir remains alive, and to bring off all their cattle, which when they choose to quit our Country shall again be restored to them.

They never were attacked on foot, or in a wood before, and in woods the assagai is a miserable weapon, as much room is required to throw it with effect.

I never in my life saw more orderly, willing, and obedient men than the Boers, and whenever they have been engaged have behaved with much spirit, and always most ready and willing to go upon any enterprize.

(Signed) J. GRAHAM, Lt. Col.

[Original.]

Letter from REAR ADMIRAL STOPFORD to J. W. CROKER, ESQRE.

Scipion, TABLE BAY, 2nd January 1812.

SIR,—Their Lordships having in your Letter of the 8th June 1811 directed me to turn my attention to the Forests of the Island of Madagascar and to point out whether timber of equal quality

and inferior expence to that of Plettenberg's Bay may not be procured from thence, I have to request that you will acquaint their Lordships that although there is abundance of good Timber upon that Island, it is mostly of a very heavy nature, and from the extreme unhealthiness of the Climate for Six Months of the Year, I do not think the waste of Europeans who must be employed on many occasions in procuring this Timber would be compensated by its acquisition. I have etc.

(Signed) ROBERT STOFFORD.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the destruction of worn out and defaced paper money. Similar to many preceding.

2nd of January 1812.

[Copy.]

Government Advertisement.

Notice is hereby given to all persons intending to export Cape wines from this settlement that, previous to their obtaining permits from the Custom House for the shipment thereof, it will be necessary for them to have certificates from the wine taster of the wine about to be exported being of a good quality, and in good sound casks. The instructions for the wine taster in so far as it is necessary for exporters to be acquainted with them, will be made public in the ensuing *Gazette*. In the meantime the wine taster is to charge at the rate of two Rds. per leager for all wines he shall be required to taste.

Castle of Good Hope, 3rd January 1812.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor has been pleased to appoint Mr. W. Caldwell Wine Taster for all Cape Wines to be exported from this Settlement.

Castle of Good Hope, 3rd of January 1811.

By Command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Original.]

Letter from LIEUTENANT COLONEL GRAHAM *to*
LIEUTENANT COLONEL REYNELL.

JOKAMMA, 10 MILES N.E. OF SUNDAY RIVER MOUTH,
8th January 1812.

SIR,—The right division of the force under my Command having proved inadequate to the duty of expelling the Kafirs from an immense and almost impenetrable wood at this place, of which they with their flocks had taken possession and seemed obstinately determined to remain in, I judged it expedient to collect as large a force as possible for the purpose of driving them out. Having on the 1st inst. formed a junction of the right and centre divisions, the latter previously reinforced by 2 Companies of the Cape Regiment and 50 farmers from the left division which I had ordered from Brintjes Hoogte for that purpose, I on the 2nd inst. directed 6 Companies of dismounted farmers, each 60 strong, and 20 men Cape Regiment attached to it, to enter the North side of the wood, to fire at all men Kafirs, and drive out all the cattle they could find. This detachment returned yesterday morning, but from the thickness and extent of the wood they have not met with that success which it was supposed such a measure would produce. Twelve or 14 of the savages have fallen victims to their obstinacy, amongst whom is Conga the Chief of this Horde. 2,500 head of cattle, chiefly milch cows, have been brought out. I have to regret the death of Veld Cornet Nortje, who was killed by an assagai.

Altho many of the savages have fled and a considerable number of cattle have been driven by them towards Bosjesmans River, still there are many in the wood, for which reason I last night sent 350 more men on foot with similar orders to the division which first went in and from the circumstance of their Chief being dead together with their being continually harassed and now, I should hope, their means of subsistence nearly gone, I have no doubt the remaining Kaffirs will in the course of a few days more totally abandon this, their favorite and hitherto undisturbed retreat.

I have above mentioned that many of the traces of Kaffirs who have fled lead to Bushmans River, and I regret to say that considerable numbers also appear to go to Zuur Berg and Riet Berg, and which it is quite impossible to prevent as, from so large a force being required to scour the woods, the remainder are hardly sufficient to protect the cattle and horses and defend the position in case of an attack from the savages.

I feel it my duty therefore to represent for his Excellency the Governor's information, that I do not consider the present disposable force adequate to the duty for which it is intended, and I therefore beg leave to request that His Excellency will be pleased to send a sufficient reinforcement to enable me to employ the whole of the Cape Regiment in the field. Were 300 of that Corps at present on Zuur Berg and Riet Berg, there seems little doubt that that force would, together with 100 farmers, be sufficient not only effectually to prevent any Kaffirs from retreating there, but to drive away those at present occupying that country, whereas at present we cannot, as I have stated, prevent them retiring thence or, in the event of our pursuing them, returning hither. Being aware of His Excellency's reluctance to detach more Troops from the Garrison of Cape Town, I feel averse to asking for more than 200 men, conceiving that number will be sufficient to occupy that part of the Line of Defence at present guarded by the Cape Regiment.

I beg leave to state that I am the more inclined to urge the expediency of sending a reinforcement here from a conviction that, in the event of the final expulsion of the Kaffirs being accomplished, it will be quite necessary to form a cordon of troops along the exposed parts of the Frontier line, until that people have settled themselves in their own country, and which cannot be expected to take place before next harvest or seed time.

Deeply as I regret the necessity of destroying so many of the savages, it is highly satisfactory to reflect that on every occasion they have listened to the friendly proposals made to them merely with a view to deceive and in every instance committed the first act of hostility.

From vigorous measures only then can success now be looked for, and should the object of the present armament fail on this occasion, there is reason to apprehend that the result may prove fatal to a still greater portion of the Colonial Territory than has hitherto been occupied by the savages. In the event of His Excellency acceding to my request of sending a reinforcement, I trust I need not urge the necessity of no delay taking place.

I have much reason to be satisfied with the conduct of the farmers, they are orderly, obedient, and undertake with cheerfulness and alacrity the fatiguing and arduous duties necessarily allotted to them. I have &c.

(Signed) JOHN GRAHAM, Lt. Col.

[Copy.]

Instructions for the Wine Taster.

1. The Wine Taster is at as early a moment as convenient to take the oaths prescribed for the civil servants of this government, and he is, in addition thereto, to be sworn not to certify any wines fit for exportation that have not age, strength, and goodness, to ensure them a consumption in the market for which they are intended.

2. He is to make known the place where his office is kept, until such time as a room can be allotted to him in the public building appropriated to the civil offices.

3. He is to call upon all exporters of wine to give him early notice of their intentions on that head, in order that he may have the casks in which the wine is to be conveyed from the colony, gauged and examined previous to their being filled.

4. He is to acquaint the exporters that they are not to use brimstone for the purification of the casks, previous to their having been examined as expressed in the foregoing article, and certified to be merchantable good casks.

5. As soon after the casks are filled as may be convenient to the exporter, and the duties of the wine taster's office will permit, he is to proceed to examine the wine and to pass or reject it according to the best of his judgment, observing that no wine is to be passed for exportation that is not 18 months old at least, nor any wines that have had litharge, or other deleterious substances mixed in them, (circumstances easily detected), or that are not in every respect sound wines.

6. Whenever the wine taster finds it necessary to refuse a certificate of exportation for wines, he is forthwith to report the circumstances for His Excellency the Governor's information, stating his reasons for so doing, in order that His Excellency may (if necessary) publish the names of the parties attempting so serious an injury to the interest of the settlement.

7. When the wine taster has approved the wines to be exported, he is to see the casks properly closed, and a tin plate nailed over the bung, which is to be secured by his seal of office, as without this mark unbroken, the searcher and under officers of the customs will be instructed not to permit the casks to leave the wharf, notwithstanding the necessary permit shall have been obtained from the collector of the customs.

8. The wine taster is to give the exporter a certificate to the following effect, which the exporter is to produce at the Custom House, in order to obtain a permit for the shipment of the wines intended for exportation :

I hereby certify that I have carefully tested, (state the quantity of wine and No. of casks) belonging to _____ about to be exported to _____ on board of _____ and I further certify that it is of the age required by law, and of the following qualities, viz.

Cape Madeira,
Steen,
Sweet wine, &c.,

that it is good sound wine, and that the casks are in good order, and in every respect merchantable.

9. In case the wine, so tasted and certified should, from unforeseen circumstances, not be shipped as originally intended, and that the exporter is desirous of filling up the soakage, he is to give notice thereof to the wine taster, who is to taste and approve the wine used for replacing the soakage, and he is then to

reseal the casks with his official seals, as directed by the 7th Article.

10. The wine taster is to call upon the exporter for samples of the wines to be exported, which samples he is to keep sealed in his office, in order that they may be had recourse to, should any complaints be made with regard to the wines, after they have reached their destination.

11. The wine taster is to charge the exporter at the rate of two Rds. per leager, for all wines which he shall be called upon to taste, whether approved or rejected ; but he is to make no additional charge for the cases alluded to in the 9th article.

12. The wine taster is not to taste wines (officially) before 8 in the morning, or after 3 in the afternoon.

13. He is immediately to report, for His Excellency the Governor's information, any frauds that may come to his knowledge in the wine trade, in order that measures may be taken to check the same.

14. He is to keep a correct register of all the wines tasted by him, whether rejected or not, and transmit a quarterly report thereof (which shall state the quantity and quality) to the Colonial Secretary's Office, for His Excellency the Governor's information.

15. The wine taster shall receive from the collector of tythes, (who will be instructed to call upon the farmers or bringers up of wine for the information when wine passes the barrier), a weekly list of the wine so passed, in which shall be stated the quantity, quality, and age of the wine, where made, and to whom consign^d in this town. He is to keep a correct book thereof in his office, not only as a matter of record, but that it may thereby be ascertained what vineyards produce the best wines.

16. The wine taster is, neither directly nor indirectly, to trade in wine, either for exportation, or the consumption of this place.

Castle of Good Hope, 10th January, 1812.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Copy.]

Letter from HENRY ALEXANDER, ESQRE., *to* SIR JOHN CRADOCK.

CASTLE, CAPE TOWN, *January 13th 1812.*

MY DEAR SIR,—I have given your Excellency's letter of the 6th of December every consideration in my power, and when you propose to me to suggest the detail of what may be necessary to give effect to your Excellency's liberal and wise determinations, I have felt in some degree I share the responsibility attached to your Excellency's decision. The investigation instituted by Mr. Bird and information growing thereout, and your Excellency's other researches, have put you in full possession of the nature of the present tenures and the evils and uncertainties incident to them. Evils forcibly striking the Lords of Trade, the late Lord Caledon, and your Excellency. His motives for continuing these tenures are correctly I believe stated by Mr. Bird, in confidence the British Government would put the most liberal construction on the acts of their Governor; and if this Colony forms at a peace part of the necessary concession, he left the inhabitants their accustomed tenures, and his maxim in most things was "haud quieta movere" in the absence of positive instruction.

Your Excellency's division of the subject simplifies the consideration, but as I differ from your Excellency, from Mr. Bird, and also from Lord Caledon, I have hesitated much to state my opinion, but encouraged by your Excellency's assurance of its being sincerely wished for, I must repeat what I have often stated, that from a full consideration of the Opgaaf I conceive there is not a population in this Colony adequate to the cultivation of what is already granted.

I conceive if individuals have money, slaves, or the means of cultivation, opportunities of purchase perpetually occur, and that the Revenues receive more from the transfer duty than they would from such new grants.

I think Smith in his *Wealth of Nations* observes the clearance and cultivation of land is the purchase money paid to the public in new countries.

This principle would regulate my conduct in all future grants.

If there was ostensible and ascertained capital, if land lay near and contiguous to what is already reclaimed, I might then upon

fair consideration lease it in perpetuity. But the further dispersion of a very limited population by the independencies new grants of land afford, and the conversion of what would be an industrious labouring man into a grazing Boer living upon the labour of one or two slaves or Hottentots does not strike me as advantageous to the public. I conceive such grants except under particular circumstances very destructive of free labour and industry, and destructive to that chain of society which interweaves freedom and slavery, which mitigates the sensations of the one by their witnessing white men joint labourers or at least labourers, and also the prejudices of the white by the proofs he witnesses of strength, sagacity, and temper in his black associates.

The great distinction of labour and industry, by which I mean voluntary labour, is I conceive gradually blended, and blacks are by degrees prepared for a freedom and the means of using it judiciously by an intercourse with white men in capacities distinct from that of either masters or a task master. My own experience convinces me in a short time where all work together a natural equality grows out of common exertion, and as it must be every humane man's wish to see the slave become a free man consistent with the security of the public and his own happiness, whatever connects him with the intermediate white between him and his master I am convinced in a political view is essential and useful.

In the foundations of such a Colony or people as this is likely to become, the seeds of permanent peace and tranquillity ought now to be sown between people in other parts of the world distinguished by colour and situation and mutual animosity. When added to these domestic considerations, I consider the peninsula of Spain likely to be reunited, let French or English influence succeed and an independent Government or Governments arise in South America with the power of peace and war, I confidently hope His Majesty's Ministers will adopt your views and by some overt acts encourage individuals to settle here in community, or give a confidence to men who know this Colony and its resources to turn that population now emigrating from Scotland and Ireland to North America hither, a country every way superior, and where their labour will still contribute to the benefit of the mother countries.

I understand the observations of the Board as your Excellency

does. It is impossible to say how, if this country be ceded, the enemy will use the right of Postliminium, but by the law of nations, as it has hitherto stood, what is done for the common advantages of the immediate and future Government equally is held sacred. Whatever has been done in anticipation of natural and permanent resources or in dilapidation thereof is considered null and void.

It is impossible to argue from the *posse ad actum*, but I agree with your Excellency, it is in this sense I understand the extract of the letter of the 22nd April. I conceive your Excellency construes properly the suggestion of that paper in proposing to grant in perpetuity, at a fair rent, but not to sell the fee.

I would cautiously avoid the disposal of such situations which might be convenient for the systematic settlement of Communities or masses of people, should such a measure hereafter be decided upon; but after having taken the liberty to make these suggestions, I have only to add I agree as to every thing your Excellency suggests as to the granting in perpetuity with the greatest accuracy of admeasurement.

As to the second division of the subject, your Excellency has anticipated much of what I have to observe. Your Excellency considers it a question so connected with the moral feelings of the people, and so dependent upon construction, that without a doubt on my mind as to the legal right in Government of reassumption, I enter into all which occurs to your Excellency on what might arise from a very extended exercise of that right.

The capitulation guarantees their properties to the inhabitants. I know they have been accustomed to see Government reassume loan leases when wanted for public objects of evident utility, but I have never heard that the English or Dutch Governments reassumed them to augment rent. Such individual instances of reassumption did not affect the body of the proprietors, because they considered themselves out of the reach of the circumstances that tended to the individual reassumption.

I agree with your Excellency the man is an ill advised and foolish man who does not attempt to commute the tenure of loan lease to that of perpetuity by a reasonable composition with the Crown.

But I doubt much from the experience of Ireland and its civil wars how far the Boers in general, entertaining no doubts as to

the duration of their tenure, delighted with an uncertainty in the admeasurement which is a perpetual plea for encroachment, would pay what might be deemed an adequate compensation to the Crown. In many cases for the sake of partition and the other advantages of settled and defined property men would come forward to seek a change of tenure. The Bank by loans could influence much, making the change of tenure a condition precedent to all loans. The transfer duty on the sale of loan lands might be made equal to freehold. Lawyers in advising securities and settlements might do much, and I should exhaust all secondary means before I recurred to anything compulsory. I should suggest to your Excellency the wisdom of enquiring of the best informed men how many years purchase loan places produce when sold, to compare that sum with the produce of Freehold if sold. If the purchase of Freehold be ten years and of loan land be five or six, deduct the one from the other and the surplus produce of sale by which the Freehold exceeds loan property is the fair difference of their value.

If public estimation has brought them very close your Excellency will conceive the convulsion which would arise from a general discovery of a common error abruptly acted upon.

If the difference be great, say four or five years purchase, the interest of the difference between the purchase money would be a fair rent for Government to claim for the change of tenure.

There are now in existence near 2000 loan leases according to the last Opgaaf, many of their possessors distressed and needy men who can hardly exist, and are incompetent to make any considerable advance in rent, but it is fair to suppose the principal part are in the hands of the wealthier and more intelligent part of the Community. Loan places are not of one size, but in general consist of 30 minutes walk on each side, call that a diameter of four miles or circumference of twelve miles, but I believe almost all are augmented by considerable encroachments on the public.

Your Excellency from this statement may judge of the labour, time, and expense it would take to ascertain their boundaries, and without a considerable importation of Surveyors the present ones would not be able to accomplish the object for years, provided the Beacons were clearly ascertained, and neither disputes nor references arose. Such have been the circumstances that have occurred to

my mind in addition to those suggested by your Excellency's consideration of the situation of that class of Proprietors, and I can add nothing to the humane point of view which you appear to have taken of their situation.

Happily this Colony, particularly in its remote parts, contains few men of litigious character, and still fewer of those inferior professional men who excite the discontent and litigation they live by.

The Boers must feel prejudiced by the first acts of your administration in favor of their produce.

Immediate circumstances have convinced every person that British justice as well as British arms have pervaded every part of the Colony, and from discontent I do not conceive danger is to be apprehended. But the dignity of the British Government, your own particular feelings almost exact a participation in expectations that have grown with the growth of this Colony, and every man born in it, that property of all sorts and natures is protected as it was construed to exist at the time of the capitulation, and however it may be improved by a liberal exercise of the rights of Government, it has nothing to apprehend from an invidious inquisitorial spirit into the *Summum Jus Imperii*.

Your Excellency has done me the honor to call for my opinion of an individual to succeed Mr. Baumgardt.

If you proceed in a survey and valuation of all such loan properties whose proprietors solicit a change of tenure, it becomes a trust of great consequence and requires qualities not often assembled in one man or even a Board, a knowledge of the rights of Government, of the local laws and customs which have construed its enjoyment, a knowledge of the value of land and produce, and at least such a knowledge of the practical parts of surveying as will render the person selected by your Excellency respectable to those employed, but above all he must possess your Excellency's esteem and confidence.

With these impressions upon my mind I know of no individual I can recommend to your Excellency's consideration.

It gives me great pleasure you propose to consult Mr. Truter and Mr. Ryneveld, whose opinion seems also wished for in England, as I really do not feel I possess the knowledge your Excellency has imputed to me and should gladly have devoted more time to make my enquiry, but such as they are I have the

honor to lay my sentiments before your Excellency, and am with great respect &c.

(Signed) HENRY ALEXANDER.

P.S.—I had omitted to state when a loan lease is divisible it will enable parents and others to make provision for their young people or adventurers, and still render future grants by Government less necessary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it was notified by the proclamation of the 14th June, 1810, that the capital of the Lombard Bank should be augmented by 1,000,000 of Rixdollars, at such periods as should be thereafter deemed most advisable; and whereas it appears to me to be expedient, in addition to the sum of 500,000 Rixdollars then issued to the directors of the said bank, to make a farther advance to them of 100,000 rixdollars.

These are therefore to order and direct, in virtue of the power and authority by His Majesty in me vested, that the secretary of the Court of Justice do, on Friday the 17th instant, attend at the Castle, where, on application to the colonial secretary, (in whose custody they are), he will receive the stamps, together with the quantity of cartoon necessary for the purpose, and that he do, in the presence of the fiscal and two members of the Court of Justice, who are hereby required to attend at the time aforesaid, at the usual place, and in the usual manner, cause the number of

200 Pieces of 500 Rds., the backs of which are yellow, each to be stamped; which pieces, when so stamped, are to be delivered by the fiscal and members of the Court of Justice aforesaid to the colonial secretary, to whom they are also at the same time to return the stamps, which stamps, being replaced in the box in which they are usually kept, the box shall be sealed with my seal, and with that of the Court of Justice, so to remain until further wanted: of all which the fiscal and members of the Court of Justice are to make a public act of certification, in the presence of the court, on the next court day, to be registered in the records of the court.

And it is further directed that such stamped pieces (being regularly marked and numbered) and the value of each piece with the date duly printed thereon, shall be signed by Major Wm. Munro and Messrs. P. J. Truter and J. W. Stoll.

And it is also further directed that such money, so stamped and signed, do remain in the Custody of His Majesty's Receiver General, until report be made of its being finished; when such further orders shall be given as may be expedient, and for the several matters herein mentioned this shall be to all concerned a full and sufficient Warrant; and for the public information and satisfaction, it is further directed that it be published and affixed in the manner usual with all other proclamations.

Given under my hand and seal, at the Cape of Good Hope, this 15th day of January 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas the establishment of toll gates on the roads requires due regularity in making use of the same, I have therefore judged proper to order and direct that the following regulations be observed:—

1. Every waggon or other carriage coming to any of the toll gates shall immediately stop, and not be allowed to pass before the toll is paid, and the collector shall have given permission to pass, on pain of 25 Rds.

2. The driver of any carriage passing the toll gate shall take care not to occasion any injury to the same, under a penalty of 15 Rds., besides making good the damage.

3. A like penalty of 15 Rds. besides the damage shall be inflicted on every person who, passing the great road, occasions either by his waggon or cattle, any injury to the milestones or other public boundaries or marks which may in future be placed there by government, for the good of travellers, or the public in general.

4. No person may turn out of the road, in order thereby to avoid the payment of the toll, and afterwards to return into the

same, under a penalty of 50 Rds. exclusive of the toll so attempted to be defrauded.

5. A like penalty shall be inflicted on every person who, previous to his coming to the toll gate, alters his team, or anything else on his waggon, or his carriage, with an intention to pay less than he ought to do.

6. The collector being obliged strictly to observe his instructions, every person shall be careful not to throw any impediment in his way; all opposition against the lawful instructions of the collector to be punished with a pecuniary penalty at the discretion of commissioners of the worshipful Court of Justice, not however exceeding 100 Rds. nor less than 5 Rds.

7. Malicious transgressions of any of the above articles shall be criminally punishable, agreeably to the laws and the nature of each case.

8. The prosecution, as well for pecuniary penalties as for more severe punishments, shall be instituted by the magistrate of the district in which the toll gate is placed, reserving in all cases the right of prevention to His Majesty's fiscal.

9. The penalties shall be recovered by immediate execution, $\frac{1}{3}$ of which to be given to the informer, $\frac{1}{3}$ to government, and $\frac{1}{3}$ to the officer who carries on the prosecution.

Given under my hand and seal at the Cape of Good Hope, this 17th day of January 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

His Excellency the Governor strongly impressed with a conviction that the good sense of the people of this colony will induce their cheerful co-operation with, and contribution to, a measure so evidently beneficial to their own interests, as the establishment of good roads, a measure tending to improve the construction of carriages, and to save more in the diminished number of animals necessarily employed in draught, than will make ample pecuniary returns for the tolls necessary to be imposed and collected upon

the fairest principle, that no person is called upon to contribute but those who actually enjoy the benefit of their contribution.

Notice is hereby given, that as soon as the necessary toll houses and bars shall be erected, of which due notice shall be given at a proper time, the following tolls will be collected once a day from all carriages and horses passing through them, and a ticket will be given to the person paying, which will free him from payment on repassing during that day, viz. :—

	Sk.	St.
Waggons drawn by 10 oxen, and by 8 horses, and upwards,	4	0
By 8 oxen and 4 horses,	2	0
Coaches, carriages, &c., by 4 horses,	2	0
Coaches, curricles, charets, &c.	1	0
Saddle horses,	0	2
Horned cattle, per 12,	1	0

His Excellency influenced by the general example of Europe, and in order to guard against the inconveniences arising from delay, (should officers on duty be detained) directs that no toll be demanded from officers or soldiers in uniform, on horseback; officers or soldiers in carriages are to pay as other individuals.

Castle of Good Hope, 17th January 1812.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Copy.]

Letter from SIR JOHN CRADOCK *to* LIEUTENANT COLONEL GRAHAM.

GOVERNMENT HOUSE, CAPE TOWN,
January 18th 1812.

DEAR SIR,—Lt. Col. Reynell received on the 14th inst. your letter of the 8th, and I am happy in expressing my entire approbation of the measures you have pursued. Your endeavouring to effect the objects in view, in the first steps, by forbearance and conciliation, were consonant altogether with the intentions of Government and it must prove a lasting satisfaction that the active and effective proceedings subsequently adopted were alone impelled

by the same necessity that urged the present warfare with the Caffre tribes.

To promote the several points confided to your charge, I have directed the reinforcement you require of 200 men of the 60th Regiment including their light Company, and they will proceed to Algoa Bay upon the first favourable moment.

Should a further increase be necessary to terminate upon permanent grounds the objects now at issue, or to guard against apprehension of irruptions in your rear, upon your communications, I will extend the necessary aid as far as I can, and in the latter view, I shall be glad to receive your opinion upon the route you would wish any such reinforcements should take, as the progress by land might be of more avail than by water.

I am certain you are so fully impressed with the real wishes and intentions of the Government, which go no further than to secure the tranquillity and undisturbed possession of His Majesty's Territory, that whatever appears to you on the spot to advance this sole and important end, I again repeat my instructions to pursue, and I will not fetter your proceedings by orders that may not apply at the moment of reception.

The restoration of the cattle in your possession, or the future supply of corn under certain conditions, is left to your discretion, and I have only to add that if anything like faith is to be expected among such people, it would give greater satisfaction to find you had proceeded in this course than in any other, and that nothing was to be viewed or shared as booty, but when it could be turned to no other account. After what has passed, it is certainly necessary to make the Caffre tribes feel the full force of your power, and the danger of recurrence to the present hostilities; but once vanquished and humbled, it is suitable to the British character to try the effects of clemency and compassion.

I cannot too strongly express how much the loss of that spirited and worthy Magistrate Mr. Stockenstrom is lamented, in the very act, however indiscreet, of attempting to conciliate and persuade these faithless people. I am looking in every direction to replace him, but it is a difficult task, and I shall be much obliged by your assistance.

It will be my anxious wish to afford every degree of support and consolation to the families of those who have or may suffer upon the present occasion, and I shall have a sincere pleasure in re-

warding those who may distinguish themselves in zeal and spirit. I therefore request that you will write to Mr. Alexander fully upon all this subject, that the earliest consideration may be given to claims of so just a nature.

The conduct of the several Commanders has afforded the highest gratification to the public, and I have to desire that you will signify my approbation in public orders in the most effectual manner.

I feel persuaded that the regular troops under your Command merit also my warmest praise. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE TOWN, January 23rd 1812.

MY LORD,—I have the honor to submit to your Lordship some further Information relative to the military proceedings on the Frontier of this Colony against the Caffre tribes, under the Command of Lieut. Colonel Graham.

To put your Lordship in possession of all particulars I annex the communications from Col. Graham and my recent answer. From Col. Graham's reports of the immense quantity of Cattle and corn already taken from the least powerful of the tribes, Your Lordship will no doubt share in the general surprise that it has excited even here, that these people could have formed so extensive a Settlement in His Majesty's Territory, and it will fully prove the necessity of the measures adopted to oblige them to retire within their own Country.

I beg that your Lordship will entirely believe that there is no other object in view than to secure to His Majesty's peaceable subjects the undisturbed possession of their habitations and Lands, and that even this indispensable Act of Government will be pursued with the most scrupulous moderation and Justice.

I can have little doubt but that the late reinforcement I have sent will terminate all active hostility with the Caffres, but the most difficult object perhaps still remains to be effected, and it

may be said, little is gained unless measures are pursued to permanently restrain them within their own Territory. This will be my chief care in future, and I fear that for some time it will engage the services of the whole of the Cape Regiment.

I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from the Deputy Colonial Secretary to the President of the Lombard Bank.

SECRETARY'S OFFICE, January 23rd 1812.

SIR,—By the proclamation of the 15th instant, you will have perceived his Excellency the Governor's intention of increasing the capital of the Lombard Bank by a further sum of *Rds.* 100,000; paper currency to which amount has in consequence been prepared, and is lodged at this moment in the receiver-general's office. I am now therefore to acquaint you, that in pursuance of instructions from His Majesty's government at home, the sum of *Rds.* 100,000 in question will be paid into the Lombard Bank, in increase of the capital of that bank; but that it is to be from time to time issued by the bank on loan to the colonial government, not to be employed in any part of the ordinary colonial expenditure, but to be laid out in colonial buildings and works; and that such fixed property will be mortgaged to the Lombard Bank, in security for the sums so lent, at the usual interest, which interest will be payable out of the public treasury.

The expenditure which has been already gone into, and which has been defrayed from the ordinary colonial revenue, is,—

On account of the public offices	<i>Rds.</i> 29,639
On account of George's Drostdy	10,000
On account of land purchased for the establishment at the Swarteberg	10,000
	<u><i>Rds.</i> 49,639</u>

This amount, therefore, is to be repaid in the first instance to the public treasury; and his Excellency has directed that the

building of the civil offices (late the Slave Lodge,) the public buildings erecting at George's Drostdy, and those erecting at the Swarteberg, shall be specially hypothecated to the Lombard Bank for the amount which shall actually be disbursed upon each of these works.

It being also his Excellency's intention to advance a proportion of the currency to the improvement of the communication between George's Drostdy and the interior districts, his Excellency has directed tolls to be levied towards defraying this expenditure, and he has desired that the proceeds of these tolls may likewise be hypothecated to the bank for the security of such sums as may be advanced for this object. I have, &c.

(Signed) C. BIRD, Dy. Secy.

[Copy.]

Letter from W. S. VAN RYNEVELD, ESQRE., to DEPUTY SECRETARY BIRD.

DROSTDY, TULBAGH, *January 24th 1812.*

SIR,—On my arrival at this place, which was the day before yesterday, I had the honor to receive your letter dated the 14th instant signifying to me His Excellency the Governor and Commander in Chief's desire that on the subject of a correspondence which had taken place between yourself and His Majesty's Fiscal respecting the tenures of the settlement, and which correspondence you had the kindness of communicating to me shortly before I left town, I should give this subject a serious consideration, and acquaint His Excellency with my opinion as to the form of tenure most desirable to be hereafter adopted, and also, in consideration of the present vague and uncertain tenures, particularly that of the loan lease, to have my ideas of the practicability and expediency of making such alterations as will give the holders a complete property therein upon terms of mutual advantage to the Government and the parties.

I am at a loss how to fulfil the wishes of His Excellency at present, for being here without any document relating to this important subject, to which I should have recourse before putting

an opinion upon paper, I should therefore have taken the liberty of begging His Excellency's indulgence until my return to Cape Town, when I would immediately have made the whole of your letter a subject of my serious consideration.

However your mentioning that numerous applications for land now lying in the office render it of the highest moment that some fixed principles should be adopted in the future grants or leases made in this settlement, and hinting at the same time His Excellency's wish to have my report as soon as possible, I therefore thought I could not lose a moment to consider of this subject, and to lay my sentiments upon it before His Excellency.

I shall not enter into the particulars of the tenures of this Colony or in the different titles the landholders or owners of places have of their possessions. This point, as far as I recollect, is so completely investigated and cleared up in said correspondence that it would be superfluous, and even presumptuous in me, to say a word upon that particular subject; I, however, with due deference to the better judgment of the able men who are the authors of said correspondence, beg leave to differ only about one point in a little degree with their opinion respecting the precarious state of tenure in regard of *loan places*, and the positive and indisputable right they have laid down as a principle that Government had without any cause whatsoever ever to resume the same.

It is true that the original lease of a loan place (*ordonnantie*) consists in nothing else but in a mere permission to the possessors to graze their cattle on a certain spot on condition of paying a certain rent, obliging them at the same time to have the lease renewed annually.

But reflecting upon what has been the consequence of said leases, and the constant practice since even one century, not only under the eyes of Government but even countenanced by the same;

Considering that many subsequent acts have been committed on the part of Government by which the idea of a possession of a loan place by a bare permission revocable every end of a year, has been commuted in a certain right on the part of the farmer, consisting of course in nothing else than in good faith between the Sovereign and the subject, but relative to the Sovereign of a most complicated nature;

Considering further that this kind of tenure (*loan places* namely)

having for such a length of time fluctuated in said manner, are now become at least five-sixths of all the property of individuals in this Colony ;

I therefore look upon this point as of great consequence, and should be much inclined to think that the tenures about loan places are not so very precarious as is thought of. Nay that upon the whole Government under those circumstances will never assume the right of revocation of loan leases, but with great delicacy and not without very strong cause or reasons for it.

Among the acts I am alluding to committed on the part of the Government there is one particular instance in which Government has committed itself in regard of loan places, viz. by laying a duty upon the transfer of the premises (Opstal) of a loan place either sold or disposed of by a *Will*.

It was never allowed to any man possessing a loan place to sell or transfer the same, but only the *premises* or *opstal*. The grant of a renewed lease was however never refused to the purchaser or legatee. In the mean time Government knew very well that many premises consisting only but in a hut not worth more than 25 or 30 dollars were selling for 20 or 25,000 gulden. Government received the duties upon *this sum*, confident that it was not the mere opstal, but the real value or calculated utility of the place for which said duty was paid, so that not only the *opstal* but the *whole* place was virtually disposed of with the complete sanction of Government.

When now the purchaser who *bonâ fide* had paid his 25,000 gulden and the duty upon it to Government, having also under the eyes and with the sanction of his Government *bonâ fide* acquired the possession of a loan place, and got the usual lease of it, I should suppose that such a man fulfilling the obligation he lies under on his part, might then consider himself safe in the possession of his place, at least so far that he might reasonably expect not to be dispossessed from it on the part of his Government but for *des causes Majeures*, and then even with an adequate indemnification either in payment or in granting him such a proportion of the place on Freehold (the best title in the Colony) as according to circumstances might be considered sufficient for an indemnification to the owner or *bonâ fide* possessor of the same.

I own, considering the footing upon which the Farmer originally stands in regard of his loan place, if he had to deal with a private

individual, his possession would be considered a most precarious one, exposed to all the effects of arbitrary power which avarice, caprice, or other inducements could dictate, without even finding redress by a recourse to strict Justice.

But this cannot be the case now. He is vassal (as we strictly speaking all are) of the direct Government in the Mother Country, who, wishing to colonize, therefore never has anything else in view but the good of *the colony at large*. It is not *strict justice* that the subject here has recourse to with his Sovereign, but it is *equity*, which never will be denied him.

The Government has always acted upon these principles. There are instances that Government had occasion for this disposal of loan places, viz. the establishment of Drostdies, as even lately under both the British and Dutch Governments the Drostdies of Tulbagh, Uitenhage, Graaff-Reinet, and Jan Dissels Vallei, the different leases of the loan places required for that purpose have been revoked under proper indemnification of the owners. In these instances we see that Government has only made use of the right it had over all property whatsoever in the Colony, which instances certainly cannot serve otherwise but to strengthen the idea of the people holding loan places, that their possession is not so unsafe in regard to Government as by a strict refinement of their title deeds only, and as if they unfortunately had to deal with an individual, might be considered.

In fact the effect of this good faith on the part of the farmers is so strongly manifested, in the trouble and expenses some of them have been using for the improvement both in buildings and in cultivation of the ground. In my present journey I found places of that description so far advanced in point of buildings and cultivation as any freehold place in the Colony.

Government in the mean time has on the other hand in some instances and for some good reasons made use of its strict right by revoking leases of loan places without any ceremony.

Of this I even found an instance in the vicinity of the very Drostdy where I am writing this, and where the lease of a loan place Onder Klindjes Kraal, belonging to Andries Streso, had been revoked and the place resumed on account of the possessor's having wilfully neglected paying the usual rent (recognitie) to Government, of which place six morgen, under the name of Vredenburg, have since been given on Freehold to an individual

who has transferred it to others, so that it is now in the possession of the present owner (Field Cornet Ernst Marais) who has cultivated it nicely.

Having thus premised my general ideas in regard of the loan places in the Colony, I shall now answer the question what form of tenure would in my opinion be most desirable to be hereafter adopted, bearing in mind that the permanent interest of the Settlement is the object which His Excellency means strictly to keep in view.

The permanent interest of this Settlement in regard of land or places consists in nothing else more than in the proper cultivation of grounds or in making such use of the land as circumstances will admit of.

When we compare the immense extent of ground possessed by the farmers with the present population of the Country we are then soon convinced that cultivation of all the places cannot at present take place, nor even in many years to come. Time, and increase of population, will bring this about.

Therefore part of the places will be cultivated, and the greatest part must from the very nature of things for the present remain as pasturage and for cattle only, cultivation will take place in the neighbourhood of the town, in the vicinity of villages or of Bays where there is a navigation, and therefore a consumption or demand. This of course is the only inducement for cultivation.

Consequently the best form of tenure for places or ground thus situated should be *freehold*, because in this instance it joins the interest of all parties. The owner gets the return for his labour, Government gets the tithes or other duties either from the produce or from the transfer of such places upon the amount of a daily increased value, and the public has the advantage of getting a good market and being amply provided with every necessary article.

Places on the other hand situated so as to be only *cattle places* should, in my opinion, have no other title provisionally but that of *loan places*, because places for cattle require more extent of ground than arable land (Bouwplaatsen).

In such manner I think loan places should fluctuate till such period as Government may find it advisable from time to time to make such alterations as the circumstances of the Colony will require. As for instance, in the event of more villages being

established in the Colony, then by commuting a loan place or places in the vicinity into *Freehold*, and then by granting such part to the possessor of the loan land as might be found advisable, reserving the remainder for others.

These are the instances that I should suppose Government might from time to time with safety resume loan places and commute the same into *Freehold*, in order to be brought into proper cultivation as founded upon the principle that *the permanent interest of the Settlement at large is the object which is strictly to be kept in view.*

It being understood, whereas the cultivation of land constitutes the real interest of the Colony, that by granting any land in freehold provision should be made for it, and *strictly followed up* by stipulating that the land so given in freehold should be brought into cultivation within a certain time under penalty of forfeiting the same to the immediate disposal of Government in favor of others.

And as to the latter part of your said letter, that on account of the present vague, and uncertain tenures, particularly that of the loan lease, I should state my opinion upon the practicability and expediency of making such alteration as will give the holders a complete property therein upon terms of mutual advantage to the Government and the parties.

This I must confess is a point of the highest importance, feeling that I am by no means equal to it I should rather have wished to be excused, for fear of committing errors which I at present may not be aware of; however as it is His Excellency's desire, I shall with all the embarrassment I entertain, and with due reference to a better judgment, beg leave to state my sentiments, as they are, on the subject.

Once the question was put to me whether it would not be an advantageous measure for the Colony if all the loan places were given to the possessors in Freehold? and my opinion was in the Negative, for the following reasons.

First, the scanty population in this Colony in comparison to the immense extent of waste ground to be at once given away in freehold.

That the entire alienation of all the loan places in the Colony would in a moment decide all the doubts in existence upon the present tenure of loan land, so that Government would be at once

deprived of the remainder of that right of reservation of which she, in some instances, and for urgent reasons to the advantage of the public, might find occasion to make a prudent use of, a measure therefore which I thought would even in 100 years to come bring the rulers of Government into great obstacles in a fair distribution of landed property according to circumstances of the time and the wants of an increased population.

That even if Government had kept up the original tenure of loan leases without innovations by subsequent measures on behalf of the possessors, even then, in my opinion, there would not be the least fear that Government should act with illiberality and take advantage of its power to oppress any holders of loan land, providing they act according to law and fulfil the obligations they are under.

To all these reasons I must in some degree at present also adhere, and therefore say that I am at a loss to find out any expedient for such an alteration as would give the holders of Loan Leases a complete property therein upon terms of mutual advantage to the Government and the parties for fear of tying the hands of Government in a manner which hereafter would be found prejudicial to the real interest of the community at large.

My humble opinion therefore is, that in general no alteration should be made in the tenures of loan places, but that for the present the same should be continued.

But I speak in general, and this is not without exceptions.

Under such exceptions I would comprehend loan places which have already been cultivated. And therefore, in order as much as possible to encourage the cultivation of waste land, which meets the intentions of His Excellency the Governor and Commander in Chief, I find not the least hesitation in recommending the following measure.

That from time to time to such holders of loan places as have brought waste land into cultivation, such part of said land, not exceeding a certain extent (say 80 or 100 morgen or thereabout) should be granted them in *freehold*, under the payment of such a sum for an acknowledgment to Government as might be found reasonable, with the exception in such case of all the springs of water of the place, which should be reserved to the loan land, and for future disposal if necessary, even altho' the loan lease upon the remainder is continued, provided, however, that the proprietor

of the freehold should have the proper use of the Springs in such a manner as the extent of his ground and his circumstances would require.

For the rest I found nothing to be so advantageous to the present object in view than the division of loan places among Parents or Partners. This is done now underhand, and should, I think, be publicly registered and countenanced on the part of Government, provided that every divided portion should become a loan place upon itself with fixed boundaries and paying the same loan duty as other places.

This being the outlines of my sentiments upon the important questions put to me, which having observed His Excellency the Governor and Commander in Chief's desire that they should be answered as soon as convenient, I have put down here in the country, without having been able to consult any document relating to it, I therefore hope His Excellency will grant me the indulgence of excusing the insufficiency of the contents of this letter to the importance of the subject treated therein.

I have, &c.

(Signed) W. S. VAN RYNEVELD.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN,
January 27th 1812.

MY LORD,—I take the earliest opportunity to acknowledge the receipt of your Lordship's dispatch No. 9 relative to the accounts transmitted from this Colony by the Missionaries Messrs. Vanderkemp and Read.

It will be my most anxious duty to forward to your Lordship the full result of the measures that had been adopted by my predecessor, the Earl of Caledon, upon the first moment he was made acquainted with the charges in question; and in the meantime I transmit to your Lordship copies of the several communications his Lordship had directed for the most rigid enquiry upon

subjects of so serious and interesting a nature to humanity, and the character of this Colony and its Government.

By these documents your Lordship will observe that I have only to follow the measures already in course, and I feel it is almost unnecessary to add that the whole activity and zeal of this Government will be exercised in the further discharge of so solemn an obligation.

I fear however I must anticipate considerable delay before a satisfactory conclusion can be established, as the charges have been brought forward in a very confused and unsupported state, and from the length of time to which they extend, and the different Governments, Dutch and English, they embrace, it is very difficult to separate what may be a proper subject for investigation from that which from its nature it is impracticable at this distant period to examine with any chance of beneficial effect.

I have only to add at present that the principal Missionary Mr. Vanderkemp died within this month. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN,
January 28th 1812.

MY LORD,—Being restricted by My Instructions from remitting any Fine beyond the sum of £10, I am constrained to lay before your Lordship a case that may appear to claim a favorable consideration.

As the fullest Explanation of Mr. Venables' situation, I submit to your Lordship the several Memorials he has presented to this Government, and I also annex the Legal Proceedings, as set forth in an Appeal he had presented to the Court before my Arrival; but which he withdrew under the Hope that his Case might be viewed with Indulgence, without the Necessity of such a Measure.

The whole Transaction occurred before my Arrival, and I have therefore to principally rest my Judgement upon the same Papers as I now transmit to your Lordship.

If the remainder of the Penalty be exacted, It will certainly involve a Merchant of fair Character with a Wife and large Family in irretrievable Ruin; but however favorable such a plea cannot fail to prove, yet I should have Reluctance to urge It alone against a direct Violation of the Law, were there not other Circumstances that seem to call for some Mitigation on the Part of Government, as the Conduct of their own officer Mr. Dawson, Sub-Collector, is by no Means free from Censure, for, by his incautious Proceedings, (not to give them a severer Term,) with the Merchant at the Moment of Exportation, He was led to the Commission of a Crime, nor then interfered in its Prevention, which It was his Duty as an Executive Officer to do.

How far the assertions of Mr. Venables are to be credited, that his Intentions were correct, though the Facts stand against Him, I cannot pretend to determine, and have only to add that he bears a respectable Character.

It is necessary to bring to your Lordship's view that the Rights of others are concerned in this Question, for, by the Laws of this Colony, in the general Disposal of Fines, a Third goes to the Government, another Share to the Fiscal or Attorney General, and the Remainder to the Informer. In the present Instance Mr. Blair, the Collector, has signified to Me his wishes to resign his Share, and Mr. Truter, His Majesty's Fiscal, very generously professes his ready obedience to the Will of Government.

The general View thus stands for his Majesty's pleasure.

Mr. Venables has already lost and suffered the Penalty of 12,620 Rix Dollars, the original Price of the Goods.

If the further Fine be exacted He will have to pay 14,088 Rix Drs. being twice the Value of the Goods sold in auction.

The Remission of this sum forms the Prayer of his Petition.

I have directed the latter Penalty to be suspended till I receive the Orders of Government. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from REAR ADMIRAL STOPFORD to J. W. CROKER, ESQRE.

HIS MAJESTY'S SHIP *Lion*,
TABLE BAY, 29th January 1812.

SIR,—You will be pleased to acquaint my Lords Commissioners of the Admiralty that His Majesty's Ship *Owen Glendower* arrived in Table Bay with Vice Admiral Sir Samuel Hood on the 17th Instant, and that the Vice Admiral Sailed Yesterday to pursue his Voyage to India.

Having in pursuance of their Lordships' directions Shifted my Flag from the *Scipion* to the *Lion*, I have ordered Captain Johnstone to take the *Caroline* extra Indiaman under the *Scipion's* Convoy from hence to St. Helena, and also to take under his protection such Ships as he may find at that Island bound to England, or strengthen any Convoy that may already have been appointed for that purpose.

Acting upon the Authority of their Lordships' permission expressed to me in your Letter of the 13th February 1811 to make the best arrangements in my power in regard to the *Scipion's* Officers, I have to inform you that I have exchanged the greater part of the Lieutenants, and as Captain Johnstone was appointed by their Lordships to the *Scipion* when going upon a particular Service, in which his knowledge of the local circumstances was deemed desirable, I have now (that Service being concluded) complied with his request to return to England and continued him in the Command of the *Scipion*.

Their Lordships will find in the annexed dispatches Captain Heathcote's Letter (and a Copy of my answer) which induced my compliance with his wish also to return to England, and I have in consequence of the vacancy in the *Lion* appointed Captain Bain to act in that Ship, he being the only Master and Commander here, and have put Lieutenant Hore my Flag Lieutenant into the *Harpy*.

The *Harpy* sailed on the 28th Instant to relieve the *Eclipse* at the Isle of France, and I have sent directions for Captain Lynne to go round by the North end of Madagascar and come to this place by the Mozambique Channel for the purpose of reconnoitring the harbor and communicating with the Governor of Mozambique.

Within the last Week three ships under Portuguese Colors have put into Table Bay coming from Mozambique and bound to Rio Janeiro with Slaves. I have in the instance of one of these Ships acted upon the fifth Article of the Treaty between His Britannic Majesty and the Prince Regent of Portugal Signed at Rio Janeiro on the 19th February 1810, and detained her upon the proof of her being an American Ship and not built in any part of the dominions of the Crown of Portugal.

These Vessels appear to Sail in a very irregular manner, as they are not provided with Registers or Licences to carry on this Species of traffick.

Their Lordships will observe the great facility afforded to the Portuguese Slave Ships employed between Mozambique and Rio Janeiro in their stopping at the Cape of Good Hope to replenish their stock of Water.

By this convenience the Traders are enabled to crowd their Ships in a most inhuman manner; this practice would be in a great measure stopped by depriving them of this advantage and compelling them to adapt their Cargos to the capacity of the Vessel for the Stowage of Water Sufficient to perform the whole Voyage.

Serious injury is also likely to arise to the Inhabitants of this Colony by these Slave Ships making a practice of stopping here. Two of the Vessels now in Table Bay have the Small Pox on board, and though every precaution is taken to prevent communication with the Shore, yet it is very possible to introduce the contagion by means of the Boats which Supply the Ships with water. I have etc.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Office Copy.]

Letter from ROBERT PEEL, ESQRE., *to* SIR JOHN CRADOCK.

DOWNING STREET, 31st January 1812.

SIR,—I am directed by the Earl of Liverpool to request you will give directions that a Certificate duly authenticated, of the death and burial of Charles John Bunbury, Esq^r, then a Captain

in the 52nd Reg^t., who died and was buried at the Cape where he had touched upon his Passage from India to England about the beginning of the Year 1798, be made out from the Registry of burials by the first opportunity that may occur; and that you will have the goodness to transmit it to this Department.

I have &c.

(Signed) ROBERT PEEL.

[Office Copy.]

Letter from the EARL OF LIVERPOOL to SIR JOHN CRADOCK.

DOWNING STREET, 1st February 1812.

SIR,—Having received and laid before The Prince Regent your Letter of the 29th September last, I am Commanded to acquaint you, that His Royal Highness has been pleased to sanction the payment of 30s. per day to the Officer who is second in Command until the arrival of a Lieutenant Governor.

I am at the same time to suggest that it would have been more regular to have received the Pleasure of His Royal Highness before the Appropriation was made. I have, etc.

(Signed) LIVERPOOL.

[Copy.]

Letter from J. A. TRUTER, ESQRE., to DEPUTY SECRETARY BIRD.

FISCAL'S OFFICE, 11th February 1812.

SIR,—I have the honor to acknowledge the receipt of your letter of the 13th of January last respecting the tenures of this Colony, on which subject His Excellency considers it highly advisable that some fixed principles should be adopted with regard to grants of land or leases to be made in future, desiring my opinion.

1st. With respect to the nature and form of tenure which would be most desirable in future grants or leases, bearing in mind that the *permanent* interest of the Settlement is the object which His Excellency means strictly to keep in view.

2nd. Respecting the practicability and expediency of making such alteration in the present tenure upon which loan places are held as would give the holders a complete property therein, upon terms of mutual advantage to Government and the parties.

The present state of tenure in this Colony is very defective. Of the three sorts of tenure mentioned in my letter of the 28th of June last, namely *property*, *loan*, and *quitrent*, the first only has its limitations, but both the others must be considered as uncertain. *Loan places* are subject to resumption, and altho' such indemnification be made to the holder, as I took the liberty to assert in my said letter of the 28th of June, to be equitable, yet this indemnification is not sufficient to quiet the mind of the holders against the eventually possible loss of their possessions, much less is it calculated to excite their industry further than towards what is requisite to ensure the enjoyment of momentary profit. Improvements, the fruits of which are viewed only at a remote distance, and may even be reaped by others against the wish of the improver, have a tendency to create aversion rather than encouragement in the mind of such fluctuating holder.

Quit Rent is not resumable annually, but expires at the term of 15 years, after which Government has the right to resume the land as their property, without paying anything more to the tenant than the mere buildings and plantations at a proper valuation, without being obliged to make good any further melioration whatever. The annexures sub No. 1, 2, and 3 contain the undeniable proof of this assertion. Under such circumstances agriculture in this Colony can never obtain that degree of perfection which it would be susceptible of if the loan holders were secured in the permanent and undisturbed enjoyment of the produce of their industry, as well for themselves as to their heirs and successors.

The want of this security is in the first place prejudicial to the individual holder, but it has also a material influence on the Revenues of Government, because the places through less careful cultivation remain of lesser value, and produce less, while besides in such a state of stagnation or at least slow progress of general industry Government can never with any degree of certainty take measures for the improvement of agriculture as long as the interest of the individual does not co-operate.

These reasons, added to the uncertainty of the limits of Loan places, the want of right in the possessor to parcel the same while

he possesses more land than he is able with moderate means to cultivate, and the scattered opinions which exist here with respect to the tenure of Lands, the right of grazing, &c., have very wisely awakened the attention of Government to adopt some fixed principles with regard to grants to be made in future.

With regard to the first point of your letter, namely, what form of tenure would be the most desirable in future grants or leases, bearing in mind that the *permanent* interest of the Settlement is the object which His Excellency means strictly to keep in view, it is to be taken into consideration that the uncertainty to which the present tenures are liable, and from which the inconveniences which Government wish to remove arise, consist herein, that *loan places* and *quit rent* lands, in such manner as the latter are at present held, can be resumed, and therefore are not at the disposal of the holder, so that he may fix the seat of his fortune and that of his children on them with the same degree of security as on a freehold estate, or that on an increase of his family he may divide among his children the land which he himself is not able to cultivate, and thereby spare himself the expensive necessity of purchasing separate places while the greatest part of his own remain uncultivated.

When this impediment and the uncertainty of tenure are removed, Government will be able to keep in view the permanent interest of the Colony in the granting of lands, and to take care that the inhabitants do not remain exposed to the uncertainty of an unprincipled decision of their fortune, which will be the case as long as the above uncertainty and impediment, and particularly the different opinions respecting their right, are suffered to remain in existence.

To obtain this object, it appears to me that the most advisable form of tenure to be adopted in future would be that by which the holder be allowed the right to possess the land granted hereditarily, and when he thinks proper to sell or otherwise alienate the whole or part of the same, with the previous knowledge of Government. The holder being thus secured that he and his posterity will quietly reap the future fruits which through his industry the granted land may be enabled to produce; secured that when his interest or that of his family may require it, he may dispose of his land by such parts as suits his convenience, he then finds no impediment towards applying all his means to the improvement of the soil, and by this

is enabled, following with zeal the bias of his industry, to bring his real interests to that degree of prosperity which the means in his power render him capable to attain.

As however by thus promoting the interest of the individual, it would not be reasonable to expect that Government should give up their actual right on his behalf without receiving some mutual benefit in aid of the support of the exigencies of the state as from the earliest times has been practised in this colony with respect to lands, therefore the concessions in my opinion should not be made in full property, but in *perpetual Quit Rent*, on payment of a moderate yearly rent to be calculated according to the extent and nature of the ground, as much as possible on an equitable and certain footing, in addition to which the further usual conditions, which are also applicable in the granting of lands in Freehold or full property, should be inserted in the Title deed, viz. that the land, over and above the tithes of the produce, shall in case of transfer be liable to the payment of the four per cent duty, the same as other quit rent lands are at present. That the ground shall be brought into a state of cultivation within a certain time, and not be alienated before the expiration of that time; that all mines which may exist or might be discovered on the ground shall remain at the disposal of Government; and finally that Government reserves the right of making public roads over the grounds so granted.

In this manner, assuming the future alteration of loan places, as decided on, there would be but two sorts of tenure in this Colony, namely *Property* and *Quit Rent*, both exactly alike in point of right of making the most possible profit with the same degree of security, so that the nature of the tenure, excepting a moderate rent, would in effect be the same, and this with the greatest simplicity, all the existing uncertainty would in future cease of itself, and as to the rent, there exists in my opinion as little reason now as in the year 1743 (see annexure No. 4) to secure the right of the Land holder without paying some supportable acknowledgment for the support of the public administration of the Colony, of which agriculture forms one of the first objects.

From what I have already said, there follows with respect to the 2nd question, viz. the practicability and expediency of making such alterations in the present tenures upon which loan places are held, as would give the holders a complete property therein, upon terms of *mutual* advantage to Government and to the parties, that

I entertain no doubts respecting the expediency of altering the tenure of Loan Lands, nay, I firmly believe that the uncertainty of the tenure upon which they are at present held cannot continue fluctuating without occasioning essential injury to the Colony, and without more and more impeding Government in their beneficial intentions on that subject.

Neither can my opinion be doubtful respecting the form of tenure into which loan leases should be altered, my reasoning on the first point indicating sufficiently that *perpetual quit rent* is the title which I, with due submission, conceive to be the most eligible, as tending to secure the permanent interest of the Colony as well as the mutual advantage of Government and the interest of the parties, for at all events it has never been, nor can it, in my opinion, ever be the intention to give to an individual a place equal to freehold, and under ordinary circumstances not resumable, for a loan place undoubtedly subject to resumption, and at the same time entirely to give up all claim to an acknowledgment which has hitherto uninterruptedly been exercised.

Respecting the expediency of alteration, and the title or form of tenure therefore, I do not feel any doubts, but with regard to the practicability of effecting that alteration I have met with difficulties which have for a long time prevented me from giving my opinion on the subject.

In proportion as an evil is spread, and affects in different ways the interest of individuals, in that proportion the means of redress becomes more difficult, particularly when such is to be effected by a general measure. In the meantime a general measure is necessary, if one wishes not to increase the confusion occasioned by the multiplicity of different measures; such general measure being the only means to give security to the tenures of lands even in those parts of the Colony where from circumstances the same is deemed hitherto not to be applicable.

The rule in my opinion should be: "All loan places shall be altered into perpetual quit rent under a yearly rent proportionate to the extent and nature of the land, by granting in perpetual Quit Rent to the holder of each loan place such part of the same as on an impartial valuation can be calculated to stand at the time of the valuation, in the fullest measure equal to such value as the opstal of that loan place would fetch if at that very time put up for sale agreeable to custom, and on a certainty that the loan lease

would be continued, taking into consideration the capital which would be required to yield the rent imposed.”

To adopt this as a general rule seems at first view to be absurd, because there are but very few loan places existing which could be made use of for cultivation with any advantage, and therefore the proposed alteration could not be effected with any prospect of present utility as to the greatest number of loan places, nay, an untimely anticipated change would even occasion in future to Government a real impediment in the establishment of villages or other useful undertakings ; so that it seems as if the exceptional cases exceed the number of those that constitute the Rule, which ought not to be the case in establishing rules.

But when it is considered that the reasons why the proposed alterations with respect to the greatest number of loan places would not be useful for the present consist in mere accidents proceeding from the great distance from Cape Town or other places whither the produce could with advantage be brought to market, and that when these accidental circumstances cease, which may confidently be expected must be sooner or later the case, the reasons of those exceptions will also cease, so that the above rule will apply in future to the greatest part of the present loan places ; then I trust that apparent absurdity will immediately vanish, and it will appear that the proposed rule grounded on the nature and real interest of the case, can be adopted without hesitation, requiring only to be carried into execution gradually, and with a proper degree of prudence.

In considering of the most eligible process towards a regular application, I was at first of opinion that taking Cape Town and the residence of each Landdrost as a central point, the loan places of each district to commence from that middle point should in proportion to the progress of cultivation successively be converted in the above manner into perpetual Quit Rent ; but on further considering that few of the Magistrates in the Country Districts can with safety be charged with the execution of such an important task, and that the success of the measure principally depends upon the regular manner of its being put into execution, I conceived it more advisable that the measure should at first be effected under the immediate eyes or reach of the Government of the Capital, in order that care be taken that the beneficent intentions of Government may be fully answered, and if any alteration

or modification should be found necessary in the adopted plan, to provide therein as might be deemed expedient.

Conformably hereto, I am humbly of opinion, should His Excellency the Governor be pleased to approve of the proposed regulation, that Government should first apply the same gradually to the loan places, situated in the Cape District and in that of Stellenbosch, which are almost equally near to Cape Town, and as I conceive that no degree of regularity can be deemed superfluous in this case, as also that Government should avail themselves of this opportunity to be acquainted with all the circumstances which can be applicable in deciding on the concession of lands, a thing which has hitherto frequently depended on incomplete and biassed information, it appears to me, with due submission, that the following plan of preliminary process should be adopted by Government, namely: All lands without any exception whatsoever, situated in the Cape District or in that of Stellenbosch, to be surveyed by one or more sworn land Surveyors, and inspected by a commission of competent persons, with directions to report, and as far as possible to express in the diagram, accurately to be formed of the said survey:—

(a) The limits of each place, Erf, or other piece of land which may be occupied by any individual in the said Districts.

(b) What lands are held in property, or in the so called loan property, and by whom.

(c) What lands are held on *quitrent*, by whom, and at what rent.

(d) What places are held on loan, by whom, and on what conditions.

(e) If besides there be lands in the said districts held by gratuitous concession, accroachment, or any other acknowledged mode, by whom, and on what conditions.

(f) What use is made of each place or piece of land, stating the actual quantity of produce of each place, as well as the probable quantity in case of the highest degree of cultivation.

(g) What grounds without the limits of property, loan, quit rent, or other concession, are cultivated.

(h) Which of the latter mentioned lands are not cultivated, with a description of the nature of the soil, as also if any claim of pasturage or other be made to the waste land, by whom, and on what title.

(i) What rivers, fountains, or other waters are found in the said districts, the source of the former, and the strength of all, to which it is particularly necessary to note if, and how strong each river, &c., is during every season of the year.

(k) All further particulars which may appear to the commission on the said inspection, and which cannot be comprehended in any of the above points.

The Report of this examination being compared with the diagram formed by the Land Surveyor, Government will be enabled at one view to see into the real state of lands in both the said districts, and to decide :

1st. What loan places the adoption of the above rule should begin with ?

2nd. What Quit Rent places held on a 15 years lease it would be advisable and expedient to convert into perpetual quit rent ?

3rd. What disposition circumstances might require should be adopted with respect to Government grounds which are cultivated without title beyond the limits of property, loan, quit rent, or other special concession ?

4th. Whether, and in what manner, the use of waste Government lands for pasturage of cattle should be suffered to continue, at least till such time as the same can be more usefully employed for cultivation ?

5th. What rules should in future be observed with respect to the use of water, the source of which is upon Government ground, including loan land and actual Quit Rent ?

These regulations being made with proper judgment, I am of opinion that future Governments cannot easily mistake in promoting the attainable state of prosperity in this Colony, if only in carrying them into execution no untimely application be made nor any alteration allowed of Loan places in any of the remote districts previous to the above mentioned inspection and survey having been made, and thus Government be previously enabled to judge of the same, each alteration taking place by the concession of a usual *Erfgrondbrief*, whilst even the survey and inspection in none of the remote districts should be undertaken without special order from the Governor for the time being.

For the rest, I am of opinion there should be observed in these gradual alterations, not only to effect the same on actually cultivated

places, but also on those which are capable of profitable cultivation, and of which, when cultivated, the produce would find an equal market with that of other similarly situated places, for the holders of which latter mentioned, the right of resumption stated in my letter of the 28th of June last might act as a spur to awaken their industry and thereby enable them to secure the possession of their lands in future, in the same manner as on the other hand a liberal treatment of those who had cultivated their loan or quit rent places with care and industry would, by improving the actual situation of the holders, even in their own estimation, tend to attach to the measures of Government the co-operation of private interest, the best guarantee of success in all public undertakings in human society.

The loan places and quit rent lands which could not immediately be converted should remain in the same state until Government think time and circumstances ripe for the intended alteration, always keeping as a principle the right of resumption established in my said letter of the 28th of June, from which great utility may eventually be derived for the Colony, while the present existing manner of granting loan places since the 8th of July 1809, by which the same are resumable at pleasure without any indemnification, should not only be expressed in the lease, but also be put into execution on the least cause, in order to keep alive as much as possible the idea of the precarious situation of those places, and to prevent the creeping in of injurious customs.

These are my thoughts on the subject of lands, and on mature deliberation I have not found any other mode to recommend as more eligible.

A general measure which immediately could be put into execution I do not believe would in this case be possible, because immediate cultivation or immediately possible advantage of cultivation is requisite for the application, and such cultivation under the present circumstances of the Colony, deprived in most parts of sufficient hands, and far distant from Markets, cannot possibly be expected.

The execution of my proposal may, I readily acknowledge, perhaps be subject to some difficulties, but on considering of what might occasion difficulties, I find them principally to consist in the vague and uncertain state of the present form of tenure, by which some imagine themselves possessed of more right than they

are justly entitled to, which difficulties it will in my opinion be easy to remove as soon as Government, as is the case at present, entertains the beneficial disposition to cause the permanent prosperity of the Colony to go hand in hand with the improvement of the situation of individual holders of land, to which however I feel it my duty to attach this peremptory condition, that the execution of the same be entrusted to persons who possess the necessary skill, integrity, firmness, and public confidence.

Submitting these my sentiments very respectfully to the better judgment of His Excellency the Governor and Commander in Chief, I have, &c.

(Signed) J. A. TRUTER, Fiscal.

[Enclosure 1 in the above.]

Advertisement.

As it has pleased our Lords and Masters by their letters of the 14th September last, received by the ship *Haamsteede*, which arrived here yesterday, the 17th of this current month of February, graciously to permit the Inhabitants for the benefit and promotion of Agriculture, new pieces of land annexed to the old, which can in the mean time rest and lie still, without however that the one shall prejudice the other, to be granted on quit rent for the term of fifteen years, provided that the property of such land remains with the Hon'ble East India Company, who at the expiration of that time desiring to take back said land at all events shall not be obliged to pay to the Tenants or Renters of the same anything more than the mere buildings or plantations at a proper valuation for which the Honorable East India Company shall have the right at the expiration of the said time to retract the said lands without any further melioration, and that a proper yearly rent be paid to the Company for the same.

Information is therefore given hereof to all persons, in order that those who may be willing to receive any land from the Honorable Company on the above conditions can address themselves to His Excellency the Governor for the purpose of further speaking and agreeing respecting the conditions of the same and the yearly rent to be paid. In the meantime, that all the Inhabitants holding lands are hereby specially warned to take care that the Company's ground situated near their own lands or elsewhere, excepting the

above mentioned right obtained thereto, shall not be sown or cultivated under such penalties as have been enacted against the same of old ; as in future a watchful eye will be kept over the same, and which will be rigorously levied, and care taken that these our orders are not rendered illusory or transgressed with impunity.

In the Castle of Good Hope, the 18th of February 1732.

By order of His Excellency the Governor and Council.

[Enclosure 2 in the above.]

Extract of Resolution taken by the Council of Policy in the Castle of Good Hope on Tuesday the 4th of April 1747.

Whereas the term of 15 years for which lands were first begun to be granted on quit Rent in the year 1732 is already expired with respect to some of the same, and as the time of the others is also about to expire, the one earlier the other later, His Excellency the Governor and the Members of the Council have been pleased to give into consideration in what manner one should act herewith for the most advantage of the Hon'ble Company, namely, If those lands, as being left to the choice and option of the Company in the quit rent cases to withdraw them on payment of the Opstal at a valuation to be made, should be retracted, or if those lands should be left to the holders or renters on the above mentioned conditions for 15 years more, and therefore to renew and prolong the leases thereof for that time, and after that the same was deliberated on with consideration, what was for and what was against, it was judged most advisable for the interest of the Honorable Company that the holders and renters of the said lands should be continued in the possession of same in the manner above mentioned.

[Enclosure 3 in the above.]

Extract of Resolution taken by the Governor and Council of Policy at the Cape of Good Hope on Tuesday the 11th of May 1762.

Whereas the term of 15 years for which lands were granted on quit rent in the year 1732, and prolonged agreeably to the Resolution of the 4th of April 1747, is expired with respect to some of

the same, and as the term of the others is also about to expire, it was therefore judged proper, on the proposition of His Excellency the Governor, to resolve to allow the present holders of those lands requesting the same to continue anew in the possession for 15 years, under such regulations as the said lands were granted the first time.

[Enclosure 4 in the above.]

Extract of a Memorial of Instructions left here by His Excellency the GOVERNOR GENERAL IMHOFF, dated 25th of February, 1743.

5. If it be an inconvenience against the better cultivation of lands that one gives out places on loan? is not to me so probable as that the said places must remain so; for by this latter the Landman is not only obliged to a yearly (payment?) of the loan, but is also prevented from applying as much industry and expense as he would with his own goods, because he is always in danger of being supplanted by the one or the other in these already revocable grants, without speaking of other inconveniences which can still be caused by the avidity of men, and to which the possession by gratuitous concession opens a large field.

The orders on this subject are numerous and different, but the last are of the year 1720 and 1722 when by the European letters of the 7th of October of the former and 17th of July of the latter mentioned years, the Ministers of this Government were referred to the high Government of India in order to correspond with them respecting the granting of lands, and since that time nothing else followed excepting a letter dated the 14th of September 1731 out of the Netherlands, by which qualification is given to grant lands on quit rent for 15 years, of which however no great use has been made, and that their Highnesses by letter of the 3rd September 1735 not only approved of what had been done respecting those quit rent, but also by their further letter of the 12th September 1736 the grant of some lands in property to those who assisted the Governor De la Fontaine on his journey to Mossel Bay.

This letter would cause one to suppose that their Highnesses did not wish to see lands disposed of in property except in such special cases, and no wonder! as long as it is done on that footing that the Company loses what the loan places at present yield annually. But as I could not find why this should take place,

and as on the contrary it has appeared to me that to the Inhabitants, at least to some of them, such a douceur is given with the places which they at present possess on loan, to give the same to them in property, holding the yearly rent of Rixdols. 24 for each place, which on the delivery of the Eigendom brief is measured and taken at 60 morgen, that ever since, when these places are valued by trustworthy Commissioners to exceed far the value of Rds. 24 yearly, must give at once on obtaining the same in property, besides the said yearly rent a moderate acknowledgment to the Company, and that then according to my calculation as well that the security of the yearly rent of Rds. 24 remains effected on the said places as that the enjoyment of the transfer duty on the sale or transfer of the same, to which the loan places else were not subject, will be a clear profit for the Company. I therefore do not make the smallest difficulty to qualify you to give all the loan places, which are now about 400, in property in this manner under the above mentioned conditions, if the same should be requested by the present proprietors, provided as has been said they be measured at the limited extent, together with the present impost of Rds. 24, which has been in force since the Resolution of the 28th February 1732, left thereon, and by the delivery of the said Eigendom an acknowledgment besides was given to the Company by such as were of more value according to the taxation of honest men, although there are many among the same who cannot do so, and are even oppressed by the raising of the said rent from Rds. 12 to Rds. 24, in which case you, as honorable and faithful ministers, must make use of the necessary consideration.

[Copy.]

Government Advertisement.

His Excellency the Governor, feeling an anxious wish to promote the welfare of the colony by every means in his power and viewing the extension of the wine trade as offering such permanent advantages to its inhabitants, considers it his duty to call upon the wine grower, as well as the merchant exporter, to lend him their assistance towards the improvement of so valuable a branch of commerce.

When the present state of the wine growing countries of Europe is considered, the difficulty of procuring the wines of France, and the cultivation of the grape in Portugal and Spain is, from a state of warfare, in a great degree abandoned; the present moment is most favorable to the introduction of Cape wines into general use. But this is not to be accomplished with effect, without the total abandonment of the present system, conducted as it is under false principles, and full of error throughout.

Although it is admitted that the wines of the Cape have materially improved within a few years past, it is equally true that much remains to be done before they can support a competition with those of other countries not so favored either in climate or soil.

The Island of Madeira appears to offer the best model for imitation. The climate, as well as the nature of the soil, bears a great similitude to those of the Cape; and, viewing the high state of perfection to which Madeira wine has been carried, we are bound to pay deference to the system pursued in that island, and adopt it at the Cape, as far as local circumstances will admit.

His Excellency, in pursuance of his intentions, has collected the following heads of information, which he recommends to the most serious consideration of the wine farmers and merchants of this colony; and at the same time declares his intention of giving them effect, by granting such premiums, and adopting such regulations, as may be found best adapted to meet the object in view.

1. The vines in this colony are too thickly planted. In the future formation of vineyards, it is recommended that the vines shall be planted four feet deep, and in rows, at a distance of six feet from each other, leaving a space of four feet between each row. As soon as they begin to bear fruit, or, at the end of the third year, they should be led or trained, in the manner of espaliers, along a rail work, formed of upright posts, of the hard wood of the country, six feet apart, and four feet above the ground, crossed by two rows of the bamboo, or Spanish reed, the lower one two feet from the earth. The object which will be attained by this simple mode is, an increase of, and a superior quality of fruit, as well as the prevention of the baneful influence of the earth upon the grape, which cannot be too much guarded against. The farmer will also perceive that the destructive tendency of the south-east winds is considered in limiting the height of the frame to four

feet. The expence of the railing described will be comparatively inconsiderable to the advantage derived. The bamboo and Spanish reed will thrive in most parts of the colony, and the rush of the country will be found sufficiently strong to bind the whole together.

2. Much of what has been recommended in the last article will apply to the vineyards now in bearing. The materials for the railwork may be prepared, and ready to put up, in July and August next, when the general pruning of the vineyards takes place; and then it will be for the farmer to select the strong healthy shoots for training, taking care not to leave too many eyes to each. At this period the earth should be well dug up about the vines, and manure applied. The vineyard, during the spring and summer, should be kept free from grafts and weeds.

3. The proprietors of the vineyards now in bearing, and who may be wise enough to lead their vines as recommended, would do well to remove every second vine, which will give the distance of six feet between each, and a space of three feet between every row. They may be assured the remaining vines will yield a more abundant crop and fruit of a superior quality.

4. From the period at which the fruit is fully formed, until it is fit for the press, it should be the constant care of the farmer to remove from time to time the shoots that may be thrown out, as well as such leaves as may obstruct the rays of the sun from fairly acting on the fruit. The full influence of the sun is essentially necessary towards bringing the bunch of grapes to perfect and uniform maturity and, if prevented, deprives the wine of its great keeping property, and imparts to it a roughness and acidity that no ulterior treatment can entirely remove.

5. At picking time all rotten or damaged grapes should be rejected, and great care taken that none is pressed before they are perfectly ripe. The stock of the grape should not be allowed to ferment with the must, but after pressing, and before fermentation commences, be carefully separated with a rake. The grapes should be pressed out by men's feet. The men enter the press as soon as filled, (the greater quantity it contains the better) and should be succeeded by others, until there is a strong appearance of fermentation. The juice is then left to ferment without molestation, until the skins, &c., begin to subside. It is then carefully drawn off, and transported to the merchant in Cape Town, or put into vatts,

leaving room for further fermentation. In the latter case, too much care cannot be taken in cleaning and scraping out the vatts for use; washing them out with brandy is a good practice.

6. The restriction hitherto imposed upon the farmer of keeping his wine for six months after vintage, is removed, and he is permitted to send it to Cape Town as soon after it has fairly passed the first fermentation, as suits his convenience. This measure will relieve the present farmers from the heavy expence of providing a large establishment of casks, and enable those possessing lesser means to become growers of the vines.

7. The farmer is now supposed to have done his duty, and the wine in the possession of the merchant, to whom we are to look for its further improvement. By existing regulations, he will have the wine in his possession at least sixteen months, which will afford ample scope for the exercise of his ingenuity and talents in classing, or (as it is generally termed) lotting the wines as he receives them from the country, with a view of giving equability of quality, and a marked character to the wines of this settlement, which appears never to have been studied, and has operated as one of the leading objections to their use. This part of the process is paid much attention to in the wine countries of Europe, because the merchant is aware that no two vineyards, be they ever so contiguous, will produce exactly the same flavoured wines.

8. The vatts being clean and carefully prepared for the reception of the wine, brandy, in the proportion of five gallons for every leager may be put into each, observing to be particularly careful that the brandy is pure and free from any taste of smoke or defect, which it will for ever impart to the wine. The wine should be racked off at least twice during the sixteen months; in the last of these operations a more minute classing may be made, and a further addition of brandy given, in the proportion of three gallons to the leager.

9. During the several processes stated in the last article, the merchant should separate his wine into four different qualities, viz. inferior, good, better, best. If he has a general lot of wine to ship, he takes an equal proportion, $\frac{1}{4}$ from each kind. If a lot of 2nd best quality, $\frac{1}{8}$ best, $\frac{1}{8}$ better, $\frac{1}{4}$ of good, $\frac{1}{2}$ of inferior. For a superior lot, inferior is left out, and $\frac{1}{3}$ good, better, and best is given. The lotting of wines, thus described, is followed both in

Portugal and Madeira, and gives cause why the wines of those countries are so accurately characterized.

10. After the 1st January 1813, the wines of the Cape will be shipped in pipes (containing 100 gallons each), half pipes, and quarter casks, such as are made use of at Madeira. They will be less expensive, and stow much better on board ship than the casks at present in use. The farmer is permitted to continue the use of the leager.

11. The following are the medals which His Excellency proposes to grant as an honorary badge to such individuals, whether farmer or merchant, as will afford their assistance to improve the cultivation of the grape, or the manufacture of wine in this settlement :

A gold medal, value 300 Rds., to the farmer who will lead the greatest number of the vines (not less than two thousand) now in bearing, in the manner described in the 1st paragraph, by the 1st of September next.

A gold medal, value 300 Rds., to the farmer who plants the greatest number of new vines, (not less than two thousand) in the manner described in the 1st paragraph, and of that species of vine *only* from which is produced the Cape Madeira, by the 1st September next.

A gold medal, value 150 Rds., to the farmer who sends into Cape Town, before the 1st January, 1813, Cape Madeira of the most approved quality, and uniformity in flavour.

A gold medal, value 100 Rds., to the farmer who sends into Cape Town, before the 1st January, 1813, Cape Madeira of the most approved quality, and uniform flavour, not less than five leagers.

A gold medal, value 100 Rds., to the farmer or merchant, who will produce a sample of wine considered to come nearest in flavour to real Madeira, and of which he possesses not less than five leagers, by the 1st January, 1813.

A gold medal, value 300 Rds., to the wine merchant who will produce the best certificate of the superior quality of wine, shipped by him (not less than fifty leagers,) from any foreign market, within the space of fifteen months after shipment. The certificate must be signed by three respectable merchants, and correspond with the ship's manifest, that it may be compared with the Custom House and wine taster's book.

It would be exceedingly gratifying to His Excellency, if the

competitors for the last medal would direct samples of the wines exported by them to be returned, by comparing which with those lodged in the wine taster's office, the Government will be able to ascertain the effect produced by crossing the Atlantic or Indian Seas.

Castle of Good Hope, 14th February 1812.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

The Regulations which have been carried into effect, by command of His Excellency the governor, for preventing the exportation of any wines which have not attained the age of 18 months at least, having rendered the order which exists in pursuance of the proclamations of 12th November 1765 and 1st September 1804, prohibiting the wine growers and others from bringing wines into Cape Town between the 1st of February and the 31st of August no longer necessary: Notice is hereby given that this order in question is now revoked, and that the wine farmers and others are at full liberty henceforward to bring their wines into Cape Town at whatever period of the year shall best suit them.

Castle of Good Hope, 14th February 1812.

By command of His Excellency the Governor.

(Signed) HENRY ALEXANDER, Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the creation of new pieces to exchange for worn out and defaced paper money. Similar to many preceding.

14th February 1812.

[Copy.]

Extracts from a Letter from LIEUT. COLONEL GRAHAM commanding the Troops in advance.

Riet Berg, 26th February 1812.

The whole of the disposable force being united on the evening of the 12th, at day break on the 13th instant every man who could be spared from the protection of the waggons, horses, &c., were detached on foot in two divisions, one on the North and the other on the South side of the mountain, with orders to proceed as far as Sunday River, a distance of nearly 40 miles, there form a chain of small detachments, which were to advance in an Easterly direction, scouring every Kloof which could afford places of concealment to the savages, while several patrols of mounted farmers patrolled the outlets on their flanks to the North and South, with a view to intercept any Kaffirs who might attempt to escape, a measure which, however repugnant to my feelings, I, under existing circumstances, judged highly expedient to adopt, in as far as it would tend to convince the Kaffirs that not only can we at any time force them from the strongest holds they had within the limits of His Majesty's territories, but also destroy them in it, in defiance of their utmost endeavours to escape, and which the conduct of former commandos justifies the opinion that the savages hitherto supposed impossible, and their actually having remained would seem to confirm it.

The whole force above mentioned returned to this position on the 24th instant, having so effectually carried my orders into execution that hardly a trace of a Kaffir now remains. Almost all they saw were killed or wounded, the number about 30. Upwards of 100 women and children fell into our hands, whom I immediately dispatched with the return provision waggons, to be forwarded by escort through Brintjes Hoogte to their own country.

The whole of the gardens have now been effectually destroyed, and all the cattle that remained, amounting to upwards of 600, taken.

I beg leave to remark that altho' every information hitherto obtained gave me reason to suppose that the Zuur and Riet Bergs were two distinct mountains, that on the North bearing the former name, I find that 3 distinct chains of mountains, joined by other

irregular masses, run from Sunday to Bosjesman's river in a southeast direction, for a distance of about 40 or 50 miles, and varying from 9 to 12 in breadth, and are by the Inhabitants indiscriminately called Zuur or Riet Berg.

The immense ravines which are formed by, and intersect these mountains, the quantity and thickness of the woods which grow in them, I am unable to describe, as I also am to do justice to the conduct of the officers, soldiers, and farmers, whose duty it was to search into the most inaccessible parts, a duty which during 12 days of excessive fatigue and suffering many privations they effectually performed, and with a cheerfulness, zeal, and perseverance which nothing could surpass.

(Signed) J. GRAHAM, Lt. Col.

[Copy.]

Letter from SIR JOHN CRADOCK to the Fiscal
J. A. TRUTER, ESQRE.

GOVERNMENT HOUSE, *February 28th 1812.*

SIR,—I have the honor to communicate to you a dispatch with its inclosure which I have lately received from the Earl of Liverpool, His Majesty's principal secretary of state for colonial affairs.

I need not dwell upon the necessity the view of this dispatch will impress that the most satisfactory answer should be returned to his Lordship that the utmost practicable attention has been given to a subject that involves the general character of the settlement and the administration of justice.

I am quite sensible that my predecessor the Earl of Caledon has directed the most effectual measures in the pursuit of truth and justice, so difficult to be attained throughout the distant periods in question, even before the subject had been fairly laid before his Lordship, and that his departure alone has seemed to interrupt the course of proceedings, but as the communication at present comes forward with the authority of His Majesty's secretary of state, I feel all the responsibility that now attaches to me in making an accurate report "of all that has been done and what remains to do" upon the past transaction.

It is alone upon them, I have to request your statement, for it is with sincere pleasure and grateful acknowledgement as Lord Caledon's successor, that I hold in view, the same charges whether true or unfounded, cannot subsist in future, for his Lordship's institution of annual circuits will insure the immediate cognizance of every imputed crime and complaint, and establish a course of justice, that should transmit his Lordship's name with admiration throughout this colony. I have etc.

(Signed) J. F. CRADOCK.

[Copy.]

Report of the Commission of Circuit.

To *His Excellency* SIR JOHN FRANCIS CRADOCK, *Governor and Commander of the Forces, &c., &c., &c.*

SIR,—Your Excellency having been pleased by written Warrant under your hand and seal, dated the 20th September 1811, issued to the undersigned President and Members of the Worshipful the Court of Justice, in order agreeably to Government Proclamation of the 16th May 1811 to constitute a Commission for the administration of Justice in the respective Country Districts, thereby authorizing and directing them to repair to the Districts of Swellendam, George, Uitenhage, Graaff Reinet, and Tulbagh, there to try successively civil and criminal cases, such as are more particularly described in said proclamation; in compliance therewith we the undersigned commenced our journey on the 14th of the ensuing month of October, and visited the said districts of Swellendam, George, Uitenhage, Graaff Reinet, and Tulbagh, at each of which we tried and decided the different cases brought before us, and established the forms of proceeding in such manner as we conceived to be most conformable to the tenor of the said proclamation, and to the fixed principles of the laws in observance in this colony, after which we returned to Cape Town on the 1st February.

After our departure from Town, we were enabled by the promptitude of the respective Field Cornets in accelerating our journey, to open our first session at Swellendam on the 21st October and to close it on the 28th following. However having been here in-

formed that some person or persons had been guilty of setting fire to the place of one Willem Oosthuyzen, situated at the Kaffer Kuils River, we repaired thither and reopened the session on the 6th November, and having examined into the case and found the Accused guilty, we further proceeded in this respect agreeably to the Proclamation of the 16 May, as will more fully appear by our Records held at that place.

Having arrived at the Drostdy of George, we commenced the business of the Commission on the 11th November, but perceiving that all the necessary Witnesses were not present at the appointed time, we in the beginning wrote to the Acting Landdrost of Uitenhage, previously informing him of the approach of the Commission, and directing him to take care that the witnesses in cases which were to be tried before the Commission should be present at the Drostdy in proper time.

To this we received an answer both from the Landdrost and from the Commissary of those three distant Districts, informing us that in consequence of the collecting an extraordinary Force at the Drostdy to act against the Caffres, and of the business which would result therefrom, that the Landdrosts would not be able to fulfil the requisites of their duty in regard to the Commission, and therefore proposing to us to relinquish our intention this time of extending our function to Uitenhage and Graaff Reinet, and especially as the Landdrosts of both those Districts, being obliged each of them to command a Division against the Caffres, they could not perform their duties as Prosecutors before the Commission.

Conceiving that it was our duty, agreeably to the warrant of Your Excellency, to proceed, we informed those gentlemen thereof. But in order to prevent that the business of Justice should be interrupted through want of a public Accuser by the absence of one or both of the Landdrosts, we requested agreeably to the 31st Art. of the Instructions for the Government of the respective Country Districts, Your Excellency's Authority to appoint in such case somebody else, who, if necessary, could officiate before the Commission as public prosecutor, and which qualification Your Excellency was pleased to grant accordingly by letter of the 29th November last.

In the meantime having arrived at the Drostdy of Uitenhage, we opened the Session there on the 9th December and closed it on the fourteenth following, without our having it necessary to make use

of that authority, as the Landdrost of Uitenhage, by the speedy arrival of the Commission at that place, previous to operations having been commenced against the Caffres, was enabled to discharge his official duties in a regular manner.

Having left the Drostdy of Uitenhage we proceeded to Graaff Reinet, where we commenced our sittings on the 23rd December, but as the Landdrost Stockenstrom had already departed with his Commando for Bruintjes Hoogte, although he spent one day with the Commission in order to state the different cases which were to be brought before them, after which he returned to his station, we, making use of the abovementioned authority of Your Excellency, appointed the Heemraad Paul Maré as Acting Landdrost during the absence of Mr. Stockenstrom, as well as Public Prosecutor in his stead.

In the annexment No. 1 is a copy of the Oath which we framed for the Acting Landdrost, and which he took before the President of the Commission previous to entering on his office.

After that the business was closed at this Drostdy, we commenced our return journey to the Drostdy of Tulbagh, where we opened the sittings on the 24th January, and after having terminated the business at that place we had the pleasure, as we have above observed, to arrive in Cape Town on the 1st Instant.

Agreeably to the 36th and 55th Articles of the abovementioned Proclamation, we caused two copies to be made of the Records kept of the proceedings, one of which was deposited in the Secretary's Office of the District in which the trial was carried on, and the other was forwarded to the Secretary's Office of the Court of Justice.

In the meantime we have the honor to annex, No. 2, a List of all the Criminal and Civil Cases which were brought before the Commission in each District, in the margin of which is noted the result of each case, whether by Judicial Decree or Sentence, the whole of the Records held by the Commission being too voluminous to annex to this report, but which however are always at Your Excellency's disposal in the Secretary's Office of the Court of Justice, in order to be examined in detail, if any of the cases mentioned in the said list No. 2 should attract the particular attention of Your Excellency.

As the Proclamation of the 16th May 1811 formed the groundwork of the duties of the Commission, we agreeably thereto,

after the different proceedings were closed, fixed our attention to what is particularly specified in the 62nd and 66th Articles of the said Proclamation, or what could be considered as any wise connected therewith.

After the records of the trials were formed, annotations were made of what appeared to the Commission respecting said particular Articles, such as Art. 63, Observance of the Proclamation of the 1st November 1809 respecting the treatment of the Hottentots, Arts. 64 and 65, the punishment of Slaves, Art. 66, the Examination of Coroner's Inquests, Notarial Acts, &c. Of this Record we have the honor to annex a copy sub No. 3, and to which we beg leave to refer for the details.

For the rest we now take the liberty to make some observations which have appeared to us, and which we conceive merit the attention of Your Excellency, and in the first place with regard to the *Administration of Justice*.

1st. We must deduce from circumstances that the Landdrosts being just the persons on whom, in the first place, all the care and attention for the administration of justice rest, are not fully independent. In proportion to the trouble and responsibility attached to their situations, and in proportion to the necessary expenses they must be at, their salaries seem not to be sufficient, and for as far as we could remark, it is with trouble and difficulty that some of them are yearly able to manage; this therefore might cause, at least it might give a pretext for some of them, in order to obtain a sufficient subsistence according to the requisites of their office, to make use of means not at all consistent with the dignity of the situation of Landdrost. This we thought necessary to remark alone for your Excellency's information, because in case such might be found convenient on an increase of Government's revenues, that this point could be taken into consideration, and such measures adopted therein as your Excellency might deem most advantageous for the proper administration of justice.

2nd. Previous to the Proclamation of the 16th May 1811 the respective Landdrosts, when they had criminal cases to prosecute, transmitted the information obtained by them to an advocate or some other skilful person in Cape Town, who then carried on the criminal prosecution against the prisoner or accused as official Agent in the name of the R. O. Landdrost. Now since the proclamation of the 16th May the Landdrosts are obliged im-

mediately to prosecute themselves before the Commission for administrating justice in the Country Districts, and we cannot help remarking that it has appeared to us that although we found the different Landdrosts in other respects perform their duties with zeal and utility, still however some of them wanted in this new business that knowledge and experience which might otherwise be expected from the officers of justice, which is to be attributed to the want of an opportunity of exercising themselves in criminal prosecutions and in the forms requisite there to, which are sometimes very intricate. But as they now know that a new duty rests on their shoulders, and besides as they are charged with the previous examination of crimes, viz. (a) with the taking of inquests agreeably to the 154 Art. of the instructions for the Government of the Country Districts, (b) with the duty of making the first enquiries, and collecting all the documents necessary by way of precedent information, agreeably to Articles 59 and 152, (c) with the apprehending and care of the prisoners, according to Articles 54, 60, 62, 65, and 153, there is sufficient ground to flatter ourselves that they, having laid the foundation for criminal prosecutions, in which as long as human nature exists, mistakes will be met with, will be enabled by practice, the one more, the other less, further to proceed in and complete such prosecutions before the Commission, while also, according to our existing criminal laws, which are founded on reason and equity, the judge is obliged by virtue of his office to assist in the examination, and to supply what the parties are deficient in. The attainment of more knowledge in this part of their duty will become the more easy to the Landdrosts in proportion as they think, and are impressed, that although they always before sent their documents in criminal cases to an Advocate or Agent in Cape Town, they nevertheless still remained as the responsible persons, and that therefore their judicial business then, as well as now, was not a mere *by work* but constituted a chief duty, and in the performance of which duty, agreeably to the nature of the case and the instructions for the Country Districts, they are at liberty to address themselves for assistance to His Majesty's Fiscal as Chief Officer of Justice over the whole Colony, who having as much interest as themselves in the regular maintenance of criminal justice in the Country Districts, will not refuse to give the assistance required, but will willingly support the same, as well by general rules as in particular cases, with his advice and

instructions. We have conceived it our duty to make your Excellency acquainted with the wants which we have in some instances met with in this respect, leaving to your Excellency's consideration the manner in which they can be most conveniently provided against in future.

3rd. The Prisons in the Country Districts except in the one at Tulbagh, we found far from being sufficient. We conceive there should be at each Drostdy at least

1 Civil Prison for Christians

1 Criminal do. do.

1 Civil do. for Slaves and Hottentots, and

2 separate apartments as Criminal Prison for Hottentots and Slaves.

The latter is the more necessary, as the interest of justice frequently requires that the prisoners should be kept separate and without communication. From the annexment No. 3 your Excellency will perceive the state of the prisons at each Drostdy as we respectively found them on inspection, and the insufficiency of the same to answer the intention. The whole of that at Uitenhage consists in one apartment, in which one is under the necessity of confining together White Inhabitants, Slaves, and others. The prison of Graaff Reinet especially will require immediate repair for the preservation of the health of such as may be confined there next winter.

4th. The number of Police Riders and Caffres is not complete at any one of the Drostdies, those are in the meantime the Servants of Justice, and cannot be dispensed with. We also are of opinion that this should be provided for. At some of the Drostdies horses are kept for a part of the Police Riders in making expedition, others of the Drostdies are not provided in that respect. We are humbly of opinion that uniformity should be observed in this respect under the different Drostdies, and that at every one of them the means should be found to execute any expedition relative to justice with promptitude. It seems that the trifling expense necessary thereto could be defrayed out of the Treasury of each District.

5th. A great inconvenience exists in the Drostdy of Uitenhage; there is not any Colonial Surgeon, so that it has frequently happened that Judicial Inquests have been taken without such a

necessary assistance. The professional judgment of Wounds or Marks of Violence found on Bodies is of the greatest consequence in the trial of Crimes, and has already occasioned at that Drostdy not a few inconveniences in cases which were actually brought before the Commission.

The other Drostdies appear to be provided in this respect, with the exception only of the Drostdy of Uitenhage, the Landdrost of which being spoken to on the Subject said that he had not any authority, the same as the other Districts, to defray the expense requisite thereto out of the District's Treasury, although being duly qualified he should not have much trouble in finding persons possessing the necessary abilities for that purpose.

These remarks we consider as sufficient, as well with respect to the domestic affairs of each Drostdy as for so far as they have any direct relation to the Administration of Justice.

The contents of the 62nd Art. of the Proclamation under which we were principally obliged to work we considered of great importance to us, and to which we are referred by Your Excellency's said Warrant, which Says "that the Commission Shall notice all Complaints however trivial, and all matters touching the Morality and Good Government of the Country Districts, and report them to the Governor, that such steps may be taken as he may deem meet."

In itself it has appeared difficult to us to distinguish what Cases have been actually alluded to by that Article, but as the present Commission is the first which has taken place in compliance with the Proclamation of the 16th May 1811, wherefore perhaps it is expected that for this time we should only make Government acquainted, not so much with Special Complaints or Grievances concerning the morality and internal Government of the Country Districts, (for such in fact we did not receive), but only those things which appeared to us to relate to the general Civilization of this Country, and therefore more or less connected with this Article of the Proclamation. Indeed by these Considerations we shall take the liberty to call Your Excellency's attention for one moment to some remarks which we made during our journey, and which we conceive to be objects of Morality and of the progressive degrees of Civilization in the Country Districts.

It certainly has appeared to us from all sides that the appearance of a Commission for administering Justice in the Country Districts, clothed with such a power as Your Excellency's Warrant and

Government's Proclamation of the 16th May 1811 contain, made such an impression that every one endeavoured to shew the best side.

In travelling from the one Drostdy to the other, generally along the common road, our short stay at each place or in each District could alone permit us to make general Remarks. It is however certain that the mere fear of punishment or respect for the Judges is not sufficient to produce actual civilization or to deter people from the commission of crimes, there are other means besides alone the example of punishment to prevent actual crimes in future. We may not therefore keep from your Excellency's consideration circumstances and remarks which have occurred to us on this head, and especially in the first place the miserable state of instruction and civilization of the youth, which we have met with almost everywhere in the Country, and which therefore if possible in order to prevent the consequences, requires the most powerful efforts of Government. In general most of the parents and heads of families seem to entertain respect for religion, this in itself is an advantage, if the parent despises religion it would with reason increase alarm and apprehension. At the Drostdies where there are Churches and instructors, there are also schools in which the youth are taught to read and write and the principles of the Christian religion; of those the villagers and some of the neighbours avail themselves. But excepting those, all the other inhabitants and their children are to be pitied. We have passed thro' districts mostly inhabited by rich inhabitants, owners of places and proprietors, the one more and the other less, of considerable numbers of cattle, in the houses of whom we have met with 12 or more children, the eldest of whom was not even able to read or write his name. The parents in the meantime were not indifferent, on the contrary most of them expressed their wishes with tears in their eyes that this might be provided for in one manner or the other, feeling themselves that their children growing up without education, without instruction, without even a knowledge of the first principles of religion and morality, would at best be like nothing else than savages.

This point as having the most annoyed us everywhere, we conceived we should inform your Excellency of, as a special subject of this report. Immediate provision in this respect we do not believe to be at once practicable, it still however appears to us that there are means to effect this point, and we hope we do not

go too far when we submit to your Excellency's consideration the means which have occurred to us in our journey through the Country, as more or less adapted to attain this great object. Besides the erecting of churches at such Drostdies as there are not any, and the providing of each with a Clergyman, by which a Village school would be established under the superintendence of such Clergyman, the same as at Swellendam and Graaff Reinet, there are also districts where schoolmasters could be placed with much propriety, who in the middle of such a District need not instruct the children whom he could either receive as boarders or day scholars in anything else than in that which one may expect from what we call common Schoolmasters, consisting in reading, writing, cyphering, the principles of the Christian religion, and the like, the same as is customary in the so called poor schools in England. In this respect it has appeared to us on our journey that the following districts should be principally considered :

The District of Cango

- „ Elephants River
- „ Long Kloof
- „ Bruintjes Hoogte
- „ Four different Districts of Sneeuwberg, and such like.

The Landdrosts of the several Drostdies must know certainly of other Districts in their respective jurisdictions situated in the same manner. Moderately speaking there are upwards of 3400 children belonging to the district of Graaff Reinet, of which at the most not more than 100 have an opportunity of any instruction, while the parents of at least 2000 of these children are very well able to afford the necessary expense for their education, and even can be called rich inhabitants. The want of instruction will certainly be found in the same proportion in the other districts.

The Commission aware of the expenses and great sacrifices which Government have already made in other respects for the benefit of this Colony, have considered of the manner in which the requisite costs could be defrayed for this purpose, and we conceive we cannot recommend anything better than just the same which exists on behalf of the Church at the Drostdy of Swellendam, where agreeably to the regulations of the late Dutch Government at the yearly Opgaaf a certain sum is also furnished by the pro-

prietors of all places and Erven, towards the building of the Church and parsonage house, which good regulation has just enabled the Church to surmount the heavy costs and debts which have been accumulated for the building, and which now being further continued, will yield a good part towards the erection of the Church at Zwartberg.

In the same manner we are of opinion that not only at Swellendam but at all the other Drostdies a fund could very easily be established for the Churches and schools of the Country districts. At all events as soon as there is a fund it will not be very difficult to find persons qualified for such simple instruction, and by thus previously establishing a fund, a foundation would be immediately laid to provide for this great want, which increases by degrees in proportion to the population. In the other districts there are individuals who are much richer than those of Swellendam, and therefore the fund would speedily be considerable, particularly if it be not regulated according to the number of places and erven which the different inhabitants possess, as is at present the case with Swellendam, but in the same manner as the usual yearly Opgaaf and the payment for the civil districts chest, that is in proportion of the number of sheep and black cattle, under the title of Sheep and Cattle Money.

We did not neglect everywhere to sound the feelings of the good inhabitants on this point, and we found among them all the most ready inclination to make sacrifices for the attainment of such an important object.

At the Drostdy of George in the first place a Church is required, neither is Uitenhage provided with a Clergyman. It is hoped that an opportunity for this purpose will be speedily found, as we remarked that the labours of a Teacher in the far distant Districts are really not in vain. This we particularly observed at the Drostdy of Graaff Reinet. It is well known that some years ago the greatest part of Graaff Reinet had the character of uncivilization and unmorality. This however at present seems to alter. Such a prejudice was even entertained against Hottentots and slaves that it was considered degrading to allow them as heathens access to the church. But this now appears to be entirely cured. Besides the free access to the Church from time to time which slaves and Hottentots now have once or twice every week Divine Service is performed by the Revd. Mr. Kicherer for those people in a building

in the village erected for that purpose by the different Inhabitants, and which is of late frequently attended by many inhabitants themselves. The zeal of the inhabitants to attend public worship is particularly remarkable there, even many of them take the trouble to come up to the Church with their families eight or ten hours with a horse waggon, so that there seems to be a general respect for religion, which in its consequences must have a good effect on civilization and good morals, all of which is to be attributed to the indefatigable zeal of the Clergyman there, who has so deservedly attracted the general approbation and confidence, and also to the encouraging example which was shewn in that respect by the deceased Landdrost Stockenstrom.

As soon as the above mentioned fund is brought so far that the Parsonage house, already begun at Graaff Reinet, can be finished, the same will soon increase, so that besides the said schools, Churches can be thought of, in some of the other Districts, as for example :

1. The District beyond Sneeuwberg,

2. Bruintjes Hoogte, in which respect the district of George should first come into consideration,

3. The district of the Lange Kloof, and particularly the so called Molen River, all districts of great consequences when they are considered according to the circumstances of the Country, the neighbourhood being surrounded with valuable places, plenty of water, and rich inhabitants, and therefore all districts which possess within themselves resources to create in time villages from schools and churches, and to give the necessary spring to their welfare and prosperity.

The churches being built there in well adapted situations lays the foundation for villages, and therefore considered as well in a religious and moral as in a political point of view, tends to the increase of gradual civilization, and as a spur to industry and agriculture, which latter as long as there is no consumption to be found in the neighbourhood, will not be exercised, on account of the inconveniency of carriage to Cape Town; neither can it in human nature reasonably be expected.

Towards the civilization of the Country and the establishment of good morals there are certainly no other means than those which tend to bring the people together who are dispersed far asunder. All the young people, of which many of the houses are full, have no other prospect than the breeding of cattle, and to

obtain places for that purpose nothing else is heard of than of forcing in between other places, in order to obtain new grazing places or clear ground and good pasturage over the Great Fish River, and consequently a common inclination to settle themselves beyond the limits in case they could obtain permission thereto.

There is in fact no other way or prospect for the young people than the easy livelihood of breeding cattle. In the Villages, and in the neighbourhood, one only sees, besides agriculture, a beginning made with the learning and exercising of trades, and with the principles of a more or less civilized social life, in which Graaff Reinet, which has scarcely been established 25 years has made a considerable progress, and which daily increases, a strong proof of this is that of the 48 houses belonging to Individuals which are now in the village 37 have been built since the year 1806, all of them provided with outhouses for slaves, cattle, &c., and also with separate and well planted gardens, orchards, vineyards, and the like, there being in the village besides the public Baker, Butcher, and farmer of the wine licences, 22 people who successfully carry on different trades, and which tends as an encouragement to others to obtain in a useful manner an honest livelihood by their industry. The prosperous state of this village is mostly to be attributed to its own advantageous situation, as being in the neighbourhood of districts inhabited by rich people, a thing which therefore cannot prove otherwise than of essential welfare to the village. The utility hereof for this country is palpable. In the districts where there is no church, fixed Magistracy, or village, the young people have little intercourse or communication with one another, and therefore no development of each other's ideas. All look forward to become graziers, and no person forms for himself any other plan of livelihood. One sees further old and even rich inhabitants spending their last days with indifference at the far distant places, without any comforts of consequence, and therefore without those conveniences or enjoyments so necessary in old age, alone complaining of the great distance of God's House, which however they all seem to have a great inclination to make use of. Such sort of rich old people have already been seen in the villages, who having disposed of their places on behalf of their children or others, come and set themselves down near the church in order to spend their last days with more convenience and satisfaction. By living among society they enjoy more comforts, and spend the

superfluity of their means and incomes, thro' which they give bread and work to the industrious.

This, as is well known, is over the whole civilized world the real foundation of civilization, and where it has been begun in this country it will be seen that there is an inclination to follow the same course.

The funds for churches and schools being therefore established at the different Drostdies, in our opinion schools, that is the so called *common schools* for the instruction of children can be established from the same in some of the districts such as above described, and then the funds being sufficient thereto, affords the prospect of a village here or there at such places as are adapted for the purpose, from the state of the district, nature of the soil, supply of water, and the like. Proceeding further by building a church there on a moderate plan, before that an opportunity offers of procuring a Clergyman another person could be provisionally appointed to read a sermon on a Sunday, and in which two or three times a year one of the nearest established Clergymen could come and perform Divine Service. A church warden could be appointed, and Deacons to collect the alms and pay the Clerk and the like, till such time as one can go further to place an effective Clergyman there, and even still further and establish a village by the granting of Erven should the resources of the district prove sufficient thereto. By these means the great object, the instruction of the youth, the concentrating of the inhabitants at different places of the country, and consequently gradual civilization would be attained, for as we well know ignorance is the nurse of crime, and knowledge the handmaid of virtue. Add to this the necessary example to be made by a prompt administration of justice, and the wicked would then be deterred from evil, and with respect to the good, instruction and education would do much in preventing of crimes. What has been thus far said is with respect to the Colonists, that is the white or Christian inhabitants. The other classes have also not failed to attract our attention. These are the Hottentots and slaves.

The number of slaves in the interior is not great, it is even very trifling in comparison to the other districts. Regulations therefore which in the neighbourhood of the Town are calculated to make those people as far as possible better subjects in their circle of life or more useful servants to their masters, will consequently

make the necessary impression on the few of that class which are in the interior. In general this truth is certain, that when the slaves can have more access or opportunity for religious instruction, when the essential obstacles towards converting the slaves to Christianity can be removed, so that the master knows his real interest of making if it be possible good slaves, without being exposed to the danger of losing them thereby; and when the slave, without other by views not with a prospect of freedom, but in his slavery and in his relative situation can be made a sincere Christian and who therefore will serve his master from a real principle of fidelity with the enjoyment of those privileges attached to his class in life, then certainly it will not always be requisite, the same as we were under the disagreeable necessity of in the administration of justice in the country districts, namely so seriously to punish on both sides cruelties in the masters and disobedience or crimes in slaves.

The increasing of the churches, and especially the particular zeal of the individual Clergymen to instruct the slaves as far as circumstances will allow, and to facilitate to them an opportunity of attending divine worship, in which respect we saw with astonishment the zeal and exertions of the Reverend Mr. Kicherer at Graaff Reinet, and we are sorry to say at Graaff Reinet *alone*, will also do much towards making some of those people of more use in their situations.

With respect to the Hottentots, the number of whom as actual subjects of Government is pretty considerable, these are at present absolutely reduced either to service under the farmers or to soldiers, or to take refuge in the schools established here and there by the Missionaries. In the district of Swellendam a few small kraals are still to be found, which the Landdrost has the ambition to wish to preserve; for the rest we have not found the smallest vestiges of Kraals, the former habitations of Hottentots, than alone a single one in the neighbourhood of the Drostdy of George, named the high kraal, where two families reside, and who seem to enjoy the benevolent protection of the Landdrost, whose further protection we did not fail particularly to recommend to him. For the class of Hottentots in the service of the farmers the continual attention of the Magistrate, joined to the full effect of the Government Proclamation of the 1st November 1809 is of the greatest consequence. The promotion of the exercise of

Divine Worship and instruction in the different districts will also have an advantageous influence on those creatures, and particularly when access thereto is made easy to them. The abolition of the former custom among the Hottentots that their children should be booked to serve 25 years with the farmer where they were born has certainly on the one hand had the effect of restoring all the Hottentots to their natural liberty, but on the other hand inconveniences appear to arise therefrom in some instances, namely that the farmers now not having any interest whatever in young Hottentots, the most of them are indifferent and evince little or no care for them, this seems generally to be the effect of the measure, the contrary of which was intended. A widow who has young children with difficulty finds a place of refuge or good habitation, and one therefore frequently sees here and there that it is against their will that farmers keep Hottentot widows and their children. The consequence therefore of this is that in sickness or misfortunes they do not everywhere receive that help or support which they stand in need of. In this situation we believe that several of those creatures, although free in name, are more dependent and more to be pitied than the slaves themselves, for whose support even when they are old, crippled, and incapable of service, their masters are obliged to provide. In particular it did not escape our attention that we met at several places many of such Hottentots, all of them burdened with a good number of children entirely naked, who the one more, the other less, must have been in that predicament.

A sort of *apprenticeship* established with care for young male and female Hottentots, not as before for 25 years, but till such time as they attained the age of 16 or 18 years, and regulated in such manner that besides the full consent of their parents at the time of entering into indentures or contracts, the Landdrost should pay particular attention that the persons to whom they were bound were acknowledged good men, would greatly contribute to remedy this evil. The farmers, who almost all only want the Hottentots for taking care of their cattle, for the milk, butter, boiling of soap, &c., have the use of the services of the Hottentots either male or female when they have attained the age of 10 or 12 years and therefore would have the prospect of their services for 6 or 8 years longer, by which he obtains a real interest in the creature and therefore, if not from humanity, only at least actuated

by his own interest, he would not withdraw his protection, but would preserve him in good health and strength. Orphans, namely young Hottentots who had neither father nor mother, who might be found at the places of the farmers, we should without any hesitation recommend the immediate measure of having them apprenticed by the Landdrosts to well known people for the necessary number of years, and particularly to tradesmen at or in the neighbourhood of the villages, all of which taken together cannot have any other than a beneficial influence on the morals and habits of those serving Hottentots and of Hottentots and their families going from one farmer to another.

The establishment of more schools by the Institution of the Missionaries for instruction and civilization of Hottentots must prove of utility, if they be well regulated and governed with judgment. Two of them we had an opportunity of visiting on our journey. The first is the known institution of the Moravian Brethren named Genadendal, situated at the Baviaans Kloof. We saw this institution with much satisfaction, as it carried with it on every side the real marks of answering the intention. The institution of Bethelsdorp between Uitenhage and Algoa Bay does not seem to be advanced so far, perhaps this is to be ascribed to the unfavorable situation and perhaps to improprieties in bringing them up. The situation did not appear to us to be encouraging, as being upon a barren stony hill where one cannot penetrate into the ground with either spade or pickaxe, badly provided with water, at least not sufficient for a growing village.

One small circumstance we could not avoid noticing when we came there, we visited the church and the place adopted for the instruction of the children. One of the Missionaries named Smith, who is charged therewith, being asked what number of pupils received instruction from him, he answered that he could not say, for that according to the system adopted there, every one must have his liberty so far even that no person was allowed to force the children to school, by which it frequently happened that children who had been taught for some weeks, and who after they began to improve, absented themselves again from school, by which they could not make any progress. This cannot be called otherwise than wrong, and it is therefore to be wished that the Missionaries might be induced to make some alteration in that respect. Besides this, the situation of the institution there is by

no means adapted for the encouragement of industry. Hottentots who have cattle can at present subsist thereby and by the cultivation of some ground which lies at a distance ; but the others from not having any land or water for the cultivation of gardens near their huts the same as at Genadendal will soon want the means for their own subsistence. The Missionary Smith was himself of opinion that the Institution was already too large, and that it ought partly to be removed.

In such case it would be advantageous for all parties that this division or removal should be made to the abovementioned High Kraal situated in the neighbourhood of the Drostdy of George, or thereabouts. The Institution itself would there find double resources for support, maintenance, and for industry. By employing or hiring themselves to fell Trees in the great Woods situated in the neighbourhood of the Drostdy or at Outeniqua Land where more than at other places Lands are wanting, the Hottentots who had not any Cattle of their own would find an ample subsistence for themselves and families, added to which the advantages of a fine fruitful soil, plenty of water, and a navigable Bay in the neighbourhood, are all particular circumstances which give encouragement and confidence for the existence of a growing Institution in future. From such useful customs of daily activity the young Hottentots would soon contract the habitude of labour, a thing which in itself cannot also be considered as a matter of indifference. Those institutions, as well there as at other places in the Colony properly adapted thereto, will remarkably contribute to the improvement of the state of the Hottentots and towards their civilization. In the neighbourhood of Genadendal the Hottentots, besides the cultivation of the ground for their own subsistence, hire themselves in the ploughing and harvest time to the Farmers in the neighbourhood. This is also to be seen at Bethelsdorp, where we found at the Gamtoos River some Hottentots belonging to that institution who were at the places thereabouts in order to assist the farmers in gathering in their grain, a thing which is to be wished might be the case in more districts, because that the Hottentots having their actual dwelling at the institution where their children enjoy the advantages of instruction would then by good treatment all of them be brought to serve the farmers, and for the rest have a safe retreat to the institution to which they originally belonged, whereby they would be secured

in their interests, and assisted in their complaints, should they have any, in order to their being regularly brought before the Landdrost, although in the mean time it is to be wished that the Hottentots were more encouraged by the Missionaries to labour than is supposed to be the case at present, and that the known Christian moral lesson should be continually impressed on their minds that we must earn our bread with the sweat of the brow.

There are also other people to be met with within the limits of the Colony who also deserve consideration, namely the so called Bosjesmen. We should not speak of those people if we had not met with them within the boundaries of Government, but on our return journey, which was over a part of Sneeuwberg, the Coup, Nieuwveld, &c., we had imperceptibly an opportunity of being in some degree personally acquainted with the situation of those people. It is well known that some years ago the inhabitants residing at the Northern Boundaries of the Colony were occasioned much trouble by the Bosjesmen, the people were not even safe as far as Sneeuwberg. One had yearly enough to do by commandos, and therefore with the death of hundreds, to protect the inhabitants in their possessions, a thing which, one year more another less, has cost much blood for 30 or 40 years past. At present however we found that in this respect peace and quietness reigned everywhere. At Sneeuwberg and further along the Coup and Nieuwveld the Bosjesmen live mostly with the Inhabitants, where they serve as herds with fully as much care and attention as the Hottentots themselves. At some places in our journey we met with whole kraals of Bosjesmen, some of whom, according to their custom, went daily round the fields to look for food, consisting of uintjes (a kind of bulb), wild flower bulbs, and the like, which they call *field food*. Some of them we met in the fields seeking their food, they had a good deal of their Uintjes, Bulbs, and Nuts with them, the Instrument with which they dig those things out of the ground is not of iron, but consisted of a piece of wood, about one inch and a half thick, which was pointed at the end and stuck into a round stone in order to make it heavy. The ground from which they obtain this food was partly a soft Carroo, but also partly hard clay and stones, so that the operation necessary thereto in the burning heat is a troublesome work in itself, a thing from which we must conclude that the Bosjesmen in themselves cannot be considered as a lazy indolent people, because

they must obtain their daily bread by continual bodily labour and exercise.

The Commission were conducted by one Van Heerden, residing at Sneeuwberg, then Heemraad of Graaff Reinet ; this Van Heerden had another grazing place at the Boundaries of the Colony on this Side, and we soon saw from the manner and gestures of the Bosjesmen, and from their calling out Good day, Master, and asking for Victuals and Tobacco, that they knew him. Van Heerden told us that those people had the same kraals at his grazing place, and that they sought for their subsistence in the same manner, that he sometimes gave them Tobacco and now and then a Goat or a Sheep, and assisted them as far as he could, to which their friendly and grateful countenances were to be attributed, and also that such was the custom among the most of the Inhabitants there. From this circumstance and other information that we received we saw that the Bosjesmen at the present time live in perfect peace with the inhabitants, and even that they serve them faithfully in taking care of their cattle. We were everywhere informed that this is principally to be attributed to the good treatment of the inhabitants, that from time to time several of the inhabitants who reside at the Boundaries for the sake of their own peace and safety make a point of assisting the Bosjesmen who live in their neighbourhood, that now and then a subscription was made of goats and sheep which were divided among them at different times, that formerly the Bosjesmen could never be brought so far as to keep breeding cattle of their own, but that there were now Kraals which had small flocks of goats which had been divided in that manner, and which had already bred, and especially that such like collections of cattle were necessary in dry years, when it is not possible for the Bosjesmen to penetrate the ground, and who therefore cannot procure their usual food, that they then suffered hunger days and weeks even, so that they tied their bellies round with bands, but that at last they were compelled to plunder in order to satisfy their hunger, from which arose all the other unfortunate consequences with Bosjesmen.

It is therefore supposed that if small sacrifices were made on behalf of the Bosjesmen who live along the Boundaries of the Colony, particularly at such times, that is uncommon dry seasons, it would entirely put a stop to their plundering. To this we take

the liberty to add our own observations, namely that the inhabitants ought to make less use of a bad custom of riding into the Bosjesmen's country with waggons a hunting as it is called, by which all the game is entirely destroyed, which is the only food for the Bosjesmen in oppressive droughts, when they now and then catch something at small waters or narrow passes.

On the side of Sneeuwberg and the Nieuwveld it is plainly to be seen that this system (namely the making of collections) and the helping of the Bosjesmen, which was promoted and encouraged by the late Landdrost Stockenstrom, who frequently went for that purpose to the Boundaries of his district, has had the most desirable effect. We found many of those Bosjesmen on our return journey at different places, and also in the service of the inhabitants, partly tending their cattle, but who being at present completely wild and bordering on barbarism, are very different from the common Hottentots. Several of them actually live within the limits of the Colony, and even at and with the inhabitants, but in such manner that the Government Proclamation of the 1st of November 1809 respecting Hottentots cannot, at least as yet, be applied to them. They are very far from that degree of civilization which the Hottentots, whatever they may be, can be said to have arrived at, and it will yet want time and attention to bring them so far, but as has been already observed, living in the Colony and even among the inhabitants, we may not as constituting one class of humankind deny them our consideration; and we therefore conceived, we at least owed to them that we should note what has been above remarked, for the information of your Excellency, well convinced that with regard to these creatures it can be considered as brought very far when, within the limits of the Colony, that effusion of their blood is put a stop to which formerly, even not at very distant periods, was the case, and which one cannot think on without shuddering. Fortunate would it be for those people in case the society for the instruction and civilization of the heathen would take the trouble to establish their useful schools at or within the North Boundaries of the Colony, and especially at first on the outside of Sneeuwberg and at the Coup or Newveld, at the place of the Field Cornet Abraham de Klerk or thereabouts, whereby their religious endeavours, joined to the measures of Government, would yield a hope of being enabled to see through the cloud which obscures the future lot of those people,

and also at all events for so far as those who live within the limits of this Colony, improve their situation and morals according to circumstances.

Herewith we conceive agreeably to our duty and as far as the object of this report has actuated us, to have said enough respecting the situation and possible improvement in morality of all the classes of inhabitants and Colonists, which we met with in our journey. We shall only take the liberty of adding a few words more respecting the Hottentots who live with and are still in the service of the farmers. However well adapted the Proclamation of the 1st of November 1809 is to promote regularity respecting their service and procure justice to both parties, still however the complete effect thereof seems yet to be subject to difficulties.

In the Districts which are situated near the Drostdies we believe that everything goes on regularly, because the Landdrosts are on the spot and keep an eye over them, at all events the contrary did not appear, but in the far distant districts, considering all circumstances, such is not to be supposed, at least in every respect. There are not any other Magistrates (neither could there have been hitherto) than Field Cornets, who being all of them also farmers, have one and the same interests as the others. The presumption is therefore against them that in disputes between the farmers and the Hottentots, at least in doubtful cases, they will be on the side of the farmer. We certainly cannot consider them all alike. We met some of them who really bore all the marks of punctuality, others again who seemed not to be so much so; this is all we could observe, and that superficially, as far as the short time we remained in the districts would allow us. However it may be, without wishing to place anyone in an unfavorable light, and that perhaps undeserved, this truth is certain that the internal Magistracy of distant districts which are beyond the immediate eye of the respective Landdrosts is most imperfect, neither can it in the nature of things be otherwise. The more therefore that the Landdrosts shew themselves in their own districts, the more they will be of great utility to all parties; the necessity of this we particularly found in the course of our proceedings.

At the Drostdy of George we had the examination of complaints of ill treatment of Hottentots and slaves against Johannes G. ter

Blans and Piet ter Blans. Among the charges brought forward in that examination against the one 8 and the other 6, there were some points of accusation respecting different slaves and Hottentots who were said to have died of or of the consequences of ill treatment, but all of which were said to have happened some 10, some 12, and some even 20 years ago. This therefore made the investigation in the highest degree difficult. It has however been done as far as it was possible after such a lapse of time, the result of which on each point can be seen in the records of November last. In the mean time the accusers were naturally asked the reasons why the complaints of these different cruelties were not made before, and those reasons were said chiefly to consist herein, that they seldom or never had seen any Magistrate in their Districts, that the Drostdy was so far off that a slave could not get there to make a complaint, if he had any, because that he could not be met with on the high road without a pass without being taken up and brought back to his master. We certainly found that in the present case these reasons were but a mere pretext, because that even the present Landdrost of Swellendam, then also Landdrost over the District of George, had actually been here and there in the neighbourhood without any complaints having been made to him, but such a pretext could not even be made use of in case the Landdrosts were accustomed to frequent their districts more, and in the mean time the circumstances of the far distant districts make such cases very possible, the same as both the first undersigned of us found to be the case at the place of one of the Field Cornets at the end of the Lange Kloof near the boundaries of the jurisdiction of the Drostdy of George, where in the morning early at the moment of our departure two of the slaves without the knowledge of their master came to complain of ill treatment, adding that they had not an opportunity of access to the Landdrost.

We immediately noted the same, as will appear by the record of the 29th and 30th November, and wrote to the Landdrost of George, as there was not then any Landdrost or public accuser present, to cause the said slaves to be immediately brought to the Drostdy, to investigate the business, and finding grounds for action to act in the business as is prescribed in the instructions for the Government of the Country Districts. In No. 4 is the Landdrost's answer, acknowledging the receipt of the letter, and

containing assurance that he would immediately take the necessary official steps and do his duty. We only mention this to shew your Excellency how necessary it is that the Landdrosts should now and then visit their distant districts.

This is not in every respect remedied by sending a Commission for administering Justice in the Country Districts, because this Commission only goes from one Drostdy to another along the common road, in order there respectively in their judicial capacity to take cognizance of and then exercise their functions in criminal cases which have been either previously investigated by the Landdrosts in order to be prosecuted before the Commission, or of such as are brought forward on their arrival. The Commission therefore does not travel in each of the Districts in all the Wards or Fieldcornetships of the same; if this were to take place, the journey could not be finished in a year. Several of the far distant quarters remain, and therefore the inhabitants of them have not any access to the persons of the Commission in the districts themselves.

We therefore conceive we should also submit to your Excellency's consideration, under the remarks we have taken the liberty to make, the utility of recommending to all the Landdrosts, some of them to whom it may be convenient at least once a year, others once in two years to visit all the Wards in person, or the residence of each of the Field Cornets in all the districts, and that after having given previous notice to all the families of that Ward. By these means there would be not a single corner of the country but what would be visited, and not beyond the eye of the Magistrate of the District; hereby every Landdrost would annually have an opportunity particularly to attend to the proceedings of the Field Cornets, to the compliance with the Government Proclamations, and to examine the hire contracts of Hottentots and other retroacts at the Field Cornets, the pretext of not having an opportunity to bring forward crimes or complaints would then entirely cease, and the Landdrosts besides by so doing would become particularly and personally acquainted with the situation and real interest of every part of their Magistracies. The time for these journeys should be adapted according to the circumstances of business at the Drostdies, and according to the season of the year, partly at the expense of the Treasury of the district and partly at that of the respective inhabitants by furnishing relays of cattle in each

Ward, and which as being for the general good they could and ought to facilitate, and a regular record should be kept of all their proceedings.

For the rest, with respect to the Commission itself for administering justice in the Country Districts, in case it be your Excellency's intention that it should punctually take place every year, we conceive that on this point we might suggest some little alteration to be made in the manner and time for the journey.

For one and the same Commission to begin business so near the Town as Zwellendam, and then to have the prospect of visiting George, Uitenhage, Graaff Reinet, and Tulbagh in the uncertainty of the time it will be necessary to remain at each Drostdy, because that depends on circumstances and on the cases to be brought forward, is not very encouraging. Besides to begin at Zwellendam, then at Graaff Reinet, and to finish at Tulbagh makes the journey from Uitenhage to Graaff Reinet, and from the barren Carroo, where the thermometer is frequently from 106 to 108 degrees in the shade, and that in an ox waggon, is very fatiguing and even oppressive to the Commission, and especially for old gentlemen, of the Court of Justice. We should therefore beg leave to propose that the respective landdrosts should be directed yearly to give in a report before the beginning of August what criminal and civil cases were noted in order to be prosecuted before the Commission, so as to judge therefrom of the necessity of visiting the far distant districts that year or not. Notwithstanding that we believe such to be necessary in the neighbouring drostdies, in consequence of their greater population and other circumstances, but at least as far as regards the judicial proceedings it is not as yet necessary in the far distant districts every year.

The Commission might then visit those districts only once in two years, and in the meantime visit the Drostdies of Tulbagh, Zwellendam and even George, every year. But in case it appeared from the said report of the landdrosts that there was a necessity for visiting the distant drostdies, in such case to make the following alteration in the manner of proceeding of the Commission, namely to divide the Commission for administering justice in the country districts into two, one of which should visit Zwellendam, which is not more than 4 days journey from the Cape, and from thence to return by way of Tulbagh. For this Commission no preparations of any consequence would be necessary, the relays of horses

along the high road would be furnished by the Field cornets, in the route, according to custom, and this Commission could very easily complete the business during the vacation. The other commissions should on the 1st or in the beginning of September proceed immediately to Graaff Reinet; this could be done in 10 or at all events 12 days; by so doing the Carroo would be passed in the very best months, otherwise so barren and tiresome, at least it would not then be unpleasant, everything is then green and wears a pleasant aspect, and there is plenty of water, which in Summer there is a want of for both men and cattle.

From Graaff Reinet to Uitenhage is but 4 or 5 days journey, and that also at the best season of the year; from thence to the drostdy of George is some days longer, but in proportion as the days become warmer one gradually comes into cooler climates, such as the Lange Kloof, Outeniqua Land, George, and so back. The prospect of the task being finished here (the journey from George to Cape Town could be done in 8 or 9 days) would keep the spirits alive, and the time would pass away without thinking of it, and particularly for old people, when otherwise the journey certainly cannot be called anything else than tiresome and disagreeable. By so doing in such cases, where the whole of the commission should take place, there would be but little time over at the end of the vacation in Cape Town before that the commission would have finished all their proceedings in the country districts, and in the meantime the court, if anything extraordinary happened, being completed by augmented members, could again proceed to business, unless such extraordinary cases required the presence of the commission longer in the country, which however is not to be reckoned upon, as depending on circumstances, a thing which as in other casualties one should put up with. The Commission for Swellendam and Tulbagh (which can conveniently take place during the whole of the Summer) could even commence their journey at the time or just before that the Commission in such case was expected from Graaff Reinet, which would certainly be accompanied with the least inconvenience both to the court and the respective members.

Herewith now, Sir, we conceive that we have performed the task with which we have been charged by your Excellency's warrant of the 20th September 1811 to the best of our ability; we hope that the manner and forms which according to Government

Proclamations we have established at the different drostdies for the administration of justice will meet with your Excellency's approbation, and that for as far as this report may appear too extensive, or to contain other matters than what require strict judicial notice, it may be attributed to the anxiety of the Commission on their first journey to make your Excellency acquainted with everything of any consequence, and to submit our humble remarks to your Excellency's better judgment, and therefore much more for the promotion of the service than from any wish to meddle with the affairs of Government further than in the judicial branch, and that we may be considered as having fulfilled, or at least as having endeavoured to fulfil, the intention.

In the meantime we cannot close this report without in particular doing justice to the landdrosts, heemraden, fieldcornets, and indeed to all the inhabitants whom we met with in our journey, from whom we not only experienced every deference and respect due to a commission of justice, but all possible help and assistance, by which we were enabled even beyond our expectations to complete our journey with safety and our business much more speedily than we could have supposed. The care and attention among others of the fieldcornets and inhabitants residing in the route, and particularly when there were difficult roads or dangerous rivers to pass, deserves nothing less on our side than that we should with sentiments of acknowledgement make favorable mention of it to your Excellency in this report.

Wishing your Excellency every prosperity and the blessings of Heaven in your government of this colony, we have the honor to subscribe ourselves,

With sentiments of the highest consideration and respect, Sir,

Your Excellency's most obedient humble servants, the President and Members of the Commission for administering justice in the country districts,

(Signed) W. S. VAN RYNEVELD,
P. DIEMEL,
F. W. FAGEL.

CAPE OF GOOD HOPE, 28th February 1812.

Annexures to the Report of the Commission of Circuit.

No. 1.

Oath for P. Maré, acting landdrost of Graaff Reinet in his present capacity as ad interim officer of justice.

“ I promise and swear to be true, faithful, and obedient to His Majesty George the Third, by the Grace of God King of Great Britain and Ireland, Defender of the Faith, &^{ca}, &^{ca}, &^{ca}, that I shall *bona fide* act in my office as provisional officer of justice of the district of Graaff Reinet with zeal and punctuality, that as soon as any crimes or suspicion of crimes now to be prosecuted by me may come to my knowledge, I shall without delay endeavour to trace out as far as possible the real truth and do everything which my office requires, that I shall proceed therein with sincerity, honor, and impartiality, without regarding the accused, his friends, or favorites, without oppressing the innocent, and further that I shall to the best of my power faithfully observe and follow the instructions in observance in this respect, as well as everything else which the duties of my present situation may require from me.”

So help me God Almighty.

No. 2.

Statement of all the criminal and civil cases which have been brought before the commission for administering justice in the country districts :—

DROSTDY OF SWELLENDAM.

Criminal.

No. 1. The landdrost R. O. *contra* Stephanus Johannes Cloete, in a case of wilfully shooting of a female Hottentot, named Mietje, committed in the year 1807. After due examination and the informations being closed, reserved for the full court agreeably to the 2nd and 43rd Articles of the proclamation.

No. 2. The landdrost R. O. *contra* Johannes Jacobus du Toit, in a case of disobedience of the commands of his field-cornet and of his making use of disrespectful expressions respecting orders issued by the landdrost. Terminated by Sentence.

No. 3. The Landdrost R. O. *contra* Daniel Benjamin Lombard,

in a case of complaints brought in against him by his slaves January and Romana for ill-treatment, and of chastising to death one of his female slaves named Sabina. *Ad idem.*

No. 4. The landdrost R. O. *contra* Jurie Craus in a case of wantonness and doing mischief in the streets. *Ad idem.*

No. 5. The landdrost R. O. *contra* the Hottentots Armoed Taay and Gezwind Dragonder in a case of burglary and robbery. *Ad idem.*

No. 6. The landdrost R. O. *contra* Willem Fredrik van Zyl, in a case of ill treatment of a female Hottentot named Celie and one of his slaves named Goliat. *Ad idem.*

No. 7. The landdrost R. O. *contra* Hermanus Arnoldus Eksteen, in a case of disrespectful behaviour to his fieldcornet and of making use of disrespectful expressions respecting the Landdrost. *Ad idem.*

No. 8. The landdrost R. O. *contra* Romana and January, slaves of D. B. Lombard, in a case of false accusations against their master, namely that he had chastized to death one of his slaves named Sabina. *Ad idem.*

Civil.

No. 1. Jacob Prager, plaintiff, *contra* Coenraad Grabe, defendant, in a case of injury. Rejected in consequence of the forms prescribed not having been observed. This case, however, was afterwards brought forward at the request of the plaintiff by a new instance, and terminated by sentence.

2. The landdrost P. S. Buisinne R. O. Plaintiff *contra* A. A. Faure, late landdrost, defendant, in a case of pretension for the treasury of the district. Arrangement made between the parties before the Commission, and confirmed by sentence.

3. The landdrost P. S. Buisinne R. O. Plaintiff *contra* A. A. Faure, late landdrost, defendant, to render account and vouchers of his administration of the monies of the church during the years 1804, 5, 6, 7, 8, and 1809 received by him as landdrost. Terminated by sentence.

No. 4. Jacobus Janse van Rensburg Plaintiff *contra* Coenraad Grabe, defendant, in a case of injury. Accommodation effected before the commission.

5. Coenraad Grabe plaintiff *contra* Jacobus Janse van Rensburg, defendant, in a case of injury. *Ad idem.*

6. Johan Hendrik Frouenfelder, plaintiff, *contra* Johan Nicolaas Stassen, in a case of pretension, Defendant. Terminated by sentence.

7. Johan Hendrik Frouenfelder, plaintiff, *contra* George Fredrik Danhauzer, Defendant, in a case of pretension. Sequestration granted.

8. Coenraad Grabé, plaintiff, *contra* Maria Swart, wife of Daniel Swart, defendant, assisted by her husband, in a case of injury. Terminated by sentence.

9. Adam Nicolai and the landdrost of this district, P. S. Buisinne, R. O. joint prosecutor, *contra* Johan Nicolaas Stassen, Defendant, in a case of real injury. Postponed at the request of the plaintiff to the following session, in consequence of the indisposition of the defendant.

DROSTDY OF GEORGE.

Criminal.

No. 1. The landdrost R. O. *contra* Cornelis van Tonderen, in a case of vehement suspicion of having deprived his wife of her life in a violent manner. After due investigation reserved for the full court, agreeably to Art. 2 of the proclamation.

No. 2. The landdrost R. O. *contra* Johannes Gerhardus ter Blans, and his wife, in a case of violent ill-treatment committed on his slaves. The defendants condemned in a penalty in behalf of the treasury of the district and also that seven of their slaves should be sold.

No. 3. The landdrost R. O. *contra* Pieter ter Blans, senior, in a case of complaints alleged against him of ill-treating his slaves and the Hottentots in his service. After due investigation it having appeared that the charges brought forward against the defendant were unfounded, he was accordingly acquitted by the Commission.

Civil.

No. 1. Johannes Petrus Wagenaar, plaintiff, *contra* David Johannes Keizer, junior, and David Keizer, senior, defendants in a case of pretension. Terminated by sentence.

2. Alletta Fredrika Huissteen, plaintiff, *contra* Salomon ter

Blans, P. S., defendant, in a case of promise of marriage and consequent defloration. Accommodation effected between the parties before the Commission, and confirmed by sentence.

3. Lussina Catharina van Wyngaarden, wife of Cornelis Barnard, plaintiff, *contra* her said husband Cornelis Barnard in a case of adultery. Accommodation effected, and such being reported, this case was thrown out of court, the prescribed forms not having been complied with.

4. Jan van Rooyen, plaintiff, *contra* Jesaias ter Blans, St. Son, defendant, on a charge of having made use of offensive expressions. Accommodation effected before the Commission.

5. Jan Ferdinand Bam q.q. Martinus Hoets, plaintiff, *contra* Josephus Wilhelmus Molendorf, defendant, in a case of pretension. Terminated by sentence.

DROSTDY OF UITENHAGE.

Criminal.

No. 1. The landdrost of this district R. O. Prosecutor *contra* the Hottentot Jacob, on a charge of violence committed on his wife, who afterwards died. The defendant acquitted by sentence.

2. The landdrost R. O. *contra* Michiel Hendrik Niemand, on suspicion of having been the cause of the death of a Hottentot named Piqueur. The prisoner released from confinement by a provisional decree.

3. The landdrost R. O. *contra* Coenraad Scheepers, Fredk. Son, on a charge of having been the cause of the death of a Hottentot named Christoffel Tima. The defendant acquitted by sentence.

4. The landdrost R. O. *contra* Matthys Hendrik Marais, on a charge of perjury as witness in a case of the Hottentot Piet Evert *contra* Jacobus Botha before the board of landdrost and heemraden. Terminated by sentence.

5. The landdrost R. O. *contra* the Hottentot Anthony confined in the prison of this drostdy for deserting to the Caffres and premeditatedly taking with him two slaves belonging to Godlieb Welgemoed. *Ad idem.*

6. The landdrost R. O. *contra* Christiaan Jacob Dorfling, for having buried the Hottentot Piqueur without having obtained previous permission from the fieldcornet of the district. Terminated by sentence.

Civil.

No. 1. Christina Potgieter, married with Lucas van der Schyf, and the landdrost of the district, joint prosecutors, *contra* Johannes Christoffel Landman, in a case of injury. Accommodation effected before the commission, and confirmed by sentence.

No. 2. Lieut. Ellert, of the Cape Regiment, *contra* Hendrik Oostwald Lange, for the exhibition of an award given in a dispute between them and thereupon to hear request for the court's condemnation and respectively to consent therein. The said award being produced by the parties, it was confirmed by sentence of the Commission.

DROSTDY OF GRAAFF REINET.

Criminal.

No. 1. The landdrost of this district R. O. *contra* Jan Hendrik Hasselbagh, defendant, on a charge of ill-treatment of a slave named David belonging to the church of the district. Terminated by sentence.

No. 2. The landdrost R. O. *contra* Afrika of the Cape, slave of Pieter Rossouw, in consequence of his having confessed in presence of witnesses to have murdered a certain slave girl named Sara. After having heard all the parties present at this place, the case was reserved for further investigation before the full court, the murder being supposed to have taken place in the very neighbourhood of Stellenbosch, so that there is no act of inquest to be found at Graaff Reinet. The prisoner ordered immediately to be sent to town.

Civil.

No. 1. Jan Godfried Pichel, plaintiff, *contra* Carel David Gerots, defendant, in order as the defendant found good to disturb and hinder the plaintiff in the peaceable possession of a piece of ground situated in the village of Graaff Reinet, belonging to the plaintiff in property agreeably to a diagram and erfgrondbrief dated the 1st January 1806, namely by partly cultivating the said ground, notwithstanding the warning given him the defendant by or on behalf of the plaintiff, now to hear such claim and conclusion as the plaintiff may make in this respect with the costs. Ac-

accommodation effected between the parties before the Commission, and confirmed by sentence.

No. 2. Jacobus van Heerden, Schalkson, plaintiff, *contra* Michiel Faber, defendant, to hear claim and conclusion in a case of debt with the costs. Accommodation effected before the Commission, and confirmed by sentence.

3. Anna Francina Viljoen, wife of Johan Christoffel Koekemoer, stated to the district's clerk to have an action after she shall have obtained *venia agendi* from the Commission for administering justice in this district, *contra* her said husband Johannes Christoffel Koekemoer in a case of gross ill-treatment, and therefore for a separation from bed and board and community of property with the consequences thereof. Terminated by sentence.

DROSTDY OF TULBAGH.

Criminal.

No. 1. The landdrost of this District R. O. *contra* Moses of Mozambique, slave of Abraham Mouton, for cruelly wounding of a slave named Roelof belonging to said Abraham Mouton. Terminated by sentence.

2. The landdrost R. O. *contra* the Hottentot Thomas Zwart, in order after investigation being made to hear claim or declaration in a case of shooting a certain little Hottentot named Gerrit. The prisoner acquitted by sentence.

Civil.

No. 1. The vestry of the Reformed Church here, plaintiffs, *contra* Pieter Jacobus Coenradi, defendant, in a case of pretension in consequence of a certain error which appears in the church accounts for the year 1809. Terminated by sentence.

2. Carolus Enslin, plaintiff, *contra* Pieter François Le Clus, defendant, in a case of pretension. Terminated by sentence.

3. The landdrost of the district, H. van de Graaff, Esquire, as Curator over the persons of Johanna and Francina, plaintiff, *contra* Pieter François Le Clus, defendant, as being obliged, agreeably to transfer made by Frederik Willem Kock on the 16th June 1804 to instruct and emancipate said Johanna and Francina, now to hear such claim and conclusion in that respect, as the

plaintiff in his said capacity may deem necessary to make
Ad idem.

A true copy from the original.

(Signed) D. J. VAN RYNEVELD, Secretary.

No. 3.

Extracts from the records held by the Commission for administering justice in the Country districts.

DROSTDY OF SWELLENDAM.

Criminal.

Monday the 28th October 1811.

The landdrost further reported :

That shortly after he had entered on the situation of landdrost of this district, one Coenraad Marneweck came to him with an extract from the loan books held in the office of Land Revenue, from which it appeared that the grant of a place named the Mierenkraal, occupied by one Willem Noordman, had been withdrawn on a complaint of said Marneweck, and at the same time complaining that altho' he obtained this resolution from Government, still however it was not of the smallest use to him, but on the contrary, that said Noordman still continues to occupy the place to his prejudice and molests him in every kind of way, and that notwithstanding that he had frequently complained to the former Landdrost Faure, he however did not assist him.

That he the Landdrost, having informed himself on this subject, found the complaints to be grounded, and therefore wrote to the fieldcornet under whose ward the said place belonged, to cause Willem Noordman to evacuate the same, and maintain Marneweck in the possession of his just right, with no better consequence, however, than that said Marneweck some time afterwards again addressed himself to the landdrost, complaining that he was not only not yet reinstated in his rights, but also that he must daily suffer from Noordman.

That he the Landdrost gave the complainant a second order to the fieldcornet of his ward, conceiving that this business would now be terminated, but on the contrary some time afterwards he

was again requested by said Marneweck to do him justice as Noordman obstinately persisted in refusing to leave the place.

That he the Landdrost thereupon sent the under sheriff of the district with the necessary constables to the place, with order once more to desire said Noordman to quit the place directly, and in case of his not immediately complying with this order, to pound his cattle and make him and his family depart.

That in consequence of this order the under sheriff went there, and found himself obliged to have recourse to pounding the Cattle of said Noordman, which was accordingly done on the 8th February 1810, when two hundred and twelve sheep and goats and nineteen head of horned cattle were brought hither.

That some days afterwards he the landdrost received a supplicating letter from Noordman's wife, requesting to have the cattle back, as her husband was absent and she with her five children had nothing to eat.

That as the execution of the orders given by the landdrost had been attended with some expence, he hesitated to give up all the cattle, but allowed the sheep and goats to be taken away.

That about fourteen days afterwards said Noordman came himself to the Drostdy, when the Landdrost directed the under sheriff to render him an account of the expences which had been incurred, and to demand payment, but to which Noordman answered that he would not pay a Stiver, neither would he release the cattle, but that he would address himself to government, and such like expressions.

That he the Landdrost allowed the business to remain in this state for some time, in expectation of Noordman's seeing his error; but that such not being the case, he had written to the fieldcornet Nortje to summon Noordman hither, in order to have his account taxed by commissioned heemraden, to which letter he received an answer from the fieldcornet that Noordman had absented himself without his knowledge.

That in the meantime the said cattle remained here in the pound, where they still are, the taking care of which has become a great charge, and the Landdrost does not know of any other means to terminate the business than to lay the account of said Noordman before the Commission for their approbation or alteration, and to request that they might be pleased to authorize the landdrost to sell the pounded cattle by public auction, and to dis-

charge the said account out of the proceeds of the same, together with such costs as have been accumulated by taking care of the cattle, or to prescribe to the landdrost such other way of proceeding as the Commission may deem meet.

Upon which having deliberated and having taken into consideration the declaration of the Under sheriff Bodenstein exhibited by the landdrost, the Commission approves of the account amounting to Rix Drs. 131—1—2, and authorizes P. S. Buissinne, landdrost of Swellendam, to have the pounded cattle belonging to Willem Noordman judicially sold, and the proceeds of the same, after the deduction of the abovementioned sum already incurred, and still to be incurred legal costs, to be deposited in the hands of the landdrost and Heemraden here, as representing, agreeably to the 53rd article of the proclamation, the Chamber of Insolvent Estates and *opus jus habentium*.

An extract hereof to be granted to the said landdrost, as also to the landdrost and heemraden, as constituting the Chamber of Insolvent Estates here, for their respective information and guidance.

The Commission having further proceeded to a compliance with arts. 63, 64, and 65 of the proclamation, the landdrost declared that with respect to the 63rd article of the proclamation of the 1st November 1809 concerning Hottentots was here duly observed. That whenever Hottentots had to complain of their masters, the business was first extrajudicially examined by the landdrost, and if the case was found to fall under the terms of the proclamation it was then brought before the landdrost and heemraden for the prosecution of the master, only two cases of that nature having been brought forward last year, the one contra Abraham Ferreira, residing behind the Kogman's Kloof, and the other contra one Jacobus Botha, residing at the Slange River, both of whom were condemned conformably to the proclamation.

Further agreeably to the 64th Art. the annotation book of the under sheriff of Swellendam, respecting the slaves and Hottentots which had been confined and released from the prison during the year 1811, as also whether they received correction or not, was produced, which was as follows:—

Hottentots: released with domestic correction 12; released without correction 8. Slaves: released with domestic correction 14; released without correction 14.

The prison being examined by the Commission, the same was found in every respect clean and in proper order, altho' very much confined and consisting in One apartment 15 feet long, broad 8 feet, One apartment 15 feet long, broad 12 feet, One apartment 15 feet long, broad 7 feet.

Further in compliance with the 65th Art. of the proclamation of the 16th May last, the landdrost declared that he had received report from all the fieldcornets that they agreeably to the 7th Art. had required a slave or Hottentot of each place, and made them acquainted with the general intention for which the Commission were about to assemble at the Drostdy; no other complaints having as yet been brought in than those contained in this record.

Finally when the Commission were about, agreeably to the 66th Art. of the proclamation, to examine the different acts and coroners' reports, the landdrost declared that the custom here had only been to have inquests taken by the Chirurgeon of the district, and that those surgical acts were always sent to town and annexed to the respective proceedings.

The Commission prescribed that in future inquests in the neighbourhood of the village should be made in presence of commissioned heemraden, or otherwise in presence of the fieldcornet and witnesses, and that all those acts should be inserted in a book kept for that purpose, in the same manner as is customary in Cape Town.

Civil.

Monday the 28th October 1811.

Finally read a memorial from Hendrik van As, junior, stating that his father Hendrik van As, senior, had been for a considerable time past in a most deplorable situation, in consequence of having lost the use of his senses. That he had hoped that time and every possible endeavour would have restored his father to health, but that to his great sorrow he is disappointed in his hopes, his father still continuing in the same unfortunate situation, by which his estate not only goes considerably behind hand, but also ill disposed persons could make an improper use of his father's situation.

Memorialist therefore requesting that the Commission might

be pleased to appoint curators over said Hendrik van As, senior, the memorial being accompanied by an attestation from the landdrost P. S. Buisinne and one of Willem Koster, surgeon of the district, both confirming the situation of said Van As to be as stated in said memorial.

The Commission having taken into consideration the necessity of providing herein, found good to place Hendrik van As, senior, under curators, and nominate and appoint over his person and property the Burgher Hendrik van As, junior, the heemraad of the district, Tobias Rouer, and the district's clerk, Gerhardus Cornelis Denys, with such power and authority as all curators are entitled to according to law, under obligation of responsibility at the next ensuing session of the Commission.

The public to be informed hereof by publishing and affixing the necessary notice of the same.

Wednesday, the 30th October 1811.

Agreeably to the 66th art. of the proclamation of the 16th May last, the Commission examined all the notarial acts executed in the Secretary's Office of the Drostdy of Swellendam during the last five years, and found all the same duly in order and signed by the notary and witnesses.

The number of the different acts being as follows :

In the year 1806 :

Wills	10
General Powers of attorney	8
Special " "	21
Bonds	6
Transfers	6
Acts of security	3
Contracts	8

— 62

In the year 1807 :

Wills	16
General powers of attorney	7
Special " "	16
Bonds	11
Transfers	7
Acts of security	1
Contracts	10

— 68

In the year 1808 :

Wills	15
General powers of attorney	4
Special " "	29
Bonds	12
Transfers	7
Acts of security	—
Contracts	14

— 81

In the year 1809 :

Wills	16
General powers of attorney	4
Special " "	21
Bonds	4
Transfers	8
Acts of security	2
Contracts	10

— 65

In the year 1810 :

Wills	8
General powers of attorney	7
Special " "	26
Bonds	13
Transfers	11
Acts of security	11
Contracts	11

— 87

DROSTDY OF GEORGE.

*Criminal.**Saturday, the 23rd November 1811.*

The Commission hereupon having proceeded to comply with the 63rd, 64th, 65th, and 66th articles of the proclamation of the 16th May last, the landdrost with respect to the 63rd article declared that the proclamation of the 1st November 1809 regarding the Hottentots was here properly observed, and that during the time he had been here, since the 28th May last, there was but one case of that nature occurred *contra* Nicolaas Lombard, residing at Plettenberg's Bay, which required the application of the proclamation, and who was condemned accordingly, agreeably to the tenor of the same.

With respect to the 64th art. the landdrost further stated that

no domestic punishment had taken place, there not being as yet any prison whatsoever here.

Further having proceeded to comply with the 65th art. of the proclamation of the 16th May last, the landdrost declared to have received report from all the field-cornets of their respective wards, that agreeably to the 7th article they had summoned a slave or Hottentot from each place and acquainted them with the general object for which the Commission was about to assemble at the Drostdy, no other complaint in this respect having as yet been made to the Commission, than what is contained in this Record.

Finally the Commission having proceeded to examine the acts of inquests agreeably to the 66th article of the proclamation, they found only one inquest to have been taken on the 4th August last, in consequence of the chastisement of four slaves belonging to Jan Gerhard ter Blans, which act is to be found under No. 6 in the precedent informations of the process verbal of the Commission in the case of the said Jan Gerhard ter Blans, but the Commission having remarked that this act of inquest was inserted in the usual record of landdrost and heemraden, they prescribed that in future a separate inquest book should be kept at this drostdy, in the same manner as is customary in Cape Town, and that all acts of inquest should be signed by the commissioners who took the same and by the secretary.

Civil.

Saturday, the 23rd November 1811.

The commission agreeably to the 66th art. of the proclamation of the 16th May last examined all the notarial acts executed in the secretary's office here in the course of this year, which they found regularly in order, and duly signed by the notary and witnesses.

The number of the different acts being :

Wills	2
General powers of attorney	7
Special " "	4
Declarations	1
Contracts	1

Friday, the 29th November 1811.

At the place of the Field-Cornet Matthys Zondag at the Lange Kloof.

Forenoon.

Present the worshipful W. S. van Ryneveld, president, and P. Diemel.

At the moment that the abovementioned gentlemen were about to step into the waggon in order to pursue their journey to Uitenhage, the Slave Oranje from Madagascar and the female slave Rosina complained that they, principally said Oranje, were ill-treated by their master, that among others a certain slave named Onverwagt, belonging to their master, having been punished some months ago at the corn land, died eight days afterwards, said Oranje however declared for himself that he could not show any marks of ill usage.

The above complaint having been made in the absence and without the knowledge of their master, and no person being present on behalf of the landdrost, the abovementioned gentlemen of the Commission found good provisionally to note the same, in order to-morrow at the place of Stephanus Ferreira, where the Commission will be complete, to take such steps in this case as may be deemed advisable.

Saturday, the 30th November 1811.

At the place of Stephanus Ferreira, named Klipheuvcl, situated at the Aries Rivier at the end of the Lange Kloof.

Present the worshipful W. S. van Ryneveld, president, and Messrs. P. Diemel and F. W. Fagel.

Having deliberated on the annotation made yesterday at the place of the fieldcornet Matthys Zondag respecting the complaints of the slaves Oranje and Rosina, it was found good to write to the landdrost of this district, A. G. van Kervcl, Esquire, immediately to have the said slaves Oranje and Rosina brought up to the drostdy in order agreeably to the instructions to make investigation and collect precedent informations, as also should he find grounds of action against the fieldcornet Matthys Zondag to take the necessary official steps.

Same Day.

Ignatius Ferreira, fieldcornet of this district at the end of the Lange Kloof, reported that agreeably to the proclamation of the 16th May last, having summoned a slave or Hottentot from each house in his Ward, a slave named Azor, from Mozambique, belonging to Cornelis Rademeyer, came to him, saying he had complaints to bring in, and that he the fieldcornet had therefore summoned the master also to appear this day before the Commission.

Hereupon the slave Azor being separately called in and having been heard, he stated that his master did not give him clothes enough and that he made him work too much, having examined him he declared that he had lived ten years with Rademeyer, and that in other respects he had not any reason of complaint.

Being asked from whom he got the clothes which he had on, consisting in a leather breeches, a kersey jacket, and a blue check shirt, all whole and in good condition, he said he got them from his master.

Having been stripped of his clothes, in order to examine the body, no marks of blows, much less of ill-treatment, were found on the same, he being for the rest thick and fat, and therefore bearing every external appearance of being well-treated in his situation.

To be the better convinced, the slave Goliath of the Cape, also belonging to said Rademeyer, and who accompanied the slave Azor hither, was asked how they were treated by their master, to which he answered, well, and that he believed no person had any reason of complaint.

Hereupon having deliberated, the Commission resolved that said Azor, in consequence of his false and calumnious complaint, should receive a punishment not exceeding twenty strokes of a switch, under the direction of the fieldcornet in presence of his master.

The fieldcornet reported, previous to the departure of the Commission from this place, that the punishment was inflicted in the above mentioned manner, and that said Rademeyer, in consequence of the sorrow expressed by his slave Azor, on his receiving the fifth stroke had requested that the business might end there.

DROSTDY OF UITENHAGE.

Criminal.

Thursday, the 12th December 1811.

The commission having proceeded to comply with the 63rd, 64th, 65th, and 66th articles of the proclamation of the 16th May last, the landdrost with respect to the 63rd article declared that the proclamation of the 1st November 1809 regarding the Hottentots was here properly observed, as far as possible, and that in the course of the present year the following Cases of that nature occurred :

No. 1. The case of the Hottentots David Jantjes, Claas Africa, Temro, Claas Beyer, and Windvogel Stuurman *contra* Isaac Abraham van Niekerk, fieldcornet of the district of Kromme Rivier.

No. 2. The case of Hottentot Jantje *contra* Barend Daniel Bouwer.

No. 3. The case of Hendrik Zeeland *contra* Gerrit Hendrik Holtzhauzen.

No. 4. The case of Jan Jacobs *contra* the fieldcornet Gerrit van Rooyen.

No. 5. The case of Witbooy Tarantaal *contra* Gerrit Scheepers, Coenraads son.

No. 6. The case of Hottentot Ruyter Baartman *contra* Cornelis Johannes Muller, senior.

No. 7. The case of Hottentots Jan Zwart and Frederick Zwart *contra* Jacobus Petrus Carlse.

In which cases justice has been done by the landdrost and heemraden, as appears by their records, agreeably to the tenor of the abovementioned proclamation.

Further agreeably to the 64th Art. the landdrost produced the annotation book, kept by the under-sheriff, of the confined and released slaves and Hottentots in the prison here, as well as of the domestic correction inflicted or not on them, of which the following took place during the year 1811 :—

Hottentots released with domestic correction	.	.	2
Released without any punishment	.	.	24
Slaves released with domestic correction	.	.	1
Released without any punishment	.	.	1

The prison being examined by the commission, altho' it was

small and containing only one apartment of twenty one feet long and fifteen broad, still however it was found proper and cleanly.

Further having proceeded to comply with the 65th art. of the proclamation of the 16th May last, the landdrost declared to have received report from all the fieldcornets of their respective wards, that agreeably to the 7th art. they had summoned a slave or Hottentot from each place and acquainted them with the general object for which the Commission was about to assemble at the drostdy, no other complaint in this respect having as yet been made to the Commission than what is contained in this record.

Finally the Commission having proceeded to examine the acts of inquest agreeably to the 66th art. of the proclamation, the landdrost of this district produced the following acts, which had taken place during the year.

Number of the Acts.	Date.	Names of the Bodies on which the inquests were taken.	By whom taken.	Date when sent to the fiscal.
1	1811 Jan. 20	Jacob Schipper, Hottentot, supposed to be murdered by the Caffres.	Fieldcornet of the district of Kromme River and Witnesses.	Feb. 6.
2	Feb. 2	Two Caffres and a Hottentot shot in the act of driving stolen cattle.	The provisional fieldcornet of Bruintjes Hoogte and witnesses.	April 2.
3	Jan. 30	The Hottentot Cobus (the cause of his death not known).	The fieldcornet of the district of Kromme River and witnesses.	Feb. 6.
4	Mar. 10	A Hottentot murdered by the Caffres, and a Caffre shot in the act of driving away stolen cattle.	The fieldcornet of the district of Riet River and witnesses.	April 2.
5	Mar. 29	A female Hottentot named Griet (supposed to have been struck by lightning).	Fieldcornet of the district of Bosjesman's Rivier and witnesses.	„ 2.
6	April 11	Joris, a Hottentot (supposed to be murdered by the Caffres).	Field cornet of the district of Riet River and witnesses.	May 4.
7	„ 13	A female Hottentot named Dorothea supposed to have died in consequence of having been beaten by her husband.	Fieldcornet of the district of Kromme River and witnesses.	„ 4.
<p><i>N.B.</i>—The preceding case was brought before the Commission on the 9th Decbr. 1811, at Uitenhage sub. No. 1 in the criminal cases.</p>				

Number of the Acts.	Date.	Names of the Bodies on which the inquests were taken.	By whom taken.	Date when sent to the fiscal.
8	April 27	The slave Petrie, supposed to be murdered by the Caffres.	Fieldcornet of the district of Bosjesman's River and witnesses.	June 25.
9	May 7	Report of a bastard Hottentot whose leg was shot off and a slave boy, both apprehended in the act of stealing cattle. <i>N.B.</i> —The slave boy belonging to the district of Graaff-Reinet was sent there.	Fieldcornet of the district Riet River and witnesses.	„ 25.
10	June 12	A Caffre shot in the act of cattle stealing.	Fieldcornet of the district of Bosjesman's River and witnesses.	June 25.
11	„ 22	A female Caffre (supposed to have been shot).	Fieldcornet of Brintjes Hoogte and witnesses.	July 6.
12	„ 24	An inhabitant named Jacob Deventer murdered by the Caffres.	The fieldcornet of Brintjes Hoogte and witnesses.	July 6.
13	July 19	The Hottentots Leendert Berry and Jores, both supposed to have been murdered by the Caffres.	Fieldcornet of the district of Riet River and witnesses.	Aug. 10.
14	„ 21	An unknown Hottentot, supposed to have died in consequence of the cold and rain.	Provisional fieldcornet of Winterhoek and witnesses.	„
15	Aug. 12	A drowned slave boy belonging to Johannes Petrus Nel.	„ „	

Civil.

Saturday, the 14th December 1811.

The Commission agreeably to the 60th Art. of the proclamation examined all the notarial acts executed in the Secretary's Office here since the establishment of this drostdy, which they found regularly in order and duly signed by the notary and witnesses.

The number of the different acts being as follows :

In the year 1805 Three declarations.

1806 One power of attorney, one Transfer, one Declaration, one Bail Bond.

1807 One will, one power of attorney.

In the year 1808 Twelve wills, Four powers of attorney, Three transfers, One bond, One declaration, One Bail bond.

1809 Four powers of attorney, One declaration, One Bail Bond.

1810 Two wills, Three powers of attorney, One declaration.

1811 Five wills, Four powers of attorney, Two transfers of slaves, One bond.

Same Day.

After that the Commission for administering justice in the country districts closed at this place, the landdrost J. G. Cuyler informed the president (which the president communicated to the respective members) that he had heard from Lieut. Col. Graham that A. van der Lingen, chaplain to the Cape Regiment, had related to him that being at the Hottentots institution named Bethelsdorp, the missionaries Smith, Ulbrecht, and Warner had informed him, that after Mr. Van der Kemp had departed hence for Cape Town four Hottentots were murdered, and that one or two of those murders were committed after Lieut. Col. Graham had arrived at Uitenhage. That he the landdrost, having already had such frequent instances of indirect insinuations from the missionaries of that institution, as if he had not opposed the cruelty of the farmers to the Hottentots with that attention which the importance of the case required, was determined not any longer to pass over with indifference such like reports, as tending to undermine his character as landdrost and to make him suspected in the eyes of government and the public of not properly acquitting himself of his duty, but to have recourse to the severity of the laws, requesting therefore that those missionaries might be called upon properly to substantiate what they had related to Mr. Van der Lingen, and further if any calumny might be found therein, as if the landdrost had known the same and passed it over unnoticed, or if he had not done his duty, that in such case the Commission might be pleased to postpone their journey to Graaff Reinet, which was fixed on Monday next, in order to take cognizance of the same, and also that an opportunity might be given him, if necessary, to institute his action for calumny and reproach against those whom he might conceive to have been authors thereof.

It was therefore found good to order the said missionaries to the drostdy.

Sunday Morning, the 15th December 1811.

The Missionaries Smith, Ulbrecht, and Warner having this morning appeared at the Drostdy, and being spoken to on the subject of their relation to the chaplain Van der Lingen, they declared that their discourse with that gentleman consisted simply herein, namely: That the ill treatment of Hottentots still continues, for that on the arrival of the Commission for administering justice at this district the landdrost had required of them to send the witnesses, as they understood, in four cases to the drostdy, in order to be examined before the Commission. That they had merely told this *bona fide* to Van der Lingen, by way of discourse, without in the least alluding to other cases which had been properly investigated by the landdrost or brought before the Commission, much less that they had insinuated therefrom as if the landdrost of this district had passed over any of these cases unnoticed.

Mr. A. van der Lingen, chaplain of the Cape Regiment, being hereupon heard, declared that the conversation actually took place in the abovementioned manner, and that in his relation to the Adj. Hart and afterwards to Lieut. Colonel Graham he had never mentioned anything as if the missionaries in their discourse had attached any appearance of blame or insinuated that the landdrost had not taken notice of any of the cases they alluded to, as he perfectly well recollects, they told him that they were ordered by the landdrost to send the witnesses in some of those cases to the drostdy in order to appear before the Commission. A. van der Lingen further declaring that he conceived there must have been some misunderstanding in his relation of the business, as he never could swear that in the conversation which took place between him and the missionaries there was anything mentioned with respect to the landdrost.

The landdrost hereupon declared to be satisfied with the explanation given by the parties on this subject; without however curtailing his right to such action as he conceives to have for calumny against the missionary Read who found good in a certain pamphlet which he published in England to say that here under the government of the landdrost gross cruelties committed on

Hottentots were passed over unnoticed, in which respect he reserves to himself the right, as soon as the investigation of that business now carrying on in Cape Town by His Majesty's fiscal before the worshipful the Court of Justice shall be closed or concluded, of taking such steps as he may deem necessary for the maintenance of his honor as landdrost.

This record has been made hereof.

DROSTDY OF GRAAFF REINET.

Criminal.

Friday, the 27th December 1811.

Appeared before the Commission the Hottentot Speelman, who stated that upwards of two years ago the Burgher Johannes Botha residing at the Zwager's Hoek, took away three of his children, whom he took with him to his place, out of the Kraal of Captain Piet, situated in the Gamka, where he also lived.

That he several times went to said Botha and requested him to give back his children, without however his having done so, but thereby obliged him to hire himself, which he at last did, because Jan Greyling, the fieldcornet of Zwager's Hoek, to whom he frequently complained, would not give him any satisfaction; and that he engaged himself to said Botha for two years for 12 ewes a year, that conceiving he had served out his time, he requested said Botha to allow him to depart with his wife and three children and his cattle, which he said consisted in 24 ewes, but that Botha still continues to refuse to let him go.

The Commission charged the acting landdrost with this business, in order agreeably to government proclamation of the 1st November 1809 to have it brought before Commissioners of the board of landdrost and heemraden, there to be investigated and decided, if possible during the presence of the Commission at this drostdy.

An extract hereof to be granted to the said acting landdrost P. Maré for his information and guidance.

Thursday, the 2nd January 1812.

The Commission sitting this day to comply with the 63rd, 64th, and 65th articles of the proclamation of the 16th May last, the acting landdrost with respect to the 63rd art. declared that the proclamation of the 1st November 1809 regarding the Hottentots

was here properly observed, and that in the course of the preceding year 1811 the following cases of that nature occurred :

No. 1. The case of the Hottentot Steven Arnold contra Willem Sterrenberg Marais.

No. 2. The case of the female Hottentot Anna contra the Widow of Cornelis de Clercq.

No. 3. The case of the Hottentot Babus Cackerlak contra Jacobus Petrus Joubert.

No. 4. The Case of Jurgen Minie contra Pieter Oberholster.

No. 5. The Case of Platje contra Pieter Oberholster.

No. 6. The Case of David Abrahams contra Christian Janssen.

No. 7. The Case of Storm contra Willem Andries Pretorius.

No. 8. The Case of Andries contra Pieter Fourie, Senior.

No. 9. The Case of Babus Cackerlak contra Petrus Jacobus Joubert.

No. 10. The Case of the Female Hottentot Truy contra The widow Ch. Ch. Gruning.

No. 11. The Case of the Female Hottentot Betje contra as above.

No. 12. The Case of the Hottentot Frolyk contra Jan Jonathan Booyesen.

No. 13. The Case of Thomas contra Roelof van der Merwe.

No. 14. The Case of the Female Hottentot Koselyn contra Daniel Rood.

No. 15. The Case of Louis contra Hendrik Davel.

No. 16. The Case of the Hottentot Appollos contra Hendrik Davel.

No. 17. The Case of Claas contra said Davel.

No. 18. The Case of Jonker contra Hendrik Venter.

No. 19. The Case of the female Hottentot Clara contra Samuel Jacobus Marais.

No. 20. The Case of Jacomyn contra Johannes Pretorius.

No. 21. The Case of the Hottentot Andries contra Gerrit Cornelis Olivier.

No. 22. The Case of Colder contra Willem Jacobus van Heerden.

No. 23. The Case of the female Hottentot Katje contra Rud. Brits.

No. 24. The Case of The Hottentot Ruitter contra Johan Nicolaas van den Berg.

No. 25. The Case of the Female Hottentot Lysbeth contra Hendrik Venter.

No. 26. The Case of Eva contra said Venter.

No. 27. The Case of Jacomyn contra Jan La Boscagne.

No. 28. The case of Hottentot Stoffel contra Petrus Hermanus Smith.

No. 29. The case of Claas Baken contra Christiaan van Niekerk.

No. 30. The case of the Hottentot Claas contra Hendrik Davel.

No. 31. The case of the female Hottentot Griet contra Andries Gerhardus du Plessis.

No. 32. The case of Jacomyn contra Johannes Christ. Gyer.

No. 33. The case of the Hottentot Windvogel contra Carel Johannes Pelzer.

In which cases justice has been done by the landdrost and heemraden, as appears by their records, agreeably to the tenor of the abovementioned proclamation.

Further agreeably to the 64th Art. of the said proclamation the landdrost produced the annotation book kept by the under sheriff of the confined and released slaves and Hottentots in the prison here, as well as of the domestic correction inflicted or not on them, of which the following took place during the year 1811:—

Hottentots released with domestic correction	41
„ without any punishment	64
Slaves released with domestic correction	15
„ without any punishment	29

The prison being hereupon examined by the Commission, it was found very small and in bad repair, as also in a very insecure state and containing two apartments, the one 14 feet long, 7 feet and 7 inches broad, the other 14 feet square.

Further having proceeded to comply with the 65th Art. of the proclamation, the acting landdrost declared to have received report from all the fieldcornets of their respective wards that agreeably to the 7th art. they had summoned a slave or Hottentot from each place, and acquainted them with the general object for which the Commission was about to assemble at the drostdy, no other complaint in this respect having as yet been made to the Commission than what is contained in the record.

Finally the acts of inquest taken in the districts of this drostdy

during the preceding year 1811 having been produced to the Commission, they were found to be as follows:—

Number of the acts.	Date.	Names of the bodies on whom inquests were taken.	By whom taken.	Date when sent to the fiscal.
1	1811 Feb. 16	The bastard Hottentot Hans, accidentally shot by the burgher Johan Adam de Beer.	The fieldcornet of the district of Sneeuwbergen and witnesses.	
2	April 24	A little bastard Hottentot named Moses died suddenly.	The fieldcornet of the district Camdebo and witnesses.	
3	May 6	The slave girl Leonora, supposed to have hanged herself.	” ”	

Besides the abovementioned acts the following documents were found respecting the case No. 1, namely a declaration of Hendrik Woest, do. of François Retief, as also a declaration of Jan Adam de Beer, and also one of a certain female Hottentot named Caatje, together with the report of R. G. Pretorius and Jan Postumus with the fieldcornet Matthys Jacob Pretorius, who took the inquest on the body. And which documents, altho' the account appears probable from the same, still however were not revised and sworn to, and consequently not in proper form, on which subject the said Maré, at present acting as provisional landdrost, stated that conformably to the annotation made in the Secretary's Office here, all those documents had been taken on the 25th March last by the landdrost Stockenstrom to the Cape in order to be delivered to the Fiscal's Office, further that the most of the witnesses mentioned therein were in commandos against the Caffres, and that therefore all of them could not at present appear before the Commission for the purpose of revising and swearing to their depositions, and that the witness Hendrik Woest in particular was not in the district.

Upon which, having deliberated, the Commission resolved to order the landdrost of this district, as is hereby directed accordingly, to cause those documents to be brought into due forma probante by having them revised and sworn to by the deponents immediately after the termination of the proceedings against the Caffres here,

at all events as soon as possible, and thereupon to send them to his official agent in Cape Town, in order to be made such use of as is customary in similar cases before the court.

An extract hereof to be granted to the said acting landdrost for his information and guidance.

It was also prescribed here that the acts of inquest should in future in the same manner as in the other drostdies be written in an inquest book, and for as far as they might be taken by commissioned heemraden, to be duly signed by them and the secretary.

The Commission having remarked that there were three Hottentots under the name of Banditti employed in the public works in irons, and having enquired into the circumstance, the acting landdrost after having informed himself on the subject, reported that one of those Hottentots was a complete simple Bosjesman named

No. 1. Toka or Oordman, who had been sent up last year to the drostdy with report that he had been guilty of murdering his wife and others, and which Bosjesman as not belonging to the same nation of Hottentots in the service of the inhabitants here was therefore considered as wild, and put into irons in order to labour on the public works.

No. 2. The Hottentot Vigiland, who lived with Johannes Henningen at Sneeuwbergen, and

No. 3. Gezwind, a Bosjesman, who also lived at Sneeuwberg with Gerrit Buitendag, both which latter as vagabonds and as having now and then stolen sheep for their subsistence, were put in irons by order of the landdrost of this district, to labour for a certain time at the public works here.

Having hereupon also deliberated, it was resolved, with respect to the first mentioned Bosjesman, Toka or Oordman, to direct the landdrost, as he is hereby directed accordingly, to make due investigation into this case by collecting such precedent informations as he may be able to obtain, in order regularly and judicially to decide on the lot of said Toka or Oordman, while with respect to both the latter, Vigiland and Gezwind, it was resolved to release them from their irons, and in this regard to refer the landdrost to the 1st, 13th, and 14th articles of government proclamation dated the 1st November 1809.

An extract hereof also to be granted to the present acting landdrost for his information and guidance.

Finally P. Maré, acting landdrost, exhibiting an extract of the records held by commissioners from the board of landdrost and heemraden, reported to the commission that the complaint of the Hottentot Speelman contra the burgher Johannes Botha, more fully mentioned in the record dated the 27th December last, was brought before commissioned heemraden, and agreeably to the proclamation of the 1st November 1809 duly investigated and decided.

Which was therefore considered as communicated accordingly.

Civil.

Thursday, the 2nd January 1812.

The Commission agreeably to the 66th art. of the proclamation of the 16th May last examined all the notarial acts executed in the Secretary's Office here during the last six years, which they found regularly in order and duly signed by the notary and witnesses.

The number of the different acts being as follows:—

Years.	Wills and codicils.	Contracts.	General powers of attorney.	Special powers of attorney.	Transfers.	Bonds.	Bail bonds.	Inventories.	Acts of legacies or inheritances.	Declarations in cases of injury.	Declarations.
1806	26	9	2	7	3	2	9	6	.	2	4
1807	33	6	4	16	2	4	6	6	2	2	1
1808	70	1	2	28	..	7	15	14	2	2	3
1809	50	7	4	20	5	6	5	9	8	..	..
1810	25	6	6	28	7	3	8	9	5	4	3
1811	14	7	5	27	..	8	3	4	1	4	4
	218	36	23	126	17	30	46	48	18	14	15

Amounting together to 591 acts.

DROSTDY OF TULBAGH.

*Criminal.**Friday, the 31st January 1812.*

The Commission hereupon having proceeded to comply with the 63rd, 64th, 65th, and 66th articles of the proclamation of the 16th May last, the landdrost with respect to the 63rd art. declared that the proclamation of the first November 1809 regarding the Hottentots was here properly observed as far as possible, and that during the preceding year not a single case of that nature occurred.

Further agreeably to the 64th art. the landdrost produced the annotation book, kept by the under sheriff, of the confined and released slaves and Hottentots in the prison here, as well as of the domestic correction inflicted on them or not, of which the following took place during the year 1811:—

Hottentots released with domestic correction	. . .	26
" without any punishment	. . .	14
Slaves released with domestic correction	. . .	23
" without any punishment	. . .	25

The prison being examined by the commission, it was found in every respect proper and clean, consisting in 4 apartments,

The first	. . .	17 feet long	. . .	15 feet broad.
The second	. . .	9	" . . .	" "
The third	. . .	9	" . . .	" "
The fourth	. . .	10	" . . .	12 "

Further having proceeded to comply with the 65th art. of the proclamation, the landdrost declared to have received report from all the fieldcornets of their respective wards that, agreeably to the 17th art. they had summoned a slave or Hottentot from each place, and acquainted them with the general object for which the Commission was about to assemble at the Drostdy, no other complaint in this respect having as yet been made to the Commission than what is contained in this record.

Finally the Commission having proceeded to examine the acts of inquest agreeably to the 66th article of the proclamation, the landdrost of this district produced the following acts which had taken place during the preceding year 1811:—

Number of the acts.	Date.	Names of the bodies on whom the inquests were taken.	By whom taken.
No. 1	Jan. 21	The Hottentot Booy who died suddenly.	The surgeon of this district in presence of landdrost and heemraden.
„ 2	„ 24	The slave Knegt supposed to have hanged himself.	„
„ 3	Mar. 11	The slave January, who was accidentally killed in the quarry of this district.	„
„ 4	May 20	The Hottentot Dikkop, who has been shot by the Hottentot Platje. <i>N.B.</i> —This case is at present before the Court of Justice in Cape Town.	The fieldcornet of the district behind the Hex River and witnesses.
„ 5	July 12	The slave Mentor supposed to have hanged himself.	The surgeon of this district in presence of landdrost and heemraden.
„ 6	Aug. 23	The female slave Lena found with her throat cut and afterwards discovered that this murder had been committed by the slaves Japtae and Adonis belonging to Willem Swanepoel. <i>N.B.</i> —This case is at present before the Court of Justice in Cape Town.	The provisional field cornet of the district Goudinie and witnesses.

The Commission prescribed that in future inquests in the neighbourhood of the village should be made in presence of commissioned heemraden, or otherwise in presence of the field-cornet and witnesses, and that all those acts should be inserted in a book kept for that purpose in the same manner as is customary in Cape Town, and signed by the heemraden who took them and by the secretary.

Civil.

Monday, the 27th January 1812.

Thereupon Hendrik van de Graaff, Esquire, landdrost of this district, verbally stated to the Commission that Jan Bernhard Hoffman, notary public in Cape Town, had on the 24th December last addressed a letter to him on behalf of the relations of two persons named Johanna and Francina, acquainting him that on the 16th June 1804 an act was executed before him the notary public and witnesses, by which Frederik Willem Kock transferred

two female slaves named Johanna and Francina, natives of this Colony, to Pieter François le Clus, under the express conditions that said Le Clus should cause them to be instructed in the Christian Religion, baptized, confirmed, and emancipated, that he not only has not complied with those conditions, but also that there is even a report that he had this day sold the oldest of said girls, named Johanna, to one Nottier, residing at Graaff Reinnet, and that with respect to the other said Le Clus had not taken any steps whatsoever towards fulfilling his engagement, the landdrost therefore requesting, exhibiting at the same time a copy of the transfer, that this court as upper guardians might be pleased to take the necessary steps herein.

Whereupon it was found good, previous to coming to any final resolution, to summon said Le Clus together with Francina to appear before the Commission, in order to be examined on the subject.

Same Day.

Agreeably to appointment, Peter François le Clus appeared before the Commission, who being heard on the complaint of the landdrost respecting the persons Johanna and Francina, stated :

That he has not as yet been enabled to comply with the conditions expressed in the transfer of the 16th June 1804, in consequence of its being so difficult to procure school masters, that he had not sold the first mentioned girl named Johanna, but that in consequence of her bad conduct he had placed her and her two children with one Pilliers residing at Graaff Reinnet, who promised that he would have her instructed, that further with respect to the second girl, named Francina, she received instruction here in the village, and that for the rest he would endeavour to comply with the contract as speedily as possible. Hereupon Francina, being the youngest of the two sisters, appeared, stating to be now 19 years of age, that she was now and then instructed, but not always, that she could not yet read, but only spell, that her sister had had two bastards, and was gone some time ago with one Pilliers to Graaff Reinnet, but that she however did not know that she had been sold by Le Clus. Whereupon the landdrost remarked that in this manner Le Clus might put off the fulfilment of the contract for many years to come, and probably also render

all the conditions of the same, to the completion of which he was bound, illusory.

Upon which having deliberated it was found good to nominate and appoint, as he is hereby nominated and appointed accordingly, Hendrik van de Graaff, Esquire, landdrost of this district, to be curator over the persons of Johanna and Francina more fully described above, with orders that in this capacity he should take the necessary measures for the conditions of the above-mentioned transfer of the 16th June 1804 being properly complied with.

An extract hereof to be granted to said H. van de Graaff, landdrost, for his information and guidance.

Appeared before the Commission Bernardus de Vaal, saying that he had a complaint to bring in, and requesting that he might be allowed to state his case.

This having been agreed to by the Commission, said De Vaal began to read a note or memorandum, containing complaints regarding certain arrangements made by orders of His Excellency the Earl of Caledon with respect to his place Schalkenbosch Vlakte.

But perceiving that there were several improper and offensive expressions in the same with respect to the landdrost of this district, the Commission prevented him from reading farther, and informed him if he has any complaints to bring in, the decision of which belonged to their competency, he should do it in proper and decent terms, but not make use of expressions which were vexatious and disrespectful with regard to the landdrost or any other magistrate; whereupon said De Vaal continued to state verbally:

That agreeably to a Lease obtained from government, he occupied a loan place named Schalkenbosch Vlakte, that some years ago having a dispute with his neighbour Pieter François Theron Jacson, respecting a certain piece of ground, the same was amicably done away by a notarial contract approved of by landdrost and heemraden. That said Theron however had addressed himself to His Excellency the Earl of Caledon, and thereupon obtained a part of the loan land belonging to him De Vaal, which was on the said order of His Excellency to be accroached to the place of Theron. That conceiving Lord Caledon not to be sufficiently informed of this case, he immediately on his departure, which was shortly afterwards, addressed himself first to Lieut. Genl. Grey and then to His Excellency the present governor. That he received for

answer that His Excellency did not revert to cases which had been decided by his predecessor, he De Vaal therefore requesting that by virtue of the proclamation of the 16th of May 1811, and in conformity to the 61st and 62nd articles of the same, the Commission should be pleased to take cognizance of the affair, so that he might be restored and maintained in his loan possessions.

Upon which having deliberated it was resolved after mature consideration to declare that the complaints of Bernardus de Vaal regarding a resolution taken by the governor and commander in chief of this colony, with respect to loan places, does not fall under the terms of the proclamation of the 16th May 1811, and that therefore his request was declined, as the same is hereby declined accordingly.

Tuesday, the 28th January 1812.

The Commission agreeably to the 66th Art. of the proclamation of the 16th May 1811 examined all the notarial acts executed in the secretary's office since the establishment of this drostdy, which they found regularly in order and consisted in:—

Years.	Wills and codicils.	Contracts.	General powers of attorney.	Special powers of attorney.	Transfers.	Bonds.	Insinuations.	Bail bonds.	Acts of inheritances.	Declarations in cases of injury.	Declarations.	Donations <i>inter vivos</i> .	Certificates.	Inventories.
1804	..	..	..	1	..	2	..	1	3	..	4	..	..	1
1805	7	3	6	6	5	8	1	..	..	..	5	..	..	1
1806	12	1	6	10	5	3	1	..	..	..	3	1	..	1
1807	3	2	2	8	..	9	2	1	..	..	3	1	..	1
1808	19	2	6	10	6	14	..	..	4	..	2	..	..	..
1809	26	4	6	18	8	34	2	..	3	..	8	..	..	1
1810	13	2	4	9	3	12	..	1	1	1	8	..	1	3
1811	22	3	6	11	10	11	..	2	1	..	2	1	2	2
	112	17	36	73	37	93	5	5	12	1	32	2	3	9

Amounting together to 437 acts.

Done at the aforesaid drostdies days and years as above.

In my presence.

(Signed) D. J. van RYNEVELD, Secretary.

[Original.]

Letter from ROBERT WILLIMOTT, ESQRE., *to* ROBERT PEEL, ESQRE.

DOWNING STREET, *February 29th* 1812.

SIR,—I have the honour to transmit to you herewith a letter, with its enclosure, which I have received from Sir John Cradock, on the subject of the extension of the Trade of the Cape of Good Hope; and I have to request you will be pleased to lay the same before Lord Liverpool for his Lordship's information and consideration. I have, &c.

(Signed) ROBT. WILLIMOTT.

[Enclosure A in the above.]

Extract of a letter from SIR JOHN CRADOCK *to* ROB. WILLIMOTT, ESQ.,
dated Cape Town, 10th December 1811.

The first point on which I would trouble you is to engage your most active representation that the Cape of Good Hope (unless some local objection should appear) may be placed on the same footing with the Island of Ceylon, and that a similar permission may be obtained for three vessels to pass from hence to Ceylon, under the same restrictions as specified in the extract I inclose from the resolutions of the Court of Directors, and also, if attainable, to procure the same relaxations for a trade to the Isles of France and Batavia.

I am anxious to urge the extension of the commerce of the Cape, and in the regulations that must now be in contemplation relative to the trade between the late conquests of His Majesty in the Eastern Seas, that the situation of the Cape of Good Hope may be fully considered, and that this settlement may be relieved from some of those injurious restrictions that prevail at present, and which in fact, though so destructive to the prosperity of this place, are not at the same time of positive value to the East India Company, but in a great measure proceed upon the principle to keep in full force the exclusion established by their charter.

It is so well known that it is scarcely necessary to state, that little or nothing can be undertaken for the advantage of the Cape while it labours under the existing restrictions, for, as the export

to England, from the distance and expence of freight, is in most respects out of the question, and the communication with South America is of no avail, if all intercourse with the Eastward be debarred, there can be no means for the farmer to dispossess himself of either the excess in wine or corn beyond domestic consumption. It is but barely permitted at present, and often subject to refusal, to export either wine or corn, the produce of the Cape, and, as the inhabitants of the Isles of France and the other possessions of His Majesty in the East, either have not money to return, or would certainly prefer a repayment by the exportation of their own produce. As the case stands at present the occasional relaxations granted by the agent of the East India Company, who will not altogether sanction the mutual interchange, are of little or no avail. It is very necessary that all this should be well understood, for the anxiety at home to promote agriculture at the Cape cannot take place with spirit, or even safety, unless the power to dispose of the surplus produce be secured.

[Enclosure B in the above].

Extract of a letter from W. RAMSAY, ESQ., Secretary to the Hon'ble East India Company, dated 3rd November 1810, to J. PRINGLE, ESQ., agent to the Hon'ble E. I. Company at the Cape of Good Hope.

In consequence of a proposal made to the Court of Directors by W. Huskisson, Esq., colonial agent for Ceylon, for opening a commercial intercourse between Ceylon and the Cape of Good Hope, and which has received the Court's acquiescence, they hereby authorise and instruct you, upon application from the Governor of Ceylon for the time being, and jointly with him, to grant licenses, not exceeding three in the whole in any one year, for ships belonging to Ceylon, and not exceeding 300 tons each, to trade between that island and the Cape, provided no articles shall be allowed to be carried from the one or the other of those settlements on board any such ship except such as may be the growth, produce, or manufacture of the one or the other of those settlements, or if not of such growth, produce, or manufacture (as for instance the coarse cloth of Tuttocon) such only as shall be specified and enumerated both as to their quantity, quality, and

origin in the licence aforesaid under the joint signature of the governor of Ceylon and of the president in council at Madras, or of you as the Company's agent at the Cape of Good Hope.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF
LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, *March 4th* 1812.

MY LORD,—I have now the honor to lay before your Lordship the subject of the Tenure of Land in this extensive Colony in the fullest manner, with the hope that your Lordship will take this important question into the earliest consideration, and favor me with such instructions as may enable me to proceed in exact obedience to the intentions of His Majesty's Government.

I divide the papers submitted to your Lordship into two parts.

The first contains the letters of Mr. Bird, Deputy Colonial Secretary, Mr. Baumgardt, Surveyor General of Crown Lands, and His Majesty's Fiscal, upon a former occasion when the subject was under discussion by direction of my predecessor the Earl of Caledon, and they embrace much original and various information.

And the second comprehends its revival. This part consists of my private and confidential letter to Messrs. Alexander and Bird, Colonial and Deputy Colonial Secretaries (with their answers) wherein I have detailed all my views, and requested from them an equally unreserved communication of their sentiments. It contains also the opinions of Messrs. Ryneveld and Truter, the President of the Court of Justice and His Majesty's Fiscal, but I have to remark that from obvious reasons I did not communicate to these gentlemen, however eminently loyal and respectable, the whole contents of my letter; but only requested in general terms the delivery of their sentiments. It might not have been discreet altogether, even to them, to have imparted any doubtful reasoning upon the permanency of the British dominion over this territory, a subject of all others the most delicate, and upon which

I may venture to say the attachment of this Colony principally rests; and in addition I wished to obtain from these enlightened persons a clear and unbiassed judgment upon points where it might be necessary to collect the common notions and prejudices of the Settlement (one so long established) and even a knowledge of its real interests.

To avoid the unnecessary repetition, I beg to refer your Lordship to the letter referred to, as I have therein stated all the circumstances that make a strong impression on my mind, but which, if founded in error, will, I trust, receive apology in the limited period since my arrival in this Country.

I have satisfaction, however, in finding that the principal points coincide very much with the opinion of the other gentlemen to whom I have resorted for advice, and that as alone the tenure in succeeding grants, by Quit Rent, seems to best promote the interest of the revenue and the dignity of Government, so the gradual exchange of the loan places for similar tenures, if acted upon with all the delicacy and circumspection such an alteration of property would require, will not only give a great increase of permanent income, but confer a general happiness upon every individual concerned by the security thenceforward established in his property and the power afforded to him to make provision for the different branches of his family by the subdivision of his land, no part of which can he now effect from the right of resumption of the whole grant, which Government assumes, though may not perhaps exercise.

I take the liberty to urge the increase of the permanent Revenue by every means of which it is capable, as it appears to me to be the only real foundation (in every prospect of events independent of such guaranty as the British Government may choose to attach) of security to the paper currency of this Settlement; and that the present nature of the security in public buildings and houses, which seems to gain the attention of the public, is of a very weak and inferior description.

I cannot close a dispatch of this nature without venturing to express to your Lordship that this Settlement, if it meets the views of His Majesty's Government, may be carried to any extent in the production of excellent wine, corn, and provisions, at very moderate prices; the detail of which at a very early period it will be my duty to lay before your Lordship.

In the view of Manufactures, it does not yield any prospect, but considering fairly the relative situation of a Colony with the Mother Country, such pursuits are perhaps rather to be avoided than encouraged.

It appears only necessary to add that the situation of Surveyor of Crown Lands is vacant by the resignation of Mr. Baumgardt, who through age and infirmities is no longer able to perform his duties.

Circumstanced as this rising Colony is, it requires the succession of a person of science, great activity, and approved integrity. I have endeavoured, but without success, to make a proper choice, and am therefore obliged to request that your Lordship will consider this essential subject in the extensive and complicated view submitted to your Lordship's judgment.

It cannot be expected that on the very moderate salary 1200 Rixdollars or £240 currency annexed to the situation, any gentleman duly qualified will be found to accept it, and it therefore seems required that the appointment should be more appreciated, and an adequate provision directed. It may be fairly hoped that if the appointment be faithfully executed it will amply compensate the charge. I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas serious apprehensions are entertained that the small pox has made its appearance in this colony; and in consequence thereof, for the greatest security against any infection spreading, I have caused the removal of the persons supposed to be infected, and of all those who have been in contact with them, to Paarden Island: I do therefore hereby strictly forbid all intercourse whatever with the island, until further notice.

And in order the better to enforce a due attention to this regulation, I hereby declare that any person after the publication hereof found upon any part of the said island will incur a penalty of 500 Rds. and be subject to six months imprisonment, and in case

of inability to pay the aforesaid sum, then the party so offending will be liable to be corporally punished according to the exigence of the case.

Given under my hand and seal, at the Cape of Good Hope, this 5th day of March, 1812.

(Signed) J. F. CRADOCK.

[Original.]

Letter from REAR ADMIRAL STOPFORD *to* J. W. CROKER, ESQRE.

HIS MAJESTY'S SHIP *Lion*,

TABLE BAY, 6th March 1812.

SIR,—Nothing material has occurred since my Letter of the 29th January 1812 sent by the *Scipion*. The *Nisus* arrived here on the 7th Ultimo, and I transmit for their Lordships' information the copy of a Letter received from Captain Beaver with an inclosure relating to the loss of the Ship *Fox* from Port Jackson, New South Wales, to the Island of St. Pauls; which information I have to request you will make known at Lloyds on account of the Underwriters of the said Vessel. The *Nisus* is undergoing a complete caulking, which is rendered necessary for the Sixth time since she left England, owing partly to the hot climate in which she has been from the time of her launching, and partly to the indifferent manner in which that operation was performed when She was at the Isle of France.

In my Letter to you No. 9 I stated that I had detained the Portuguese Ship *Restaurador* from Mozambique to Rio Janeiro with a Cargo of Slaves consisting of four hundred and fifty, which Ship had put into Table Bay for a Supply of Water. She has by a decree of the Court of Vice Admiralty been adjudged a Droit of Admiralty, and the Blacks made over to the Captors. The opinion of the judge on this occasion was entirely determined by the inspection of the printed papers relative to the Portuguese Slave trade, forwarded by Mr. Barrow on the 2nd May, in which it appears that none but Portuguese built Vessels were allowed to carry on the Slave Trade, and the *Restaurador* was proved to have been built in America.

A different judgment had however been previously given by the Judge of the Vice Admiralty Court in the case of the three

Vessels named in the Margin which were detained off Port Louis and sent here for adjudication by Captain Schomberg of His Majesty's Ship *Astrea*.

L'Eclair,
Industrie,
Prudente.

These Vessels were conveying Slaves from Tamatave in Madagascar to the Isle of France in pursuance of the Capitulation entered into for the Surrender of that place to the British, Private property being as usual reserved to the French inhabitants. Application was made to Governor Farquhar by those persons who wished to remove from Tamatave to the Mauritius for permission to take their Slaves with them as private property. Governor Farquhar having assented, Captain Schomberg, the Senior Officer at Port Louis, agreed to permit the importation of a Specified number; and the Vessels above mentioned were employed in the Conveyance of them; but on their Arrival at Port Louis, a Suspicion arising that more Slaves were on board than were permitted to be brought, a Search was made and many persons were discovered secreted below. So material a departure from the original permission vitiated in Captain Schomberg's mind the whole transaction, and he therefore felt himself justified in detaining the Vessels. It was his intention to have sent the Vessels and Slaves to the Cape of Good Hope for adjudication in the Court of Vice Admiralty, but the Vessels were inadequate to carry the Slaves upon Such a Voyage. They were therefore landed at the Isle of France, placed under the Government, and the Vessels proceeded to the Cape under Convoy of the *Racehorse*. They arrived in Table Bay on the 24th, 25th, and 26th October 1811, and early in February a final hearing took place, when the whole property was restored to the Claimants upon the ground (according to the Judge's opinion) that as the Conquered Island had so recently become the possession of the British Crown, the inhabitants could not be aware of the Laws existing relative to the Slave Trade. But to me it appears that as it was found necessary by the Owners of these Slaves to Secrete them in the Vessels, that circumstance implied a Strong Suspicion of their being conscious of Acting in the Violation of the Law. An Appeal against this decision has been lodged by Captain Schomberg's Agents.

Another Cargo of these Blacks has lately been sent to the Cape

by Captain Lynne of His Majesty's Sloop *Eclipse*. One hundred and forty-five of these people were taken by him off Port Louis in a Vessel of Forty Tons burthen, these were also said to be private property of the French inhabitants of Tamatave, and removed under the Sanction of Governor Farquhar's permission, but as it was well known that the number of Slaves at Tamatave at the time of its Surrender did not amount to the number already imported, Captain Lynne was of opinion that these Blacks were also illegally removed, and he took the Opportunity of the *Hercules* Transport coming to the Cape of Good Hope to send them here. But the Judge of the Vice Admiralty Court has declined coming to any decision upon them, as there were no claimants, the Law allowing a Year for the appearance of some person of that description. As the expence of maintaining these people for so long a time falls upon the Captors, I beg leave to point out to their Lordships how much such an expence will hereafter tend to make Captains very reluctant in detaining Ships of this description if there is a probability of Such an enormous expence being attached to it. In this instance the Agents of the Captors have at their risque let these men out to different inhabitants, and thereby released the Captors from the immediate expence of their maintenance, but in general the inhabitants are unwilling to have them upon an uncertain tenure.

An English Merchant Vessel called the *Snake* having lately arrived from England, I received by that opportunity from the Secretary of the African Institution a copy of the Act of Parliament of the 14th May 1811 imposing fresh Penalties upon dealers in Slaves. I have therefore communicated to Governor Farquhar my intention to Seize every Vessel so employed after the 1st January 1812, and have given the necessary Orders to the Ships upon the Station.

The inhabitants of this Colony having long found the want of the means of some regular communication with England, have agreed with the Master of the *Snake* to employ him constantly upon this Service, by giving him a preference upon all occasions in their various Commissions, and he has entered into an agreement to perform the Voyage out and home twice every year. I mention this for their Lordships' information, as the Vessel is a good Sailer and might occasionally be useful in conveying their Lordships' Dispatches.

The rapid improvement of this Colony in point of Agriculture, its great Capacity for producing excellent Wines in any quantity, as well as Corn and fine Wool, leave little doubt of its powers to Supply His Majesty's Troops and Navy in India with many essential articles, particularly Wine, so much preferable to the Arrack of the East Indies.

I regret that the Survey lately taken of the Forests in the Neighbourhood of Plettenberg's Bay does not promise that extensive Supply of good Ship Timber which former reports encouraged me to hope. Mr. Jones, the present Surveyor, appears to have proceeded very methodically in this duty under the immediate directions of Commissioner Shield, and he represents the Stinkwood (the best Wood) as deficient, and growing in places far remote from the Sea Side, in the transporting of which the nature of the Country presents most Serious Obstacles. The details of these reports have been forwarded to Commissioner Shield, and by him transmitted to the Navy Board. The Commissioner has been most zealous and industrious in procuring the most accurate intelligence for the public good.

I have also to request that you will state to their Lordships the want of a Naval Officer at this place competent to discharge the duties of Port Captain, the frequent bad Weather experienced both in Table and Simon's Bay with the contracted Anchorage in both places, render it essential that a Naval person Should be appointed to this situation; it is now nominally occupied, and the Salary paid to Mr. Blair, the Collector of the Customs, in whose hands it is a perfect Sinecure, and his Deputy not equal to the task. I have etc.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 7th March 1812.

MY LORD,—It affords me great satisfaction to be enabled to announce to your Lordship that the whole of the Kaffir tribes have been expelled from His Majesty's Territories, within the limits of

which they had been so long permitted to remain, and where, it is now evident, it was their design to firmly and permanently establish themselves.

In a former communication, your Lordship has been informed that to effect this great object by conciliatory offers and amicable negotiation appeared hopeless from the menacing conduct of Slambie (the principal chief), the warlike array of his followers, and the unprovoked attacks that were made upon some of our detached parties, in one of which the venerable and virtuous Mr. Stockenstrom was slain, tho' at a distance from his attendants, and quite unarmed. It therefore became unavoidable to have recourse to hostile measures to accomplish an object without which the inhabitants of the distant districts could never repose in tranquillity, and safety.

Lieut. Colonel Graham proceeded accordingly with the armed inhabitants and part of the Cape Regiment, leaving the other troops in reserve, to drive the Kaffirs from the Zuurveld, a rich tract of country situated between the Sunday and Great Fish rivers, where these tribes had fixed their kraals, collected many cattle, and cultivated a considerable portion of ground.

When Slambie perceived that we were determined upon carrying matters to the utmost extremity, in order to gain time for his own followers and their families to retire, he purposely encouraged the chief Congo to display some shew of resistance, and it appears that this manœuvre fully answered his expectations, but Congo and several of his adherents were sacrificed to it.

Lt. Colonel Graham, discovering that Slambie was in full retreat, pursued him to the Kowie river, within five hours march of the Great Fish river, but without overtaking him, as Slambie had crossed the latter river on the 14th or 15th January, and the remainder of Congo's people had followed him.

This movement completely cleared the country which lies along the coast from Sunday to Great Fish River, but a more perplexing and difficult operation remained to be undertaken, that of scouring the chain of mountains called the Riet and Zuur Berg, into whose intricate Fastnesses Habana, joined by some of the other Chiefs, who had abandoned Slambie, had lodged themselves.

To prevent however the Kaffirs from making any irruption from thence into the neighbouring District, to which the absence of most of the male inhabitants would seem to encourage them, and

at the same time to afford Lt. Colonel Graham the services in the field of the whole of the Cape Regiment, part of which Corps had been stationed in the line of defence, I thought it advisable to reinforce him with 200 men of the 1st battalion 60th Regiment, which detachment opportunely reached Algoa Bay on the 3rd of last month.

I beg leave to refer your Lordship to the accompanying Extract from Lt. Colonel Graham's letter which briefly details the mode he adopted for scouring the mountains, the success which attended it, and the highly meritorious conduct of the soldiers and farmers employed upon that most harassing duty; indeed the activity and obedience to orders on the part of the farmers, their patience under circumstances to which they were totally unaccustomed, have exceeded every expectation I had formed, and have not failed to extract my warmest expressions of approbation.

In my late instructions to Lt. Colonel Graham I have pointed out to him the expediency of destroying the Kaffir Kraals, laying waste their gardens and fields, and in fact totally removing every object that could hold out to their chiefs an inducement to revisit the regained territory. I have likewise empowered him to restore to them their cattle, and to give them such quantity of grain for seed as may enable them to commence cultivating and establishing themselves in their own country. Their women and children have invariably been restored to them, and I am very happy to add that in the course of this service there has not been shed more Kaffir blood than would seem to be necessary to impress on the minds of these savages a proper degree of terror and respect.

To prevent the Kaffirs from recrossing the Great Fish river, which in their present unsettled state, their naturally adventurous and predatory disposition might urge them to attempt, I have determined upon appropriating the whole of the Cape Regiment, with such addition of cavalry and artillery as may be deemed requisite, to the defence of the frontier line, and I have instructed Lieut. Colonel Graham to examine with accuracy the various points of the great extent that we shall have to guard, in order that the troops may be posted and disposed of to the best possible effect.

These precautions appear to me indispensable for a certain period, but we may reasonably hope that as the population of the remote districts increases, and that the Kaffirs feel the necessity of

keeping within their own Boundary, that we may gradually withdraw the troops to the interior. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE TOWN, *March 7th 1812.*

MY LORD,—In connection with my dispatch No. 8 to your Lordship upon the subject of provisions that may be supplied by this Colony, I beg to submit that I have entered into a contract with two most respectable merchants for the supply of 3000 barrels of salt beef, to be delivered at Algoa Bay on the 1st November 1813.

The barrel will contain 42 pieces, weighing 8 lbs. English each, and the price is 48 rix dollars each, equal to £6. 12. 5 at the present rate of exchange of 45 per cent. Security is also given that the meat is to remain good for 18 months.

The present engagement may be considered as an experiment, but I am most sanguine in my expectations of complete success. If it succeed, the price is so very moderate 4 $\frac{3}{4}$ d. per pound, that if government think fit from the other views of this subject to encourage the undertaking, the most extensive advantage may at least be secured in this part of the world.

I have communicated with the admiral and commissioner on this station, who, I believe, acknowledge all the benefit that may eventually arise, but of course are unwilling, at this stage of the concern, to do more than give it a general encouragement.

At the period of delivery of these provisions—the 1st November 1813—all the military stock will be consumed, as it has been found necessary, from the extreme length of time it has been in store, to direct a gradual distribution, and it would then be required to lay in a fresh supply, but, independent of this view, I can be under no apprehension that the present contract will entail any expence, as the salt provision could at any time be disposed of here, if found necessary, to individuals concerned in naval supplies at a very great advantage. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from GEORGE HARRISON, ESQRE., *to* ROBERT PEEL, ESQRE.

TREASURY CHAMBERS, 7 March 1812.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of 20th December last enclosing one from Sir John Cradock with a memorial from the merchants at the Cape of Good Hope suggesting an alteration in the mode of negotiating Government bills at that station, I have it in command to acquaint you that my Lords think it would be highly inexpedient to make any change in the system at present in force of giving the public bills to the highest bidder by public tender. I am etc.

(Signed) GEO. HARRISON.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, March 10th 1812.

MY LORD,—Together with the Accounts of His Majesty's Receiver General for the Months of September, October, November, and December 1811, I have the honor to enclose for your Lordship's information the several Proclamations and Government Advertisements issued since the 18th day of October last.

I have &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from ROBERT WILLIMOTT, ESQRE., *to*
ROBERT PEEL, ESQRE.

DOWNING STREET, 11th March 1812.

SIR,—I have the honor to inclose to you herewith an extract of a letter I have received from Mr. Rennie, specifying certain articles which he thinks it necessary should be sent out to the Cape of

Good Hope to enable the Superintendent to lay down the Water Pipes, and stating that it would be desirable to send out also a Blacksmith, a Plumber, and a Carpenter to assist in the execution of the Works; and I have to request you will be pleased to lay the same before Lord Liverpool for his Lordship's directions thereon. I have &c.

(Signed) ROBT. WILLIMOTT.

[Enclosure in the above.]

Extract of a Letter from MR. RENNIE to MR. WILLIMOTT, dated Stamford Street, 10th March 1812.

Mr. John Chisholm, the person who is engaged to go out to the Cape to superintend the execution of the water works, is now here, and he has given me a list of sundry articles which he wishes to take with him for the purpose of enabling him to lay down the pipes, such as spades, shovels, pickaxes, furnace for melting lead, trucks for moving the pipes, wheelbarrows, tackles, etc., the whole of which may cost about £200. Those very necessary articles I apprehend should likewise be sent with the pipes.

He wishes besides to take three men with him, namely a blacksmith, a plumber, and a carpenter, to assist him in the execution of the works; each of these men I fear will require £2. 2. per week, besides the expence of their passage. How far the Earl of Liverpool may be pleased to sanction them, I must leave to His Lordship's superior judgement, there being no order to me from the Cape for such men; they would no doubt however be very useful and greatly accelerate the operations of the water works.

[Copy.]

Government Advertisement.

His Excellency, impressed with the deepest regret at the appearance of the small pox, is anxious to avert and mitigate the calamities incident to the extension of such a malady.

His Excellency therefore calls upon all fathers of families, and others having authority, to concur in the necessary, but painful sacrifices demanded by such an emergency.

He trusts even the parties afflicted by the small pox will cheerfully concur in a measure which secures the safety and health of their remaining friends and families.

His Excellency proposes to all persons therefore the removing the sick from the town to such places as shall be prepared for them, according to their respective situations; of the preparations of which notice will be given at the Fiscal's Office, and by the secretary of the Burgher Senate.

His Excellency is deeply impressed with an opinion that every man of influence in the Colony will exert his utmost power to second the acts of Government, and relies upon a cordial support of an enlightened and benevolent public, who must feel their own interests and security alone the object of His Excellency's exertions.

Castle of Good Hope, 16th March, 1812.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

In order to prevent, as much as possible, a further dissemination of the Small Pox, which has unfortunately shewn itself in this Colony, His Excellency the Governor calls upon the fathers of families, all housekeepers, and other persons in authority, to pay implicit attention, and strictly conform to the following regulations, which are to be considered in force, and acted upon as a law from this present date, until the 31st day of the current month, viz. 31st March 1812.

Art. 1. In whatever house the small pox is at this moment, or whenever it may hereafter appear, a signal of a small flag or handkerchief is to be hoisted from the window immediately over, or nearest to the door.

2. Immediately upon the appearance of the disease in any house a report is to be made to the fiscal's office, specifying the name, age, and condition of the person or persons afflicted.

3. All communication with such houses, except through the

officers of health or justice, is strictly prohibited under a penalty of 500 Rds.

4. As few persons as possible are to be employed in procuring water and the other necessary supplies for houses infected, and such persons must have either had the small pox or the vaccine disease. In houses where such assistance is not procurable application must be made to the fiscal's office.

5. All persons upon leaving a house infected, either for the purpose of obtaining water, provisions, or on any other account, must be designated by a white handkerchief or piece of cloth round the left arm, thus denoting that they have come from a house where the disease exists, and all personal communication with persons wearing such marks is strictly prohibited.

6. It is of the utmost importance to prevent persons leaving the infected houses, except for purposes of absolute necessity; and for the better accomplishment of this essential object the water requisite for the day's consumption of a family must be drawn, as must the quantity of provisions be collected, before the hour of 7 o'clock in the morning. To be prepared for this measure, the butchers and bakers will be duly instructed.

7. As it is indispensable for the safety of the people, as well as to give the best chance of arresting the progress of the disease, the whole town must in some degree be considered in a state of quarantine; and in consequence no person or persons are to appear in the streets, except upon very urgent occasions, and such person or persons must have had either the small pox or vaccine disease, under a penalty of 50 Rds. Where families have not within themselves persons of this description, application must be made to the fiscal's office.

8. To give effect to the foregoing regulation, it is commanded that all vendues cease; that all shops be shut; all wine houses shut, and all clubs, societies, or associations, of whatever description or denomination, are to be discontinued; even Divine Worship is to be suspended for the period of these regulations being in force.

9. That the object of vaccination should not afford excuse for any improper assemblage of people, the physicians employed in administering the vaccine inoculation, accompanied by the ward-masters, will in future visit the houses where there are subjects for inoculation, proceeding from house to house, until the whole town has experienced the benefit of vaccination.

10. As most families may not have proper accommodation for a number of such slaves, and as it is indispensable to separate the sick immediately upon the appearance of the disease, the Burgher Senate will provide the room necessary for the reception of such slaves as cannot find accommodation in their masters' houses. When cases of this nature occur, a report is to be made to the president of the Burgher Senate, who will also order the articles of subsistence necessary, upon their masters' account, as usual.

Given under my hand and seal, at the Cape of Good Hope, this 17th day of March, 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Advertisement.

VACCINE INSTITUTION, *March 17th 1812.*

It being of the utmost importance at this juncture to impress on the minds of the public the indispensable necessity of observing certain rules of treatment of such as may be so unfortunate as to become infected with the small pox :

We, the Committee for vaccination, earnestly beg to recommend to the most serious attention of the families in general, the following regulations, for their future guidance and most strict observance.

1. That immediately on the approach of fever, or the slightest appearance of eruption on the skin, application be made to a medical practitioner. In the meantime that all bedding, blankets, &c., &c., be removed, and that the sick person be placed on a mat or mattress, with no other covering than that of a light linen dress.
2. That the windows and doors of the apartment be constantly open, so as to admit as free a circulation of air as possible.
3. That on no account whatever any individual be admitted into the house or apartment of the sick, at any time, except such as may be absolutely required for assistance.
4. That a strict abstinence be observed from all animal food, wine or spirits ; but that a free indulgence in acid fruits, with

diluent drinks, and the lightest possible regimen be had recourse to.

5. That in order as much as possible to prevent the communication of contagion, it is further recommended that upon the removal or recovery of the sick person, all clothing of every description, bedding, &c., be instantly destroyed, without the least reservation.

6. That after such removal or recovery of individuals from any house or apartment, in order the better to protect the inhabitants thereof from so dreadful a calamity, powerful and continued fumigations be diffused thro' every part of it, for the space of not less than three or four days, by means of earthen pots containing tar kept in a boiling state under such circumstances of general safety as the use of fire in those situations must indicate.

Finally, the Committee urgently recommend to the attention of the public, throughout the whole course of this inflammatory and contagious disease, the extreme necessity of its being as much as possible counteracted by the fullest exposure to cold in every particular.

W. HUSSEY, Director,
 RICH. SPENCER,
 W. H. LYS,
 L. G. BICCARD,
 RICH. HEARTLEY,
 J. H. F. C. L. WEHR.

[Copy.]

Public Notice.

The respective wardmasters and field cornets are required to give notice without delay of the following additional regulations, approved of by His Excellency the Governor and commander in chief.

1st. That the fumigating of houses infected, and the burning of the bedding and clothing of the patients who may catch the present alarming disease, be not left to the discretion of the individuals, but be made a regulation of police.

2. That no person be permitted to strike the quarantine flag

from a house which has been infected, until such time as the house has been properly fumigated under the foregoing directions.

3. That the washing of the linen of families of houses infected, be undertaken and performed under the directions of the Burgher Senate.

4. That women who make washing a profession be strictly forbidden from taking in washing for an infected house.

5. That slaves from the country be prevented coming into town on Sundays, and vice versa.

Fiscal's Office, 18th March, 1812.

(Signed) J. A. TRUTER, Fiscal.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 19th March 1812.

SIR,—I received from Lord Caledon, shortly after his arrival in this Country, a Memorial which had been addressed to him by the Principal Dutch Inhabitants of the Cape, praying that Permission might be granted them to create a Fund for the purpose of enabling such of the Inhabitants of Holland as might be desirous of finding refuge at the Cape from the distress in which their Native Country is involved, to provide themselves with the means of conveyance to that Settlement. I am to desire that if Application is made to you for an Answer to this Memorial, you will make known to those by whom it was presented, that His Majesty's Government are not enabled to give their Sanction to the Arrangement therein proposed. I have, etc.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 20th March 1812.

SIR,—Your Dispatch enclosing a Memorial from the Merchants at the Cape of Good Hope, suggesting an Alteration in the mode

of negotiating Government Bills there, having been submitted to the Consideration of the Lords Commissioners of the Treasury, by my direction, I herewith transmit a Copy of the Answer which has been received on that Subject. I have, etc.

(Signed) LIVERPOOL.

[Copy.]

Letter from LIEUTENANT COLONEL GRAHAM *to the various Landdrosts.*

UITENHAGE, 20th March 1812.

SIR,—That part of His Majesty's territory lately occupied by the Caffre Hordes being now cleared of that people, I have to request that you will have the goodness to make known, with as little delay as possible, to such individuals as formerly held Loan farms within the regained country, but are now resident in the district under your charge, that unless they take immediate possession of the same such places shall be given to others.

You will at the same time be pleased to signify to those concerned that such a system of defence shall be established, not only along the Frontier but in almost every part of the country lately regained, as will, it is hoped, afford effectual protection to the farms and property of the inhabitants who I beg may also be informed that credit shall be given for the loan rents of those places up to the period of the country being evacuated by the Kaffers.

I have to request that you will be pleased to transmit as soon as possible to Major Cuyler, acting Landdrost of Uitenhage, a list containing the names of such individuals as are inclined to re-occupy their places, specifying where such places lie, as also of the names of those who do not intend returning to their farms.

I have &c.

(Signed) JOHN GRAHAM, Lt. Col.

[Copy.]

Government Advertisement.

His Excellency the Governor and commander in chief has been pleased to direct, and it is therefore hereby ordered, that the regulations enacted by the proclamation of the 17th instant, and the subsequent regulations published on the following day under the direction of his Majesty's fiscal, shall be in force in the country districts in as far as they may be applicable, should it unfortunately happen that any cases of small pox make their appearance therein.

Castle of Good Hope, 20th March 1812.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE TOWN, *March 21st 1812.*

MY LORD,—It is with much concern that I have to submit to your Lordship that the small pox has made its appearance in Cape Town. The first symptoms arose on the 5th inst., and the cases have increased to forty-one on this day, but among them there are some doubtful. Of this number seven only are in the town, as the remainder have been removed to Paarden Island on the first appearance of the disorder. The disease has been hitherto confined to the slaves and two or three children of the lower order.

Every exertion has been made from the earliest period to the present to check the progress of the disorder, and I have the most sanguine hopes, from the measures taken, and the zeal with which they have been pursued by all the civil and medical persons concerned, that the most favorable results may be the consequence. Since yesterday but a single instance has been reported, and even that one is doubtful. The disease itself appears to be of a very lenient nature, and no mortality has taken place.

I submit to your Lordship the series of the precautions that have been adopted. They might have been perhaps a little more coercive, and to a greater extent, by the peremptory separation of all sick persons from those in health, to whatever class of inhabitants the disorder might in the event reach, but, as the entire consideration of the subject was Dutch, as all the English inhabitants here are without apprehension, I felt myself obliged, in a great measure, to subscribe to Dutch feeling, and yield to the opinions of the most respectable persons, who feared that nothing short of open force could effect so strong a measure.

The vaccination has been pursued with unremitting zeal and activity, and at this moment there is not a person in Cape Town or in the adjacent district who requires that operation.

All the same measures have been enjoined in the country, and if the termination be as favorable as I indulge the hopes, the present alarm may ultimately prove the source of happiness and security, as much as the first apprehensions carried with them danger and misery.

The introduction of this disease into the colony will require a more certain and detailed account than at present it is in my power to give. The chief circumstances however are, that it proceeded from a Portuguese ship which came in here from want of provisions with a cargo of slaves. The captain gave in a clean bill of health, and she was duly visited by the medical officers of health, who made no report to the contrary. She was also put under quarantine, and remained in that state till taken possession of by a naval officer, when the captain and crew came on shore.

The vessel then became a subject of litigation in the Vice Admiralty Court, and after six weeks' detention was condemned as prize or forfeiture.

From the long confinement many of the slaves perished, and more were falling every day. The medical officers again inspected them, and made a favorable report without exception.

In consequence they were landed, and proceeded with according to the regulations of the act of parliament.

Among them after some days one was discovered in the small pox, who since died, and singular to state, no other case has occurred in these slaves. They were all instantly removed to Paarden Island, a completely isolated spot, and it was declared a

Lazaretto. This took place on the 5th Inst., and until the 14th no further consequences arose.

It must remain in doubt whether the infection was spread through these slaves, or whether it was not communicated by the intercourse from the captain and crew, who were permitted to come on shore, as I have before stated to your Lordship. If any more material information arise, I shall have the honor to submit it.

Upon so interesting a subject I shall not fail to give the earliest intelligence in my power. I have etc.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from LIEUTENANT COLONEL GRAHAM *to*
HENRY ALEXANDER, ESQRE.

UITENHAGE, 21st March 1812.

SIR,—The necessity of filling up the abandoned country with the least possible delay is so obvious that I shall forbear to remark upon the benefits which must consequently ensue from such a measure, but have the honor to acquaint you, for His Excellency the Governor's information, that with a view to accomplish so desirable an end I have written to the Landdrosts of Swellendam, Tulbagh, Graaff Reinet, and George respectively, a letter, copy of which is herewith enclosed.

As I conceive that every encouragement should be held out to induce settlers to establish themselves in that most fertile tract of Country, and having been informed by Major Cuyler that the Earl of Caledon had been pleased to direct that credit should be given for the loan rents of the abandoned farms up to December 1808, thus enabling former occupants to resume possession (a right which I also understand they, by effect of a proclamation of General Janssens, forfeited in consequence of not reoccupying their places at a former period) I took upon me to grant an extension of such credit up to the period of the evacuation of the country by the Kaffir tribes, a measure that I trust will meet with His Excellency the Governor's approbation, and which I felt the more inclined to adopt from the circumstance of its being my

opinion that for the better encouragement of Settlers resorting to this part of the Colony the rents of loan farms occupied by them ought for at least some years to come to be so very trifling as to be considered more as an acknowledgment of tenure than a source of Revenue, or even done away with entirely, Government of course retaining the right of excluding the possessors in the event of misconduct.

I have the satisfaction to state that almost all the inhabitants who held loan farms on Bosjesman's river to the north of Zuurberg and the Noutai, which lies on a continuation of the same chain of hills, and which they were forced to abandon three years ago, have again returned to their places.

Permit me to urge the expediency of such measures as His Excellency the Governor shall think proper to adopt for the encouragement of inhabitants settling in the reacquired territory being made public without loss of time.

In consequence of several applications for loan farms from Major Cuyler and other Officers of the Cape Regiment, I beg to be informed whether His Excellency is pleased that I should grant their request, and if so, what extent of ground may be given to each. I have, &c.

(Signed) J. GRAHAM, Lt. Col.

[Office Copy.]

Letter from ROBERT PEEL, ESQRE., *to* SIR JOHN CRADOCK.

DOWNING STREET, 22nd March 1812.

MY DEAR SIR,—I did not fail to take the earliest opportunity of submitting to Lord Liverpool the inclosure in your Letter to me bearing date the 16th of December 1811.

The Appointment to which you refer rests with Lord Liverpool, but I have to regret that the Arrangements which his Lordship has made do not enable him to comply with your Request, that he would nominate Mr. J. Cradock to the situation vacant by the death of Mr. Truter. I have, &c.

(Signed) ROBERT PEEL.

[Original.]

Letter from JOHN BRUCE, ESQRE., to ROBERT PEEL, ESQRE.

WHITEHALL, 31 March 1812.

SIR,—I have the honour to acknowledge the receipt of your letter of the 25th instant, enclosing copy of a letter to you from Mr. Willimot, agent for the Cape of Good Hope, dated the 29th of February 1812, with its enclosures relating to the extension of the trade of that colony, which I have laid before the commissioners for the affairs of India, by whom I am directed to acquaint you, for the information of Lord Liverpool, that as the subject of the commerce of the East India Company will in a short time be submitted to Parliament, the trade of the Cape of Good Hope with the countries subject to the Company will then be fully taken into consideration. I am, Sir, etc.

(Signed) JOHN BRUCE.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas by the good effects of vaccination, the majority of the inhabitants may now be considered secure against the infection of the small pox ; and those in whom the process of vaccination may not as yet have been completely terminated, may likewise insure their own safety, by still refraining a few days from intermixing in society, without the necessity of the restrictions imposed by the proclamation of the 17th instant being on that account any longer continued, except such as are required for the purpose of preventing the immediate infection.

And whereas the provisions enacted for the preventing of this immediate infection, as long as the contagion itself exists, cannot cease without a certain degree of risk : His Excellency, having considered the opinion of the medical gentlemen forming the committee of the vaccine institution, which has been laid before him by His Majesty's fiscal, has thought proper to order, that from the date hereof the said restrictions, as recited in the 7th, 8th, and 9th articles of the aforesaid proclamation, of which prudence dictated

the necessity as long as the vaccine disease had not been generally imparted to society, shall cease to take effect; but that, on the contrary, as the contagion has very considerably, although not entirely, subsided, all the provisions contained in the further articles of the aforesaid proclamation shall, in the present state of circumstances, still continue in full force, and any deviation therefrom be punished the same as if herein inserted.

Given under my hand and seal, at the Cape of Good Hope, this 31st day of March, 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from HENRY ALEXANDER, ESQRE., *to* LIEUTENANT COLONEL GRAHAM.

SECRETARY'S OFFICE, *April 2nd* 1812.

SIR,—By direction of His Excellency the Governor I have to acknowledge your letter of the 21st ultimo and to express his high satisfaction that the happy termination of your exertions and those of the brave men under your command leave little now to be considered. But such an establishment of the future population as will best guard against a recurrence of the evils lately experienced and at the least expense constitute such an *appui* in the civil to the military force as will render the bringing Commandos from the remote Districts rarely necessary, will ultimately tend to the creation of permanent strength.

His Excellency, impressed with the great importance of the system hereafter to be adopted as to the peopling the recovered districts, strongly also impressed with the great respect due to your character, services, and experience, reluctantly hesitates in adopting the plan proposed by you. Letters have been written to the respective Landdrosts to prevent their acting upon your Circular letter, and it is with extreme regret His Excellency suspends a commencement of proceedings certainly productive of some immediate advantages, but of a temporary nature, and which may be attended with consequences that must leave that fertile district, rescued by your exertions and His Majesty's arms,

subject to its former anarchy, debility, and in the hands of persons who have proved themselves incompetent to its defence.

The temporary inconvenience of its not being grazed rather than cultivated does not appear to His Excellency a sufficiently strong motive to precipitate his measures, and having decidedly determined never in any instance to recur to grants of Loan places he sees no reason for varying from that determination, particularly in that country where insulated and unprotected individuals hold out temptations to plunder, and are incapable of mutually supporting each other.

To His Excellency it occurs, when you have decided upon the situations where the main body of the troops is to be stationed as there will be then a necessity of building permanent barracks upon a plan competent to resist any forces the Kaffirs can produce against it, and as probably that establishment will be the Fish River, at least securing a command of water, a population will form round it for protection and the conveniences of supplying the military, and build for themselves fixed habitations also with reference still to joint defence. To persons so inclined to settle His Excellency will upon your recommendation give every facility and encouragement, and when you have marked out the situation will grant in perpetuity such admeasured portions of land as the wants of the settlers may require upon easy terms.

If in addition to this greater establishment a cordon is to be drawn along the boundaries of the Fish River, each smaller station may in time become a lesser nucleus for a smaller number of cultivators or graziers to form around and build with a reference to common defence. They in their turn are subservient to the convenience and supply of the Military, and also by their vigilance and numbers become useful and auxiliary to these smaller detachments.

Without this extent of newly recovered country the price and quantity of butchers meat has not been severely felt, indeed it has been cheap in this Colony.

The limited population does not forcibly demand great sacrifices of permanent interest to obtain an augmented supply, neither is it a political object to enable the grazier to indulge in an indolent and vagabond life, existing upon the labour of two or three slaves or hired servants. But I am directed by His Excellency to inform you when you have settled upon those

positions where you propose to establish your military positions, particularly such as are to be of a permanent nature, His Excellency will pay every attention to procure a population around them by adopting such settlers as may offer themselves through you or by seeking a population elsewhere. In the case of such minor settlements, His Excellency feels inclined to grant the extent of land you point out on Quit Rent, but upon measurement and upon houses being contracted to be built on the terms and in the manner which in your judgment best combines the convenience of the inhabitants with a common system of defence.

It appears to His Excellency that not less than four Christian families should be united on the space of the present loan places, with at least one white man at the head or a member of each family, bound to be well armed and to be ready for service when required.

If you are of opinion that payment of the quit rent should be delayed, His Excellency feels inclined to postpone the receipts for a certain number of years, but still a recognition will be required of the permanent title of the Crown.

As to such farmers as have actually returned in consequence of your suggestions, His Excellency will enter into a most favorable construction of every act of yours or of anything done in consequence thereof.

It is impossible not to observe that the country has been lost to the inhabitants, and is recovered by the King's arms, aided certainly by the inhabitants, and that the former system under which that country was lost cannot be again recurred to.

You will therefore clearly understand that no title is recognized as founded upon former possession, but that to such individuals as have actually settled themselves upon the authority and strength of your notification the greatest attention will be paid by His Excellency, who feels most anxious in every point to evince his high confidence in you and to teach the inhabitants to look up to you with the utmost respect and confidence, and who is most anxious to impress upon your mind that on an ordinary occasion however anxious to acquiesce in your decision, he cannot revert to a system experience has proved to be productive of imbecility, partial calamities, loss of Territory, and imposed the necessity of a diversion of His Majesty's troops to obtain a repossession so happily achieved under your conduct.

In referring to Major Cuyler's understanding and explanation of Lord Caledon's sentiments on the subject of a renewal of right to the abandoned Loan places supposed to have been granted to the tenants, the fact is that no correspondence on this point took place between His Lordship and the Landdrost of Uitenhage, but the Receiver General of Land Revenues reporting on the arrears of Loan rent due from the Uitenhage district, acquainted his Lordship that the Landdrost had recommended that the parties who abandoned their places, of which he transmitted a list, should not be called upon at present for what appeared to be due, and his Lordship in answer to Mr. Baumgardt agreed to this proposition for the regularity of the Receiver General's books, but by no means attaching any other consequence to the measure.

Enclosed is a proclamation such as appears proper to His Excellency which he desires may be published and acted upon as soon as you have pointed out the situations for the military positions, you will be pleased to acquaint His Excellency what number of families can be placed on each adjacent spot. From the tenor of the Proclamation you will perceive it to be at present His Excellency's intention only to plant a population around the principal military stations.

You will also notice that His Excellency has fixed upon the Brakke river as the most marked northern division of the ground lately under the range of Caffres, but as this is taken from Arrow-smith's map, which may be incorrect, His Excellency requests you will make such alteration in that point as from local information you may deem necessary.

Altho His Excellency conceives it improper to connect agriculture with military pursuits, or to expose men open to other service to the discontent that must attend their being forced from habitations they have been permitted to build and establish themselves in, His Excellency has no objection to officers obtaining grants under the proposed plan.

His Excellency highly approves of the arrangements you have made for sending back the armed inhabitants of the commando and for continuing a force of 300 men for the purpose of patrols, but as the District of Stellenbosch has not yet been called upon for any aid towards this service His Excellency has now directed the 150 men you required from Swellendam and Tulbagh to be furnished by the former Drostdy, and will at the expiration of

three months relieve them from the latter Drostdies, and so alternately as long as this service shall be necessary.

His Excellency has also desired me to signify to you his entire approbation of the step you took for marking your strong reprehension of the pusillanimous conduct of the late Heemraad Lombaard, and equally so in the reward you conferred upon the gallant Nel, of which the Receiver General of Land Revenue has been made acquainted. His Excellency has expressed much anxiety to receive the list of such persons as have distinguished themselves by their zeal or spirit in this arduous service you may judge worthy of His Excellency's favor, and he also wishes the returns of those who have unfortunately fallen, which except from Swellendam have not been transmitted. I have, &c.

(Signed) HENRY ALEXANDER, Col. Secy.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas by the indefatigable exertions of Lt. Colonel Graham, His Majesty's Commissioner for Civil and Military Affairs in the Drostdies of Graaff-Reinet, Uitenhage, and George, and by the zeal and ready co-operation of the Force placed under his command (as well regular, as armed Inhabitants), the Eastern Frontier of this Settlement has been entirely cleared from the Hordes of Caffres who have for so many years molested the Inhabitants of those distant Districts; and whereas it is now incumbent upon me to take such measures as shall provide for the future security of the Frontier, and effectually prevent a recurrence of those calamities which have rendered desert the most fertile part of this His Majesty's Settlement: I therefore in the first place hereby direct the orders that exist for preventing all intercourse with the Caffre People to be strictly enforced, under the penalties already directed, so that no person under any pretext whatsoever shall cross the Boundaries, and proceed into the Caffre Country, those sent upon public business by His Majesty's Commissioner or by the Landdrost of Graaff Reinet or Uitenhage alone excepted. And with the view of laying the foundation of an order of things calculated to give greater security to this important Frontier than the system

heretofore adopted, I cannot admit the right of Individuals to the reoccupation of any Loan Places which had been abandoned in consequence of the depredations of the Caffres, and which Loan Places were situated between the Bosjesman's River and the Great Fish River, from West to East, and between the Brakke River and the Sea, from North to South. The leases of such places are therefore hereby considered as finally resumed and cancelled. Upon the same principles I cannot recognize the right of any person to reoccupy the Loan Places which have been abandoned between the Kuga and the Bosjesman's River, or to the Northward of the Brakke River; but notwithstanding I shall be ready to pay every attention to the representations of the former Tenants of Places situated in the latter Division, transmitted to me through His Majesty's Commissioner. As soon as Lt. Col. Graham shall have pitched upon a proper spot, as near the Great Fish River as possible, for the permanent cantonment of the Cape Regiment and such proportion of European Force as may hereafter be deemed necessary for the protection of the Frontier, I shall be willing to attend to his recommendation in granting lands to the Westward (or rear) of such cantonment, not as heretofore on loan, but upon the tenure of Perpetual Quit Rent, subject to such recognition to His Majesty as shall be hereafter deemed advisable, provided such lands are situated so near to the cantonment and to each other, as that the holders (who must be bound to Residence) may mutually aid each other in case of a future incursion of the Caffer People, or be within the protection of the Force above alluded to which will be there stationed for general protection.

Given under my Hand and Seal, in the Castle of Good Hope, the 2nd day of April 1812.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 3rd April 1812.

SIR,—Lord Caledon has informed me, since his return to this Country, that there is at this time a young Man of the name of Crozier employed, I believe, in the Lombard Bank, whose services

have been very useful in the Department to which he is attached ; and as the situation which he now holds is one of great labour and responsibility, and the Emoluments inadequate to them, Lord Caledon has expressed his Opinion, that it would be adviseable to ensure the Continuation of Mr. Crozier's services to the Colony, by providing a more ample Remuneration for them. I am desirous, therefore, of recommending Mr. Crozier to your Notice, and of requesting that, when an opportunity shall offer itself, Mr. Crozier may be promoted to some more lucrative Employment in the Civil Service of the Colony than that which he now holds.

I have, etc.

(Signed) LIVERPOOL.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the destruction of worn and defaced paper money. Similar to many preceding.

7th of April 1812.

[Office Copy.]

Letter from ROBERT PEEL, ESQRE., to SIR JOHN CRADOCK.

DOWNING STREET, *8th April 1812.*

SIR,—I herewith transmit to you, by direction of the Earl of Liverpool, the Copy of a Petition from Mr. Claude Borel, praying Permission to be granted him to proceed to the Cape of Good Hope (at which Place he states that he had formerly resided) in order to arrange his Affairs and settle as an Agriculturist in general, and particularly to attempt the growth of Cotton. I am to desire that you will please to make an enquiry as to the Character of this Person, and Report to me, for Lord Liverpool's information, whether there appears to be any Objection to the prayer of Mr. Borel's Petition being complied with. I am, &c.

(Signed) ROBERT PEEL.

[Original.]

Memorandum of the EARL OF CALEDON.

31 SACKVILLE STREET, 8th April 1812.

Lord Caledon presents his compliments to Mr. Peel. The late Searcher at the Cape of Good Hope was nominated previous to Lord Caledon's going out, so that he cannot say with confidence by whom the searcher was appointed; but Lord Caledon has always been led to suppose that the appointment of custom house officers in that settlement rests with the Secretary of State for the Colonies, not with the Treasury, and the reasons assigned for this opinion are because the Revenues arising from the customs are solely applicable to Colonial purposes, because the custom house department is in no manner connected with any branch of customs in England, and because the salaries of the officers are paid by warrant of the Governor on the Colonial Treasury.

It is also to be observed that the Governor can only receive instructions under the Royal Sign Manual or through one of His Majesty's Secretaries of State, so that were the nomination vested in the Treasury I conceive it would notwithstanding be necessary for Lord Liverpool to signify to the Governor his approval of such an appointment, otherwise I presume he would be unwilling to grant to the Searcher the necessary authority for the execution of his duties.

[Copy.]*Proclamation by SIR JOHN CRADOCK.*

Whereas it has appeared to me that some persons, either through negligence, or from relying on former vaccination, without sufficient grounds, for its having taken the proper effect, have not availed themselves of the beneficial inoculation of the vaccine matter, which, during the preceding week, has been made as general as possible, or who, by not assuring themselves of the proper and sufficient effects of the same, are exposed to the danger of infection: And whereas the continuation of the spreading of

the small pox must principally, if not solely, be attributed to that neglect :

I have therefore judged proper, in order to prevent the further injurious consequences which, besides the loss of slaves, must inevitably ensue to the daily trade of the inhabitants from a continuation of the infection, to order and direct, as I hereby order and direct accordingly, that in future no person whomsoever who has not had the small pox, and has not been vaccinated, or who having undergone the operation, cannot prove to the vaccine institution that the same has had the necessary effect, shall, during the continuation of the present infection, appear in the streets, much less in the neighbourhood of infected persons or places, under a penalty of five hundred rixdollars, and besides of being confined during the contagion in such secure place as may be deemed proper, according to the nature of the persons and circumstances ; the masters knowing of the transgressions of their slaves, in case they could have prevented the same to be accountable for the penalty.

And in order that this measure, dictated by necessity, shall not fall upon any others than the unwilling, I have further judged proper to direct that the vaccine committee, assisted by the doctors of Cape Town, in like manner as has hitherto taken place, shall again attend at the Town House, on such day as shall be hereafter notified by His Majesty's fiscal, for the purpose of applying the vaccine to those who have not already been inoculated, or who may be in doubt of the same not having had its proper effect. All persons wishing to avail themselves or their families hereof, shall communicate their intentions to their respective wardmasters, in order that a proper list be forwarded for the information of His Majesty's fiscal.

And whereas it has been represented to me that from a blind infatuation, many of the Malays and free blacks not only have neglected to avail themselves of the benefit of vaccination, but also concealed the symptoms of small pox when they have occurred among them, whereby not only many are inevitably carried off by this destructive malady, but the contagion is spread in an alarming degree : I do therefore now direct His Majesty's fiscal to cause each and every Malay house in this town and vicinity, and the house of every free black, to be placed in a state of quarantine and seclusion, and to be so kept, until such time as it shall have been

ascertained, to the entire satisfaction of His Majesty's fiscal aforesaid, and of the officers of the vaccine committee, that no contagious disorder exists therein; hereby strictly prohibiting all intercourse with such houses in the same manner, and under the same penalties, as all intercourse with infected houses stands prohibited by the provisions of the proclamation of the 17th March last. And I do also most strictly forbid the interment of any person whomsoever until such time as an inspection of the body shall have been made under the direction of His Majesty's fiscal aforesaid, affixing a penalty of 500 Rds. to the breach of this regulation, and six months imprisonment for such as shall transgress herein and not have sufficient means to defray the pecuniary penalty.

Given under my hand and seal, at the Cape of Good Hope, this 10th of April, 1812.

(Signed) J. F. CRADOCK.

[Original.]

Memorandum by the EARL OF CALEDON.

SACKVILLE STREET, 14th April 1812.

Lord Caledon presents his compliments to Mr. Peel. There exists a very strong regulation at the Cape against the carrying of specie out of the colony. No proclamation was issued by the British Government on this subject since the capture in 1806 of the settlement. In the year 1807 the master of a Portuguese vessel named the *General Izedro* was convicted of the offence, and as well as Lord Caledon can recollect the penalty inflicted was the forfeiture of the specie and three times its amount. This circumstance occurred previous to Lord Caledon's assuming the government.

[Copy.]

*Circular from SIR JOHN CRADOCK to the LANDDROSTS.*GOVERNMENT HOUSE, *April 20th 1812.*

SIR,—Upon the perusal of a most able report from the late respected Commission from the Court of Justice, I received the most lively impression that the good order, the prosperity, and the happiness of every district in this Colony, but especially in those most remote from the seat of Government, must principally depend upon the exertions of their Chief Magistrate, the Landdrost.

It has been my care to place him in the most independent situation, and by setting him above those considerations that might arise from a more limited appointment, leave him at liberty to devote his whole time and mind to the faithful execution of his important trust.

In thus addressing you, Sir, I have only to follow the instructions I have myself received from His Majesty's Government, which are to extend to all classes of persons equal justice and equal protection. The utmost beneficence and most rigid impartiality are laid down as the rules of my conduct, and as I hope I shall act most scrupulously not only to the letter, but their most liberal spirit, the same with confidence I expect and require from all others who in the exercise of their share of power have any control in this community.

We are ever to bear in view that in the dispensation of justice no distinction is to be admitted, whether the complaint arise with the man of wealth or the poor man, the master or the slave, the European or the Hottentot, the same patient and equal attention is to be paid to the representation, and the most careful enquiry is to ensue, that unbiassed justice follow I will not entertain the doubt.

I am desirous to impress that it is not to the greater crimes I so much point your attention, for they but seldom occur, and they, from the common sense of danger, mostly afford their own remedy, as it is to the lesser description of offences, which from their obscurity and supposed insignificance, escape observation and punishment. To these I anxiously request your unceasing vigilance and prevention.

It is the uncontrolled severity of the powerful over the weak, so difficult to describe; it is the nameless tyranny of the strong over the defenceless, and the thousand means that the spirit of oppression will employ, and which I cannot recount, that fill me with more solicitude; for such persecutions evade the direct interposition of the law, and are alone to be remedied by the energy of an active and enlightened Magistrate, intent to advance the progress of true religion and Christianity.

I have pleasure in confirming what must have already made public impression, by the exertions so recently manifested upon the Frontier in the expulsion of the Kaffirs, that I have it in command from His Majesty's Government to adopt every measure of improvement of which that distant territory is capable, and from the communications you have so lately received upon the subject of churches and schools, you will observe how much His Majesty's Government is interested in the extension of Christianity and education.

Such defects appear in the former systems of scattered and defenceless habitations, to which none of the arts of civilisation nor the comforts of society could find their way, that it will ever remain my wish to more collect the population, and afford to them by their concentration that security and those enjoyments which they cannot possess in their present dispersed state.

I am also anxious that at each drostdy a most respectable establishment should be encouraged by every inducement where on the foundations of religion and education, the examples of industry, of good order, and the benefits of society should be held out to public view and imitation, and communicate their resistless influence all around.

Such are the wishes of His Majesty's Government, and in whatever way they can be best promoted I solicit at all times your advice and assistance. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from the EARL OF CALEDON *to* ROBERT PEEL, ESQRE.

SACKVILLE STREET, 21st April 1812.

MY DEAR SIR,—In compliance with your wish I enclose the copy of a letter which I had written, and intended to have sent to Major Cuyler, provisional Landdrost of Uitenhage, but which I afterwards declined sending in consequence of receiving information that my resignation had been accepted, as I was unwilling to commence an undertaking which I could not accomplish, and of which my successor might disapprove. The same reason I imagine prevented General Grey from acting, although he coincided with me in the substance of what I had written, he found it less necessary to come to an immediate declaration, as neither the commandos of Boers nor the military could move until the close of the rainy season in September.

You will perceive that I was anxious to avoid determined hostilities, and if compelled to them I was desirous that the warfare should be partial, not general. I know not what instructions Sir J. Cradock may have given to Col. Graham, but the difference between our plans seems to be in his making the Military, not the Boers, the principals. General Grey's and my view of the subject was not to lend any military assistance which would not be permanent, as from the habits of the Caffres without any settled abode it is to be apprehended that in the event of their being expelled the Colony they will not fail to return upon the military being withdrawn, and it is not to be supposed so large a proportion of the garrison as what is now detached can be conveniently spared from Cape Town. I have, &c.

(Signed) CALEDON.

[Enclosure in the foregoing.]

To MAJOR CUYLER, *Landdrost of Uitenhage.*

GOVERNMENT HOUSE, June 22nd 1811.

SIR,—Having maturely considered your letters of the 6th and 14th of May and conferred with the Commander of the Forces thereupon, I have with his concurrence come to a deter-

mination so far to enter into your proposal for expelling the Caffres from the Colony as to sanction a commando of the neighbouring Boers. But as my purpose is to prevent, not to occasion, a state of war, you cannot be too particular in adhering to the rules laid down or in cases of doubt in adopting a course of conduct founded on the spirit of this principle.

1st. Direction shall be given to the respective Landdrosts of Graaff Reinet, Swellendam, Tulbagh, and George districts to confer with you upon the period of time for assembly. The number of the Commando and duration of its existence must be regulated by circumstances, and conducted in a mode least likely to be of inconvenience to the inhabitants.

2nd. The guidance of the parties shall be under their respective Magistrates, but it is desirable and intended that you take a lead, in as much as the measure is to be carried into effect in your district. You are particularly recommended to consult and receive the benefit of Mr. Stockenström's advice and experience.

3rd. The party being assembled you shall march them to the spot in which the Caffres within the Colony are most numerous and then demand the murderers of the Slabberts and Davel, and the restoration of all stolen cattle, and finally the immediate return of the Caffres to their own country. In the event of these demands not being acceded to, you will then commence to drive the cattle out of the Colony, but in no instance shall you seize any of them, unless the most unequivocal proofs are adduced to your satisfaction of their being the actual property of the Colonists claiming them.

If the chiefs shew any strong disposition to act hostilely you may instantly seize their persons, but on no account whatsoever (let the supposition of danger be ever so strong) shall a shot be fired or any violence be used by one of the commando unless the Caffres shall have actually commenced an attack. You cannot too forcibly or too distinctly impress upon the minds of the Boers that if one or any of them attack a Caffre or Caffres without the order of a Magistrate, such person or persons shall be dealt with according to law, which makes no distinction whether the assault be committed on a Caffre or on one of their own class.

Lieut. Genl. Grey will instruct the officer commanding the troops to lend his aid if requisite, and he will in the first instance so far assist as to shew his collective force, but it is expedient that

the Boers should be the ostensible party, and that they should consider the military solely as a rallying point.

In confiding the undertaking to your guidance in particular, I do so relying on your discretion and in the belief that your experience and thorough knowledge of the character of the farmers will not lead you to depend on their assurances of moderation if a limited degree of compulsion is requisite, their passions are from repeated injuries naturally alive to a sense of retaliation, but the motive should be rather for prospective benefit than with a view to a redress of the past.

I conclude with again calling your attention to the principal purport of the commando, namely the display of a force and attainment of the ends which are required without recourse to the extremities of absolute warfare.

[Original.]

Memorandum for His Excellency the Governor.

The number of persons afflicted with the small pox was last Friday 160, since two more cases occurred, which makes in all 162. Of which 49 died and 30 are convalescent, while of the remaining number, viz. 83, the greater part are in a state of recovery, only few are in a bad and unfavourable state in comparison to the whole.

Fiscal's Office, the 21st April 1812.

(Signed) J. A. TRUTER.

[Original].

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, *April 22nd 1812.*

MY LORD,—Since my last dispatch on the 21st March, which was to inform your Lordship that the small pox, through causes not exactly ascertained, had made its appearance in the colony, I have not had any opportunity to transmit a further account.

The favorable hopes I then entertained of the immediate extinction of the malady have not been altogether realised, as the disorder at intervals has revived its progress, but from the present cessation of six days, one case alone excepted of a child whose mother had been infected, I resume all the confidence of the most speedy termination.

From the universal vaccination that had taken place, to all appearance, the interruption we have experienced could not have occurred otherwise than in the discovery that some Malay inhabitants, from false principle in their religion upon predestiny, had secreted themselves, or deceived the physician, and thereby totally evaded the prescribed regulations. However all this objection has been removed.

I have the honor to annex the latest report from his Majesty's fiscal, which gives upon the whole a much more favorable view of the entire case than could well be expected. I have etc.

(Signed) J. F. CRADOCK.

P.S. I cannot resist acquainting your lordship with a circumstance which I think highly creditable to the feeling and disposition of the inhabitants of this town.

Captain Severs, an American captain of a ship, who brought the vaccine matter some time ago, happened to be here, and the townspeople, in ardent gratitude, presented him with four thousand dollars, though he had no claim to their favor upon the original circumstance, as he had been already paid.

J. F. C.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas by the Proclamation dated 1st November 1809 the necessity of subjecting the individuals of the Hottentot Nation, in the same manner as other inhabitants of this settlement, to proper regularity in regard to their places of abode and occupations, was strongly pointed out and recommended; and although the most beneficial effects have followed the enforcement of the regulations and provisions of the proclamation alluded to, yet it has appeared

from further experience that some additions and modifications to the aforesaid regulations are still wanting: be it therefore now directed, and it is hereby ordered,

1. That, together with the annual opgaaf, the several boards of landdrosts and heemraden shall in future transmit to the colonial secretary's office, for my information, a return of all Hottentot institutions, kraals, and detached dwellings within their several jurisdictions, specifying the situation of such residences, the number of families dwelling at each place, and the number of individuals in each family, divided into male and female, and describing of each whether under or above the age of 16 years, and also the number of births and deaths of Hottentots which have taken place within the twelvemonth. In this return not only Hottentots are included, but also bastard Hottentots and free blacks, with the description of their families as in the case of Hottentots aforesaid.

2. With regard to such Hottentots as are born in the service of farmers or other inhabitants, it shall be imperative on such farmer or inhabitant to give the earliest notice of such birth to the field cornet of his division, specifying whether the child be male or female, under a penalty of 50 Rds. for every instance of neglect thereof.

3. The field cornets are to keep regular lists of such births, and to transmit them to the landdrost of the district quarterly.

4. When such children as are born in the service of the farmers or inhabitants have attained the age of 8 years, and have been maintained by such farmers or such inhabitants during that period, the landdrost of the district shall apprentice such Hottentot, male or female, to the farmer or inhabitant by whom he has been so maintained, in case he be willing to receive such apprentice, for 10 years, provided the landdrost be satisfied that the person to whom the Hottentot is to be so bound is a person of humanity, and one upon whom strict reliance for the good treatment of the apprentice can be placed. And in case the person who has maintained the Hottentot for the period of eight years aforesaid shall not be willing to take such Hottentot as an apprentice for the term of ten years, or that the person in question be not such upon whose humanity or circumstances the landdrost can place reliance for the good treatment of the Hottentot to be apprenticed, then the landdrost is hereby authorized to bind such Hottentot unto such

other humane person within his district as he shall think fit for the period aforesaid.

5. The aforesaid regulation is in so far to have a retrospective view, that the landdrost is likewise authorized to apprentice any young Hottentots who may have been antecedently born, while the parent was in the service of, or residing with any farmer or inhabitant, and maintained by such, when they shall arrive at the aforesaid age of 8 years, in the manner already pointed out.

6. The deeds of apprenticeship, (a form whereof will be transmitted to the respective landdrosts,) are to be made in duplicate, and to be signed by the landdrost and the party to whom the apprentice is bound, one deed whereof is to remain in the records of the drostdy, in charge of the secretary, and one to be delivered to the master of the apprentice. The respective landdrosts are hereby ordered to keep an exact register of all Hottentots, male or female, apprenticed according to the above detailed regulations, and to transmit the same together with the return of Hottentots pointed out in the 1st article of this proclamation, for my information.

And that the fullest publication may be given to this my intention and command, I do hereby direct, that besides the usual mode of making known the same, each field cornet be furnished with an authenticated copy of this proclamation.

Given under my hand and seal, at the Cape of Good Hope, this 23rd day of April, 1812.

(Signed) J. F. CRADOCK.

[Copy.]

*Regulations for the New Market for Colonial Produce at Cape Town,
Cape of Good Hope.*

Art. 1.—The market for wheat, barley, oats, rye, hay, straw, chaff, timber, fuel, butter, soap, tallow, poultry, dried fruits, pulse, &c. shall henceforth be held at the New Market Place, behind the Castle.

Art. 2.—The public market-hours shall be from sun-rise in the morning to eleven o'clock in the forenoon, and from two o'clock in the afternoon to sun-set, when the market will be closed.

Art. 3.—The vegetable market shall continue to be held as usual in the Town House Square.

Art. 4.—Each proprietor of waggons or carts, or his representative, bringing any of the above-mentioned articles to market for sale, shall stop upon his arrival at the market, and report to the overseer of the market, or to such other person as may have been appointed by the overseer, the name of the proprietor, and the sort of produce he has for sale, of which a due registry shall be made, and for such registry the sum of 2 *s*/*s*. must be paid to the overseer, in favour of the market fund, upon receipt.

Art. 5.—Upon all goods sold in the market one per cent netto shall be paid to the overseer of the market, on receipt, agreeably to the return which shall be made to him by the seller; from the payment of this per centage shall, however, be exempted such goods as will hereafter be specified in a table, to be hung up publicly in the market.

Art. 6.—The seller and purchaser shall each pay the just half of the weigh-money; but the purchaser must make this agreement with the seller, as he will be held answerable at the weigh-house for the payment of the whole.

Art. 7.—And as the inhabitants of this colony are at liberty to enter into a contract for the purchase of any of the aforesaid goods out of the market, the seller shall be exonerated from the obligation of bringing such goods into the market, provided one day's notice previous to the arrival of the goods be given to the director of the market of such bargain, and shall suffice with merely reporting to the overseer of the market the name of the purchaser, the sort of produce he has sold, and at what price; which points shall be duly registered as aforesaid, and upon such registry the said sum of 2 *s*/*s*. shall be paid, together with the 1 per cent netto upon the purchase-monies.

Art. 8.—With the exception of Sundays and holidays the market shall be daily open during the whole of the day, except between the hours of eleven and two, for the accommodation of all persons desirous of purchasing or selling any kinds of wares, in small or large quantities, or in such small or large quantities as he who may have brought the wares to market may deem most to his advantage.

Art. 9.—If a person who has brought any wares to market wishes to dispose of them to the highest bidders, the overseer of the market shall afford him every assistance in so doing.

Art. 10.—The overseer of the market shall take notice of all frauds that may be committed, of whatever nature the same may be, and forthwith report to the fiscal the parties so offending.

Art. 11.—All persons violating or transgressing the regulations of the market, shall be liable to a penalty of *Rds.* 100, to be forfeited to the market fund.

Art. 12.—All disputes with regard to transactions entered into upon the market shall be submitted to the decision of the overseer of the market; and he who may be found to have transgressed the regulations of the market shall forfeit the penalty enacted by the preceding article.

Art. 13.—Should any person feel himself aggrieved by the decision of the overseer, he shall be at liberty to appeal to the burgher senate, who, without loss of time, shall investigate and finally determine the case; it is, however, to be understood that no such appeal lies in disputes relative to articles of provision, the decision of the overseer in these being final and binding upon everyone; but that it is confined to these cases only, where the goods may not have admitted of being opened at the weigh-house.

Art. 14.—All persons called upon as witnesses, in cases of the nature described in the two foregoing Articles, shall be obliged to appear at the first summons before the overseer of the market; and in appeal, before the burgher senate; and in the event of their non-compliance they shall forfeit a penalty of *Rds.* 25.

Art. 15.—The seller is bound to deliver his wares at his own expense and risk at the weigh-house; and the buyer, upon receiving them there, is answerable for all further expense, unless any other agreement should have been mutually entered into.

Art. 16.—If it appear that the goods or wares are in anywise damaged, the purchaser shall state any objections he may have to make previous to receiving them, in which case the overseer of the market shall be permitted to regulate the allowance that ought to be made.

Art. 17.—The overseer of the market shall keep faithful and correct accounts of the monies received by him, and likewise a neat register of all the waggons and carts reported to him; specifying at the same time the produce that has been sold; the monies so received to be accounted for by him at the expiration of every month, to the treasurer of the town finances.

Art. 18.—The treasurer of the town finances shall keep a separate account of the receipts and expenditure of the market, which account shall annually be examined by the burgher senate, and then be submitted to government.

Art. 19.—Should the receipts of the market amount to less than the expenditure, the revenue of the market shall be augmented in such proportion as may be found necessary.

Art. 20.—Neither the overseer nor any other person employed in the market shall be permitted to purchase any thing at the market, for the purpose of trading or trafficking therewith on his own account, neither directly nor indirectly, on pain of forfeiting his situation.

Art. 21.—The burgher senate shall be at liberty to make such amplifications and alterations in these market regulations as may be deemed necessary, subject however to the approbation of government.

Cape of Good Hope, 27th April 1812.

(Signed) C. VAN NULDT ONKRUYDT, President.

Fiat

(Signed) J. F. CRADOCK.

By command of the Burgher Senate.

(Signed) P. J. TRUTER, Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the creation of new pieces to exchange for defaced and worn out paper money. Similar to many preceding.

1st of May 1812.

[Original.]

Letter from CAPTAIN HALL to the EARL OF LIVERPOOL.

DEAL, 8th May 1812.

MY LORD,—I again venture to entreat your Lordship's attention to a reconsideration of the subject of my project and explanatory treatise on a *Military Farming Establishment* in the Colony of the Cape of Good Hope, in pressing this subject repeatedly on your Lordship's notice I can only plead my anxiety for the relief of my fellow countrymen. The present awful state of the United Empire as to provisions and commerce were but too correctly anticipated and pointed out in my project upwards of three years back, and every day's experience imperiously points out the necessity and propriety of resorting to strong measures to avert those evils which, uncorrected, threaten the very existence of the State, and which cannot long be warded off without some speedy and efficacious measures to counteract their tendency, and I know of none so little objectionable and so likely to be effectual as those pointed out by me. Your Lordship's time is too valuable to be taken up by long statements on trifling occasions, in this instance the subject is of sufficient importance to ensure a favorable consideration of any representation that may contribute to the removal or alleviation of the present alarming distress of the country. If further arguments were wanted, and your Lordship's time would permit, I would quote such corroboratory and eminent authorities in support of my statements, in addition to the written and oral sentiments that have been made public since I first presumed to address your Lordship on the subject, that would give a weight and consequence to them I am well aware they stand in need of, coming as they do from so humble an individual. Having submitted my explanatory treatise for the consideration and opinion of the Gentleman whose letters I have quoted in that treatise, and no longer under any restraint as to using his name, I beg leave to enclose a copy of his letter to me on the subject. I have several letters from Gentlemen of rank and consequence who have perused my plan, both in this country and Ireland, expressive of their approbation and the utility of its adoption, and am strongly urged by all to publish it. This I cannot bring myself to think of, as it strikes me it would be highly indecorous to do so whilst under the

consideration of your Lordship, and also as the public mind is so heated and alive to the distress and pressure of the times that it would only be adding fuel to the flame, a consideration of all others of the utmost importance to be avoided, the evils of which first induced me to the exertion of my humble efforts to point out (I conceive) an effectual remedy in future if carried into effect. . . .

I have, &c.

(Signed) JOHN HALL, Captain Canadian
Fencibles.

[First Enclosure in the above.]

*Letter from F. PERCEVAL ELLIOT, ESQRE., to
CAPTAIN HALL.*

32 OLD BURLINGTON STREET, 20th April 1812.

DEAR SIR,—Accompanying this I return your very interesting papers on the subject of the military farming project at the Cape, and can assure you with great truth that it has my entire concurrence, and the more so because it does not appear to me likely to be attended with any very dangerous expense to the public, especially if tried at first on the small scale recommended in your papers, and the corps can at any time be easily converted into a Garrison Battalion for the local service of the Cape, should even the farming experiment not be found to answer, so that the utmost loss to Government would be the cost of a few ploughs and other farming utensils, but I have little doubt of the thing as likely to turn out very useful. I could say much on the subject had I more leisure, but you know how completely my time is occupied. . . . I wish I could have bestowed on it that time and attention it so well deserves; it is a subject on which I have thought much, and often in great opposition to popular opinions, particularly on the subject of Granaries, the local situation of which, however, every day's experience more imperiously points out to be in the immediate protection and neighbourhood of Barracks. I am obliged to quit this subject very unwillingly, and wishing your plan all possible success remain &c.

(Signed) F. PERCEVAL ELLIOT.

The papers connected with this subject are too voluminous for publication. The following extract from Captain Hall's treatise will suffice to explain his plan:—

Government have several very fine large Farms at the Cape of Good Hope, some of the best Land in the Country, and might at their option enclose and cultivate any quantity they found necessary or proper for this purpose. I would propose to form a Corps composed of some men who are not fit for active service, from ruptures and other causes; most of these men should be farmers by profession, others artificers, such as blacksmiths, carpenters, wheelwrights, saddlers, &c., and I should prefer married men with children, by which means the population of the country would be increased with a description of people who from principle would have the interest of the Mother Country at heart, whose feelings and habits would induce them to adopt the manners and customs of their Ancestors, and might eventually lead to the adoption of our Laws; to these men I would propose to add as many boys from 12 to 15 years of age as Government might think proper, these with the assistance and direction of the formed men would cultivate the land, by which means a large quantity of Corn might be raised and stored at the Cape, and could be taken to England or elsewhere from time to time as back carriage by trading vessels that took out goods to the Cape, by transports conveying troops, or any other vessels Government might think fit to employ; this would also tend to increase our seamen; in addition to the Corn raised, pasturage for cattle for the army and for horses for the use of the cavalry or Government would be abundant, and by planting in different parts of the country Wood, which at present is extremely scarce, would be another (though remote) source of profit to Government, and of great advantage to the Colony; all this could be managed and taken care of by the Corps, and the boys, as they grew up, could be regularly instructed in the duties and habits of a soldier, and from being taken into the service so young would be more attached to it than from entering at a more advanced time of life; at the age of eighteen I would transfer these boys to the different Regiments in India, which would furnish a supply of young men, formed soldiers, and inured to the climate, an advantage of no small consideration, and in case of emergency, of any sudden or extraordinary demand for Troops in the East Indies, this Corps might for a time compose

part of the Garrison of the Cape and enable Government to send prompt assistance, which in all probability would arrive there before intelligence could reach England, as was the case in several instances during my residence at the Cape.

[Original.]

*Letter from SIR JOHN CRADOCK to the EARL OF
LIVERPOOL.*

GOVERNMENT HOUSE, CAPE TOWN, *May 14th 1812.*

MY LORD,—I have the satisfaction to communicate to your lordship my sanguine expectations that the small pox will soon terminate in this colony. Some instances may occur among those who have wilfully neglected vaccination, or who have perhaps been deceived by the former operation not skilfully practised, but as the whole mass have now been vaccinated, it seems nearly impossible that any material continuance of the disease can exist.

No case has occurred within the last three days.

I avail myself of this opportunity to acknowledge the receipt of your lordship's dispatches Nos. 10, 11, 12, 13, and 14. We are however without intelligence from England since December.

I have etc.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from ROBERT PEEL, ESQRE., to SIR JOHN CRADOCK.

DOWNING STREET, *14th May 1812.*

SIR,—I transmit to you herewith a List of Officers belonging to the Cape Corps to whom advances were made by Messrs. Greenwood & Cox, in the Year 1806, previous to the said Officers leaving this Country; together with the amount of these Advances, and the periods for which they were made. Messrs. Greenwood

& Cox have now applied to be reimbursed those Sums, but as there are no Pay Lists or Accounts in this Country by which it can be ascertained whether or not those Sums or some part of them may not have been issued a second time at the Cape, I am directed by Lord Liverpool to desire that you will cause the necessary Examination of the Accounts of the Cape Regiment, as far as relates to the payments in question, to be made as soon as convenient, and that you will Report to me the result, for his Lordship's information. I have, &c.

(Signed) ROBERT PEEL.

[Copy.]

Letter from LIEUTENANT COLONEL GRAHAM *to* LIEUTENANT COLONEL REYNELL.

UITENHAGE, 15th May 1812.

SIR,—I have the honor to acquaint you, for the information of His Excellency the Governor and Commander of the Forces, that the Troops under my command have for some time past been stationed in the manner which I consider best calculated to effect the future exclusion of the Kaffer hordes from His Majesty's Territories and afford protection to his subjects, and I beg leave to transmit herewith the distribution of the Force, and which I would have sent sooner had it not been for the circumstance of Mr. Alexander, Colonial Secretary, having communicated to me His Excellency's wish that the Head Quarters of the Cape Regiment should be fixed upon a spot calculated to admit of a number of settlers establishing themselves around it, and that at first selected not combining all the requisite advantages for that purpose so well as another I had in view, I delayed finally deciding upon the situation until I had again visited the part of the country in which, to the best of my judgment in a military point of view, the Head Quarters ought to be established. Perceiving however how anxiously His Excellency pressed the accomplishment of the wished for interview with some of the Kaffer chiefs, I remained in the neighbourhood of the only spot appointed to receive communications from that people until ten days

had elapsed beyond the time necessary to obtain an answer from Gaika to my proposal of a personal conference with him.

The advanced season of the year however requiring that such changes as I might deem necessary should immediately take place in order that the officers and soldiers of the Cape Regiment might enjoy, if not rest, at least the benefits of a living of some sort against the inclemency of the weather, and which the privations and fatigues they have for so long a period undergone imperiously demanded, I set out for the Zuurveld on the 3rd instant, fixed upon a site for the cantonment about twenty miles eastward of Assagai Bush, and on the 6th removed the Head Quarters to it. For a description of the place in question I beg leave to refer you to Mr. Alexander, Colonial Secretary.

At each of the military stations I have caused a small field work to be constructed, and as one third of the Troops posted at each is, there is little doubt, capable of defending the place against any number of Kaffers who could attack it, the remaining two thirds of the whole force thus become disposable, and may consequently act where necessity requires. Exclusive of the military, I have the honor to enclose the intended distribution of the Inhabitants. The new detachment from George District are on their posts, those from Graaff Reinet on the route to their respective destinations, of the quota from Stellenbosch I have no further account than its having marched from that Drostdy on the 24th ultimo. The whole of the farmers who were hitherto on commando are dismissed or relieved.

In allusion to that part of your letter dated 31st March, stating His Excellency's commands that it shall be pointedly explained to individuals concerned his anxiety that every species of sanguinary proceeding may cease, I beg leave to state that in my instructions to commanders of posts the character of the Kaffer nation imposed upon me the cruel necessity of directing that all straggling men Kaffers seen within the limits were to be considered as enemies and dealt with accordingly, and which order, tho' strongly repugnant to my own feelings, I issued from a perfect conviction, founded upon serious reflection and experience, that by no other means whatever can a hope be entertained of putting an end to the encroachments and accompanying cruelties of this savage nation.

I have by sending repeated messages and every other means in

my power, endeavoured to make it known to all the Kaffer tribes that such an order does exist, notwithstanding which and in support of the necessity of this rigorous measure, several straggling Kaffers have within these ten days been seen in the Zuurberg, and two attempts have within a few weeks been made to drive off cattle belonging to the inhabitants residing to the northward of that mountain, which cattle were however recovered. To take plundering Kaffers prisoners is impossible, such of them as are seen within the limits can only come for that or worse purposes, and if they are not fired on their numbers will increase, with numbers audacity, and from which a renewal of the same atrocities, together with other circumstances which rendered their expulsion necessary, will be the infallible result. I have the honor to transmit copy of my instructions to commanders of posts, requesting to be informed of any alterations His Excellency may judge it expedient to make.

With regard to the treaty of peace with the Kaffer nation so strongly urged by His Excellency and so desirable, I herewith forward the particulars of a conversation which I held with Gaika's Messengers on the 14th ultimo. The reason for that chief not having replied to my proposal of a personal conference I attribute to a want of confidence proceeding from conscious guilt and meriting our displeasure, for altho' there are no grounds to suppose that he took any part in the late hostilities, there is no sort of doubt that he connived at the crimes of other Kaffers and became a partaker of their spoils. It is also probable that this artful savage, having a dread or jealousy of the Chiefs lately expelled the Colony, deems it prudent to avoid an interview until the line of conduct adopted by the others in regard to him shall have enabled him to judge how far it will be incumbent on him to accede to or refuse such demands as he expects we will make. At all events I conceive it would be impolitic to send again to him, as there is little doubt that such a measure would induce him and others to suppose it proceeded from the cause which originally operated with him when he made the first overture, namely fear.

It appearing in a letter addressed to me by Mr. Alexander that it is His Excellency's intention to have permanent Barracks erected at such stations of the Cape Regiment as are not intended to be changed, I beg leave to state that until the effect of the present system of defence shall have been produced, it cannot well

be decided what particular spots ought to be occupied by that corps. I therefore consider it my duty to recommend that no steps should for the present be taken towards the construction of permanent Barracks, and particularly as the season is so unfavorable for building. The men of all the Corps either have made, or are employed in making, such temporary huts for themselves as will make them very comfortable during the winter, and I trust His Excellency will be pleased to allow lodging money to the officers, who are at considerable expense in building small houses, until permanent Quarters shall be prepared for them.

I have the pleasure to announce the arrival of the *Hercules* transport in Algoa Bay on the 6th inst., and of all the troops, stores, and baggage having been safely landed. The moment I was informed of the ship's arrival (on the 9th instant) I sent express for Captains Crawford and Hawke's troops to march to this place, and no time shall be lost in embarking them and sending the other 2 troops to their respective destinations, as stated in the enclosure No. 1.

Twelve or fourteen horses will be required to complete the cavalry who remain, and which I shall direct to be purchased in conformity to His Excellency's sanction to that effect.

The few remaining horses belonging to the Detachment of Royal Artillery with the necessary Gunners Drivers commenced their march for Cape Town yesterday, under the orders of Lieut. Napier; the remainder of the Corps now here shall proceed by sea, with the exception of 2 Corporals and 1 Gunner whom I have found it necessary to detain in order to take charge of the ammunition.

No delay shall take place in the sailing of the Transport after the Troops are embarked.

Lieut. Colonel Arbuthnot having returned to the Cape, I beg leave to refer to him for any information His Excellency may require upon any subject relating to this part of the Country. He is in full possession of my sentiments upon every point, has been most indefatigable in his exertions to make himself acquainted with this heretofore unknown Land, and to his excellent judgement, and advice I have on every occasion been indebted.

I have, etc.

(Signed) JOHN GRAHAM, Lieut. Col.

[Copy.]

Letter from LIEUTENANT GENERAL BAIRD *to*
SIR JOHN CRADOCK.

LONDON, 20 *May* 1812.

MY DEAR SIR JOHN,—It having been notified to me by Mr. Peel in a letter bearing date the 27th of January last, that instructions had been sent by the Earl of Liverpool to His Majesty's Government at the Cape of Good Hope to pay into the hands of the agents for the captors of that colony in 1806, the balance due upon a sum of money which was lodged in the treasury of the Cape in 1807 for the purpose of awaiting the decision of the High Court of Admiralty of Great Britain, upon certain property seized as booty, I have the honor to request, as trustee under the Crown for the parties interested in this capture, that you would have the goodness to direct the payment of the fund in question into the hands of Major William Munro (half pay), Aid de Camp to your Excellency, in order that it may be remitted to England for the purpose of distribution.

Should Major William Munro have quitted the colony, in that case I beg to request you will please to direct its payment to George Cadogan, Esquire, deputy registrar to the Vice Admiralty Court at the Cape. I have etc.

(Signed) D. BAIRD, Lieut. General.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, *May* 21st 1812.

MY LORD,—I have the honor to transmit to your Lordship a very interesting and valuable report of the Commission from the Court of Justice who lately returned from their Circuit throughout this extensive Territory.

I am persuaded that such a statement as proceeding from persons of the highest authority with so distinguished a Magis-

trate as Mr. Ryneveld, the President of the Court of Justice, at their head, cannot fail to prove most acceptable to your Lordship and His Majesty's Government as I should hope. It contains a just representation of the real situation of this Colony, and points out to what extent the great improvements that have already taken place under the British Dominion may be carried by the same system of impartial justice and vigilant attention to the general interests of the community.

I should feel myself most unjust to the great merits of my predecessor, the Earl of Caledon, were I not to express that among the various excellent acts of his administration, the institution of the present Commission (who have just now finished their first Circuit) stands the most conspicuous; as I am confident the perseverance in this wise regulation will not only put an end to the improprieties which I fear have been imputed with too much justice to the inhabitants of those parts of the Settlement most distant from the seat of Government, but from the constant communication that must now prevail and the open view that will in future be exhibited of all the proceedings in those remote tracts, a new order of things will arise, and civilization be rapidly advanced in the extinction of all oppression, and those prejudices and ancient habits of the Boers that have hitherto been so adverse to the principles of society and good order.

The various suggestions of advantage to the interior of the Country submitted by the Commission appear to be so well considered, and so much calculated to establish all those patriotic principles upon which the British Government sets so high a value, that I may say I have adopted them all, and that as far as practicable most of them are in actual operation.

To ensure the course of the present justice and unbiassed impartiality it seemed altogether necessary to augment the salaries of the Landdrosts in the remote districts, not only to remove from them the temptations to which their narrow means might expose them, but also to enable them to devote their individual time to the duties of their important station. It appeared also requisite and indispensable to extend as far as it is possible under the limited resources of this Settlement the progress of religion and education by the establishment of more places of worship and schools. All these measures will occasion considerable expense, but your Lordship may be assured that every exertion will be

made, even in the attainment of such objects, to keep within the necessary bounds of moderation, and conform to the general instruction laid down by your Lordship.

While on this subject, I shall take the liberty to call your Lordship's peculiar attention to Simon's Town, the second town in this settlement, and one rising every day in population and wealth. It is also for six months in the year the station of the navy, and the rendezvous of all ships and strangers. At present there is no church there, either English or Dutch, and in such a state totally deprived of religious worship, or other spiritual attention, except from the occasional visits from the single Garrison Chaplain at the Cape. I may say it carries with it a severe reflection against our naval arrangements.

I understand it was Lord Caledon's intention to have created there, if it may be so termed, an English living and establishment, however giving to the Dutch inhabitants the same privileges of the building there as we enjoy by indulgence from their church at the Cape.

I beg to express my anxious wish to receive your Lordship's sentiments upon this consideration, as I think not only in the naval point of view it would be highly desirable to erect a moderate church in Simon's Town, circumstanced as that place is, but whenever in a delicate and unoffending manner the English sphere of action can be enlarged in this Colony, it cannot fail to prove of the greatest weight and make the best impression.

I had intended in the present communication to have laid before your Lordship the conclusion of the late warfare with the Kaffir Kraals upon the Frontier, and to detail how far they seem to have succeeded to the highest degree, without further violence or hostile exertions, but as Lt. Col. Arbuthnot, Deputy Quartermaster General, upon whose judgment and information I place great reliance, and who has been all the time with Col. Graham, only arrived the day before yesterday, I forbear till my next dispatch to submit all the final measures that have been adjusted for the ultimate security of the Frontier and the permanent foundation of good order.

Your Lordship, I anxiously hope, will coincide with my humble opinion, that the late Commission from the Court of Justice have most zealously and ably executed the novel duties imposed upon them. Indeed it could not be otherwise under the direction of

such an enlightened and excellent Magistrate as Mr. Ryneveld, whose loyalty and attachment to the British Government cannot be exceeded by any servant His Majesty may possess. The assistance he has invariably afforded to myself and all my predecessors I believe will be equally acknowledged in the warmest terms of gratitude and respect.

It were injustice not to express myself in the same manner of Mr. Truter, His Majesty's Fiscal, whose unwearied diligence and activity in the discharge of a most arduous employment in this populous Town, to the equal satisfaction of the Dutch and English inhabitants, cannot be surpassed, and where legal advice and the most patriotic and disinterested opinions are required, Mr. Truter never fails to give an assistance that may be relied upon for judicial ability and correctness.

I should esteem myself most happy if at any future time I may be made the medium of some mark of consideration from His Majesty to these most respectable gentlemen and highly meritorious subjects. I have &c.

(Signed) J. F. CRADOCK.

[Original.]

*Letter from SIR JOHN CRADOCK to the EARL OF
LIVERPOOL.*

GOVERNMENT HOUSE, CAPE TOWN, *May 21st 1812.*

MY LORD,—I have the honor to forward to your Lordship a Memorial lately received from Mr. Alexander Tennant, a very respectable Merchant in this Colony. Mr. Tennant also recommends Himself to publick Esteem, by the Character of general Utility and active Zeal in various Improvements.

From all that I can learn, his Case is well entitled to Consideration, and if Compliance with the Prayer of his Memorial were to follow the general Sentiments Here of Persons supposed to know the Truth of his operations, I am to express, they are altogether in his Favor. I have etc.

(Signed) J. F. CRADOCK,

[Enclosure 1 in the above.]

To HIS EXCELLENCY LIEUTENANT GENERAL SIR JOHN FRANCIS CRADOCK, *Governor and Commander in Chief, Knight of the Bath and Crescent, &c., &c., &c.*

The Memorial of Alexander Tennant

Humbly Sheweth,

That your Memorialist relieved and returned to their Native Country, a number of British Officers and Seamen, as will appear by the annexed papers, which will also shew the various unsuccessful applications that have been made by him to be reimbursed the monies laid out by him for that purpose. Of these applications your Memorialist will now only allude to the last through Commissioner Shield, the Representative of the Honorable the Commissioners of His Majesty's Transport Board in this colony.

That officer on the perusal of your Memorialist's papers and vouchers, with his usual accuracy and vigilance in the execution of his duty, before he would write to, or transmit your memorialist's case to the Honorable Board, took the trouble to enquire of W. S. Ryneveld Esqr. (then His Majesty's Fiscal) now President of the worshipful Court of Justice, and J. A. Truter Esq. now His Majesty's Fiscal, who were both upon the spot when the transaction took place, regarding the whole and particularly the price of provisions at the time, and the respectability of the Merchants who signed your Memorialist's vouchers, then, and not until he had taken these precautions, he was pleased to write the annexed letter wherein he has quoted an act of Parliament in justification of what your Memorialist had done, and which your Memorialist was perfectly ignorant of at the time he performed the deed.

The Memorial through Commissioner Shield together with his Letter and all the annexed papers have been transmitted by him to the Honorable the Commissioners of his Majesty's Transport Board, two and a half years ago, to which he has never received an answer.

Your Memorialist need not dwell on the injury he has sustained by the long protracted payment of such a large sum independent of the interest thereon, your Excellency being perfectly aware of that, from proceedings lately held before your Excellency in the honorable the Court of Appeals.

Your Memorialist therefore most humbly begs that your Excellency will be pleased to take his distressed situation into your Excellency's consideration, and take such measures as your Excellency in your wisdom may deem meet for the recovery and restoration of this property.

And your Memorialist as in duty bound will ever pray, &c.

(Signed) ALEX. TENNANT.

[Enclosure 2 in the above.]

To the RIGHT HONORABLE DUPRE EARL OF CALEDON, VISCOUNT, ALEXANDER AND BARON CALEDON of *Caledon*, Governor and Commander in Chief, &c., &c.

The memorial of Alexander Tennant

Humbly Sheweth,

That your Memorialist has resided in this colony since the year 1796, that he was born a British subject, and never alienated himself or sought the citizenship of any other nation.

That in the month of June 1805 the French privateer *Napoleon* brought into this port the Honorable East India Company's extra ship the *Experiment*, and that he applied to the Dutch Government for leave to send the prisoners to the Island of St. Helena, at his own private expence, to be exchanged for French prisoners, according to their respective ranks.

Your Memorialist cannot help remarking that he effected this exchange when all the efforts of Government at home and in India with the Isle of France had proved ineffectual, and he is happy in thus having been the instrument of delivering a number of his fellow subjects out of an enemy's gaol, and restoring them to the service of their country, and this sensation is increased by his believing that this instance promoted the relief of those prisoners who were afterwards exchanged in India.

Your Memorialist accompanied the prisoners of the *Experiment* to St. Helena, and he encloses for your perusal his correspondence with the governor of that island, and also with the Transport Board.

Unfortunately for him, His Majesty's Ship *Calcutta* gloriously sacrificed herself for the protection of the convoy under the com-

mand of Captain Woodriffe, whose high approbation of your memorialist's conduct addressed to the Transport Board, together with that of the Governor of St. Helena to the Honorable East India Company, was lost, in consequence of which the Transport Board have refused reimbursement.

That the day he returned to the Cape Admiral Linois arrived at Simon's Bay with the prisoners of the Honorable Company's ship *Brunswick*, the whole of whom he likewise offered to exchange, and which after much delay and consequent expences was at last agreed to, both by the government and Admiral Linois.

In the month of November 1805 the privateer *Napoleon* brought into this port as prisoners of war the crews of the ships *Hercules* and *Diamond*.

To fulfil to the utmost of his power what he had begun, your Memorialist likewise procured their release, and paid their passage to St. Helena. The *Hercules* was from Bombay direct, and the *Diamond* was a Whaler.

Your Memorialist is exceedingly sorry at being under the necessity of intruding upon your Excellency, on a subject that affects himself only, but your Excellency being upon the spot, invested with all the power his Majesty can confer, he considers it a duty to his family to represent these circumstances to you, begging that your Excellency will have the goodness to represent the same, to his Majesty's Ministers, or to whoever your Excellency may in your wisdom think most proper, for the relief of your Memorialist.

Your Memorialist has disbursed two thousand one hundred and seventy-two pounds two shillings sterling for the officers and crew of the Honorable Company's ship *Experiment*, two thousand eight hundred and seventy-five pounds fourteen shillings and two pence sterling for the officers and crew of the Honorable Company's ship *Brunswick*, and for the officers and crews of the ships *Hercules* and *Diamond* six hundred and twenty pounds sixteen shillings and two pence sterling, for all of which he has regular vouchers, properly authenticated copies thereof are ready for your Excellency's inspection when required, and all of which have been regularly transmitted to the Honorable Commissioners of His Majesty's Transport Board, and for the care and custody of prisoners of war, from whom your Memorialist has not been able to procure any other answer thro' his agent than that there was no precedent for it, and there-

fore it would not be paid; certainly if that is the criterion of all claims upon his Majesty's treasury your Memorialist has no pretensions, but he humbly hopes your Excellency will see that its being without precedent forms no inconsiderable part of the merit of this transaction.

Your Memorialist begs leave further to represent that the whole of the documents are attested by respectable merchants of this colony, that he can procure testimonies the most unexceptionable from his own countrymen, during the period when he took such charge upon himself, and begs leave to refer your Excellency to his Majesty's fiscal, or to any or all of the principal people of this colony, for the humanity and propriety of his conduct towards his countrymen, brought here as prisoners of war.

Referring this statement to the consideration of your Excellency your Memorialist as in duty bound will ever pray.

[Enclosure 3 in the above.]

To the Honorable the Commissioners for conducting his Majesty's transport service and for the care and custody of prisoners of war.

The humble memorial of Alexander Tennant

Most humbly sheweth,

That your Memorialist in the year 1805 took upon himself to relieve the English prisoners of war who were brought to the Cape of Good Hope, and effected the same by three different conveyances, upon each occasion giving the honorable board regular information thereof, at the same time transmitting vouchers for his disbursements. Never having been honored with any acknowledgement from the honorable board, except verbally thro' his agent, that these claims could not be paid, your memorialist thought proper to memorial H. M. Minister for the foreign department, and was favored by an answer thro' His Excellency the right honorable the Earl of Caledon governor of this colony, and at the same time the answer of the honorable board to Viscount Castlereagh upon said memorial being laid before your honorable board to which your Memorialist begs leave most humbly to notice that he is perfectly aware that certain charges in his accounts may not be regular according to the usage of the service,

and for which inaccuracies he can give no other reason than being perfectly ignorant of the regulations thereof. That the dimensions of the vessel employed could not admit of merchandise after taking on board water and provisions for three months for the number of passengers on board, and this precaution was absolutely necessary, the Island of St. Helena being often perfectly unable to afford those supplies, that your Memorialist did pay at the request of Captain Grant £130 for the passage of himself and four others to the Island of St. Helena, and the reason the same was given in the form of a present was because the masters of such ships are accountable to their owners for passage money but not for presents. Your Memorialist likewise most humbly craves the notice of the honorable board, that notwithstanding the high price per man upon the aggregate of the accounts an equal or greater has been incurred by the Honorable East India Company between Bombay and the Isle of France, and he humbly hopes that when the honorable board considers the prisoners were supplied with everything for the whole passage to England at a time when a great scarcity of provisions existed in the colony, so much so that every person without exception was upon allowance of brown bread, the honorable board will not find these accounts high under such circumstances.

Your honorable board will have observed in your memorialist's former papers, that he has laid out nearly four years ago the sum of £5688 sterling for the relief and exchange of prisoners of war, and that the simple interest on such sum amounts to nearly £1200, which with the principal makes together the sum of £6888 sterg., which your memorialist avers most sacredly he is at this moment laying out of, and he is sorry to add it has been the cause of great embarrassment to himself and family.

Your Memorialist most humbly begs your honorable board will be pleased to take all the circumstances attending this to your Memorialist's unfortunate undertaking, into your consideration, and he rests with the highest confidence in the honor and justice of your honorable board for the payment of such sum as you may think him truly entitled to, and in the manner your honorable board may find most convenient.

Your Memorialist has laid this memorial before J. Shield Esqr. commissioner for His Majesty's Navy in this settlement, praying him to forward the same, with such remarks as he from local

information and a perusal of all the original documents may in his wisdom think proper.

And in duty bound your Memorialist will ever pray.

[Enclosure 4 in the above.]

To the RIGHT HONORABLE WILLIAM WINDHAM, one of His Majesty's principal secretaries of state, &c., &c.

The Memorial of Alexander Tennant humbly sheweth,

That your Memorialist has resided in this colony nearly eleven years, that he was born a British subject and never has been a burgher or citizen of any other country.

That in the year 1803 your Memorialist with all his countrymen in this colony, were declared state prisoners, and as such ordered into the interior under strict guard, after six months' confinement in the interior, they were permitted to return to the capital; during this period several of his countrymen were reduced to extreme indigence and distress, some of whom your Memorialist supported at his own personal expence.

That shortly after their release the French privateer called the *Napoleon* brought into Simon's Bay the prisoners of the Honorable East India Company's ship *Experiment*, on hearing that these prisoners were to be sent into the interior there to remain in jail during the present war, your Memorialist applied to the Dutch Government to get these prisoners exchanged, and the more to facilitate this, he offered to send them away at his own expence, which was complied with after your Memorialist giving the French agent here security that each should be exchanged for a French prisoner according to his rank.

Your Memorialist immediately freighted an American Brig to carry these prisoners to the Island of St. Helena, and that they might not become any burthen to that island he laid in sufficient provision to carry them to England; on this occasion your Memorialist availed himself of the opportunity of offering a free passage to all those of his poor indigent countrymen who had been reduced to distress by having been torn from their industrious callings and sent to confinement in the country, and he did carry every one that accepted his offer to the island free of any expence whatever.

Your Memorialist foresaw if the war continued that this corner of Africa would become a nest of French privateers, he represented the same to Lord Camden then in office and to the honorable the Commissioners of H. M. transport Board, but never was honored by an answer from either.

Unfortunately for your Memorialist His Majesty's ship *Calcutta* was taken in defence of her convoy, and all his original papers transmitted by her were lost, amongst these were the strongest recommendations of Governor Patton to the Honorable Company, and Captain Woodriff to the transport board.

The day your Memorialist arrived from St. Helena, Admiral Linois brought the prisoners of the Honorable Company's ship *Brunswick* into Simon's Bay, after much delay and evasion on the part of Admiral Linois he procured the release of those prisoners and sent them to St. Helena, and after them the prisoners of the ships *Hercules* and *Diamond*.

Your Memorialist has disbursed two thousand one hundred and seventy-two pounds two shillings sterling for the officers and crew of the Honorable Company's ship *Experiment*, two thousand eight hundred and seventy-five pounds fourteen shillings and two pence stg. for the officers and crew of the Honorable Company's ship *Brunswick*, and for the officers and crews of the ships *Hercules* and *Diamond* six hundred and twenty pounds sixteen shillings and two pence sterling, for all of which he has regular vouchers properly authenticated, and all of which have been regularly transmitted to the Honorable Commissioners of His Majesty's Transport Board and for the care and custody of prisoners of war, from whom your Memorialist has not been able to procure any other answer through his agent than that there was no precedent for it, and therefore it would not be paid.

Your memorialist has taken the liberty of laying the whole of these circumstances before His Excellency the right honorable the Earl of Caledon, who has been pleased to recommend your Memorialist to represent the same to you, being one of his Majesty's principal secretaries of state.

Your memorialist therefore humbly requests you will be pleased to take the same into consideration and procure him relief and payment of the aforesaid disbursements to his agent Mr. Henry Houghton in any way that you in your wisdom should see proper.

And your Memorialist as in duty bound will ever pray, &c., &c.

[Enclosure 5 in the above.]

DOWNING STREET, 15th December 1807.

MY LORD,—Having referred your letter to Mr. Windham of the 30th of May last, together with the memorial of Mr. Tennant therein mentioned to the Commissioners of transports, I herewith enclose to your Lordship a copy of their report thereon, and concurring entirely in the same, I cannot recommend that Mr. Tennant's claim should be liquidated to the extent specified. The Commissioners of the said board however on the claim being again submitted to them together with the whole of the vouchers in support thereof will decide as to the amount of the sum, under all the circumstances of the case Mr. Tennant may be entitled to receive. I have etc.

(Signed) HAWKESBURY.

To the Earl of Caledon, &c., &c.

[Enclosure 6 in the above.]

TRANSPORT OFFICE, 10th December 1807.

MY LORD,—We have received your Lordship's letter of the 14th of September last enclosing a copy of a letter addressed to Mr. Windham by Lord Caledon, with a copy of the memorial therein referred to from Mr. Alexander Tennant, praying reimbursement of various expences, which he himself states to have incurred in obtaining the liberation of and conveying to St. Helena the crews of several British vessels that had been captured by the French and carried into the Cape, and desiring that we should take the necessary measures for ascertaining the accuracy of the above statement, and report to your Lordship, for His Majesty's information, our opinion as to the matter of fact thereof.

Having taken such measures as were in our power for ascertaining the accuracy of Mr. Tennant's statement, we have the honor to report to your Lordship that there does not appear to be any reason to doubt the fact of Mr. Tennant having procured the release of the British prisoners to whom he alludes, and of his having sent them at his own expence from the Cape of Good Hope to the Island of St. Helena, but we are of opinion that there was

no occasion for the expence thus incurred, because several British prisoners, some of whom appeared at this office, had previously returned from the Cape of Good Hope to this country by neutral vessels without any expence to Government, and because it is to be believed that the Dutch Government at the Cape would have continued to release prisoners by all such opportunities rather than be at the expence of their maintenance in the colony, if Mr. Tennant had not interfered and voluntarily offered to pay not only for their transportation, but also for their maintenance while they remained at the Cape.

The whole sum claimed by Mr. Tennant on account of his expences for about 120 British prisoners is not less than £5688 12s. 4d.,—if his motive for incurring this very enormous expence on account of so small a number of prisoners was merely a desire to relieve his countrymen in distress it is remarkable that in both the instances in which he hired American vessels for the conveyance of the prisoners to St. Helena he engaged them not only to proceed to that island, but also to return from thence to the Cape of Good Hope, and on the first occasion he himself actually proceeded in the vessel to St. Helena and back.

It is evident that neither of his voyages to St. Helena nor the stipulative return of the vessels to the Cape of Good Hope could have any relation to the exchange of prisoners, and there is therefore the strongest ground for believing that the vessels were engaged partly, if not chiefly, on account of commercial objects. It is worthy of remark that Mr. Tennant was so regardless of economy in procuring the release of his countrymen that altho' he hired a vessel of 134 tons at an expence of 7000 rixdollars for the conveyance of 56 prisoners, yet five of that number having afterwards preferred going to St. Helena in a Danish vessel, the master of which offered to take them without any payment, Mr. Tennant makes a charge of £130 stg. paid by him as a *present* to the master of that vessel.

We think it necessary here to observe that troops are conveyed from this country to the Cape of Good Hope at an expence on the most liberal calculation of £21 per man, which is not one half of the expence here charged for conveying one man from the Cape to St. Helena.

We have thought proper thus far only to state our particular objections to the claim of Mr. Tennant, but we feel it our duty to

inform your Lordship of the general grounds on which the payment of the money has hitherto been resisted by us.

These are not merely the exorbitancy of a charge nearly fifty pounds per man for sending prisoners from the Cape to St. Helena, but also the circumstance of there being no precedent for any claim of this nature and our belief that if an expence thus incurred by an Individual, in an enemy's country, without authority from government, were once allowed, it would form a precedent which would lead to the most serious consequences; and as there do not appear to be any peculiar circumstances in this case to entitle it to the favorable consideration of Government, we are still decidedly of opinion that Mr. Tennant's claim, at least to its present extent, ought not to be paid. We have etc.

(Signed) RUPERT GEORGE,
AMBROSE LEELE,
J. BOWER,
T. DOUGLAS,
J. HARNESSE,
G. O. TOWRY.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas I have judged it expedient to revise and amend the tariff of stamp duty at present in use in this settlement, and by virtue of the power and authority in me vested, to direct and order, and it is hereby so ordered, that stamps, according to the annexed schedule, be in future used in all circumstances to which the schedule aforesaid applies; of which regulation the worshipful the Court of Justice, and all other public bodies and individuals, are hereby required to take notice, as the same will be enforced according to the existing laws.

TARIFF OF STAMP DUTIES IN THE COLONY OF THE
CAPE OF GOOD HOPE.

Art. 1.

Transfers passed at the secretary's office :

From	1 to	300 guilders	Rds.	st.
			0	6
"	300 "	750 "	0	24
"	750 "	1,500 "	1	0
"	1,500 "	3,000 "	2	0
"	3,000 "	7,500 "	4	0
"	7,500 "	12,000 "	8	0
"	12,000 "	15,000 "	10	0
"	15,000 "	20,000 "	15	0
"	20,000 "	30,000 "	20	0
"	30,000 "	50,000 "	30	0
"	50,000 "	75,000 "	40	0
"	75,000 "	100,000 "	50	0
	upwards		60	0

Art. 2.

Transfers of loan places :

From	1 to	3,000 guilders	Rds.	st.
			0	36
"	3,000 "	7,500 "	1	24
"	7,500 "	15,000 "	3	0
"	15,000 "	30,000 "	6	0
"	30,000 and upwards		10	0

Art. 3.

Mortgages passed at the secretary's office, government bank, and orphan chamber :

From	1 to	300 guilders	Rds.	st.
			0	12
"	300 "	750 "	1	0
"	750 "	1,500 "	2	0
"	1,500 "	3,000 "	3	0
"	3,000 "	7,500 "	6	0
"	7,500 "	15,000 "	12	0
"	15,000 "	30,000 "	20	0
	30,000 and upwards		30	0
Deeds of Prolongation in the Gov. Bank .			5	0
Ditto on short loans .			1	4
Receipts for interest by ditto .			0	6

Bills or promissory notes drawn in favor of, or endorsed to, the bank, to be written on or covered with the following stamps :

	Rds.	st.
From 1 to 500 Rds.	0	4
„ 500 „ 1000 „	1	0
„ 1000 „ 2000 „	1	4
„ 2000 „ 3000 „	2	0
„ 3000 „ 4000 „	3	0
„ 4000 and upwards	4	0

Art. 4.

Bonds passed before notaries :

	Rds.	st.
From 1 to 100 Rds.	0	6
„ 100 „ 250 „	0	24
„ 250 „ 500 „	1	0
„ 500 „ 1,000 „	1	24
„ 1,000 „ 2,500 „	3	0
„ 2,500 „ 5,000 „	6	0
„ 5,000 „ 10,000 „	12	0
10,000 and upwards	20	0
Securities for bonds	1	0

Art. 5.

Wills, and all other deeds which are relative to the same, or arise from it.

Wills and Codicils.

	Rds.	st.
A. When the testator values his estate less than 6000 guilders.	1	0
But when he possesses more	15	0
B. Codicil or alteration of a will according to the clause reservation	1	0
C. Repudiation of inheritance and deeds of consideration	0	24
D. Deeds of donation, inter vivos, and causa mortis :		
When the value is under 1000 guil.	1	0
From 1,000 to 2,500.	2	0
„ 2,500 „ 5,000.	5	0
„ 5,000 „ 10,000.	12	0
„ 10,000 „ 20,000.	25	0
„ 20,000 „ 50,000.	50	0
„ 50,000 and upwards	100	0
E. Inventories of estates without the valuation of the same, and all other inventories, first sheet	1	0
Each subsequent sheet.	0	6

F. Inventories of estates with the valuation :

	Rds.	st.
From 1 to 500 Rds.	0	12
” 500 ” 1,000 ”	0	24
” 1,000 ” 2,500 ”	1	0
” 2,500 ” 5,000 ”	2	0
” 5,000 ” 10,000 ”	4	0
10,000 and upwards	8	0
Each subsequent sheet.	0	6

G. All accounts of the orphan chamber, tutors, and guardians, and also all other accounts by which any common administration, receipt, and expenditure, shall be accounted for and settled, except such accounts as respect any insolvent estate, for which indiscriminately only a stamp of twelve stivers is required, are to be written on the following stamps:

When the receipt and expenditure jointly amount to more than 100 Rds. and are under 400	0	12
400 to 1,000	0	24
1,000 ” 2,000	1	0
2,000 ” 3,000	3	0
3,000 ” 5,000	4	0
5,000 ” 10,000	7	0
10,000 ” 15,000	15	0
15,000 ” 20,000	20	0
20,000 ” 30,000	30	0
30,000 ” 40,000	40	0
40,000 ” 50,000	50	0
50,000 ” 75,000	75	0
75,000 ” 100,000	100	0
100,000 ” 150,000	150	0
150,000 and upwards	200	0

H. Deeds for securing the portion of children from former marriages :

From 1 to 500 Rds.	0	12
” 500 ” 1,000 ”	0	24
” 1,000 ” 2,500 ”	1	0
” 2,500 ” 5,000 ”	2	0
” 5,000 ” 10,000 ”	4	0
10,000 and upwards	8	0

I. Deeds of discharge for the receipt of the portions of those who are instituted heirs :

From 1 to 500 Rds.	0	24
” 500 ” 1,000 ”	1	0
” 1,000 ” 2,500 ”	2	0
” 2,500 ” 5,000 ”	4	0
” 5,000 ” 10,000 ”	8	0
” 10,000 ” 20,000 ”	20	0
” 20,000 ” 30,000 ”	30	0
30,000 and upwards	50	0

	Rds.	st.
K. Pre-contracts of marriage. When the sum agreed upon does not amount to more than		
1,000 Rds.	3	0
1,000 to 5,000 „	6	0
5,000 „ 10,000 „	20	0
10,000 and upwards	50	0

Art. 6.

Deeds and other papers connected with the government secretary's office, with the Court of Justice, or other inferior Courts:

	Rds.	st.
Memorials	0	12
Translations	0	6
Loan leases	5	0
Grants of land, in freehold :		
under 10 morgen	25	0
from 10 to 30 „	50	0
„ 30 to 60 „	100	0
Grants of land on quitrent :		
From 1 to 10 Morgen	10	0
„ 10 „ 30 „	15	0
„ 30 „ 50 „	20	0
„ 50 „ 60 „	25	0
„ 60 „ 80 „	30	0
„ 80 „ 100 „	40	0
100 and upwards	50	0
Original sentences, first sheet	2	0
Copies of „	0	12
Citations, sommrations, renovations, and insinuations.	0	24
Reports	0	24
Hand bills	0	24
All demands, petitions, &c., that are presented to the Court of Justice.	0	24
All copies or extracts	0	12
Arrests on persons or property	0	24
Deeds of Venia Ætatis.	50	0
A memorial for Venia Agendi	3	0
Reply to the same	12	0

For every subsequent sheet of the said deeds and papers, a stamp of half the value of the first sheet to be made use of, which first sheet must be written as usual on the stamps ordered by the old tariff, each page to contain not more than fifteen lines, each line thirty letters.

Art. 7.

Agreements and all other deeds relative thereto :

	Rds.	st.
A. Contracts between the inhabitants of the colony, relative to the hiring of houses, lands, and slaves ; also contracts for building or for supplying victuals, for making implements &c.	0	24
B. Contracts entered into with strangers, respecting the supply of merchandize or of colonial produce	1	0
C. Charter parties for a ship under 200 tons or 100 lasts	10	0
For ships above 200 tons or 100 lasts	20	0
D. Bills of lading from 1 to 10 tons	5	0
10 „ 20 „	10	0
20 „ 50 „	20	0
50 and upwards	30	0
E. Bottomry bonds from 1 to 500 Rds.	1	0
500 „ 1,000 „	2	0
1,000 „ 2,000 „	4	0
2,000 „ 5,000 „	8	0
5,000 „ 10,000 „	16	0
10,000 „ 20,000 „	40	0
20,000 and upwards	60	0

Art. 8.

Vendue notes, or vendue accounts, including all other documents relative to public sales :

	Rds.	st.
A. From 5 to 10 Rds.	0	6
10 „ 25 „	0	12
25 „ 50 „	0	24
50 „ 75 „	0	36
75 „ 100 „	1	0
100 „ 150 „	1	24
150 „ 200 „	2	0
200 „ 275 „	2	24
275 „ 350 „	3	0
350 „ 500 „	5	0
500 „ 700 „	6	0
700 „ 1,000 „	7	0
1,000 „ 1,500 „	8	0
1,500 „ 2,000 „	9	0
2,000 „ 3,000 „	12	0
3,000 „ 4,000 „	15	0
4,000 „ 5,000 „	18	0
5,000 and upwards	20	0

	Rds.	st.
B. Advertisements respecting public sales	0	24
C. Vendue lists of immoveable and moveable property	0	24
D. Copies of vendue lists or extracts out of the same, first sheet	0	24
Each subsequent sheet	0	6
E. Agreements of sale of immoveable property	2	0

Art. 9.

Privileges and Licences.

	Rds.	st.
A. Licences for the vendue masters annually	150	0
B. Butcher's, ditto	50	0
C. Baker's, ditto	50	0
D. Wine merchant's, ditto	50	0
E. Inhabitants of Constantia, Winebergen, and Steenberg, for grazing their cattle, ditto	10	0
F. Carriers of firewood, ditto	10	0
G. To cut timber for each load	0	24
H. For waggons	0	6
I. Boatmen annually.	1	0
K. Clubs and societies, ditto	50	0
L. Each public billiard table, ditto	100	0
M. Each tent at the wharf, ditto	1	0
N. To go to the hot baths	0	24
O. Permissions to remain in the colony	5	0
P. „ leave the colony	1	0
Q. Letters of burghership	100	0
R. Adoptions and emancipations	1	0
S. Licence for keeping a retail shop in the Cape Town, annually	20	0

Art. 10.

Powers of Attorney.

	Rds.	st.
A. A general power of attorney, to persons not residing in the colony	10	0
B. A special power of attorney likewise to persons not residing in the colony	0	24
C. A general power of attorney to persons within the colony	3	0
D. A special power of attorney to ditto	0	24
E. Further all deeds of substitution, assumption, surrogation, &c.	1	0

Art. 11.

Protests.

	Rds.	st.
A. Protests of bills of exchange, drafts, or promises.	2	0
B. Sea protests	6	0
C. Affidavits	1	0
D. Affidavits to be acted upon without the colony	1	0

Art. 12.

Transfers.

	Rds.	st.
A. Transfer of mortgage bonds, &c., not amounting to more than 5000 Rds.	1	0
5000 Rds. and upwards	2	0
B. Transfers of moveables	1	0
C. Ditto of slaves	3	0

Art. 13.

Civil servants.

	Rds.	st.
A. The deeds of their appointment or promotion, when their salaries amount to no more than 600 Rds.	1	0
From 600 to 1200	3	0
„ 1200 „ 2400	10	0
„ 2400 „ 6000	20	0
6000 and upwards	40	0
B. Admissions of notaries	100	0
Ditto of attorneys.	100	0

Art. 14.

Court of Appeals.

	Rds.	st.
For the bond stamp	1	0
Memorial	0	24
Cases the first sheet	0	24
For every subsequent one	0	12
Exhibits	0	12
The sentences	10	0
Orders of reference	6	12
Orders of court	0	6

	Rds.	st.
Reports of first sheet	0	12
For every subsequent one	0	6

The like stamps are to be used by the secretary of the court in all copies.

Art. 15.

Admiralty Court.

	Rds.	st.
Affidavits	0	12
Claims	0	12
Examinations in preparatory on the first sheet.	0	24
Every other and each witness	0	6
Decree of unlivery	0	12
of appraisement and sale	0	24
of removal	0	6
Deeds of inspection	0	6
of restitution	1	0
of delivery	0	12
of condemnation	1	0
for answers	0	12
Allegation first sheet	0	12
Every subsequent sheet	0	6
Answers	0	6
Minutes of court.	0	6
Papers extracted per extract	0	6
Copies per sheet	0	6
Letters of marque	50	0

And in order that no person may plead ignorance thereof, I have caused it to be published and affixed.

Given under my hand and seal, at the Cape of Good Hope, this 22nd day of May, 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

Notice is hereby given that as the Persons infected with the Small Pox and sent to Paarden Island are recovered, His Excellency the Governor and Commander in Chief has directed that the

communication with the said Island is to be considered open as before the Proclamation of the 5th March 1812.

Castle of Good Hope, 22nd May 1812.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Copy.]

Letter from LIEUTENANT COLONEL REYNELL *to* LIEUTENANT COLONEL GRAHAM.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE, *May 23rd* 1812.

SIR,—I was yesterday honored with your dispatch of the 15th instant which with the several enclosures contained therein I have submitted to His Excellency the Commander of the Forces.

The distribution of the force under your orders for the security of the inhabitants and for the protection of our frontiers (as far as an imperfect knowledge of the features of the country can regulate the judgment) appears to be judicious, and will no doubt ensure those essential objects if the commanders of the several Posts pay unremitting attention to the excellent system of defence and vigilance which your detailed instruction to them embraced.

His Excellency has remarked that there are several posts with ten soldiers at each, which appear to have no specific commandant either officer or non-commissioned officer. It is possible that such posts may be in the vicinity and under the immediate control of larger positions, but under any circumstances it would seem desirable to have a non-commissioned officer at each station where there may be placed as many as ten soldiers, that is if the strength of the corps and detachments in that rank would admit of such an arrangement.

Your having marked each post by constructing a field work is much approved, and it is expected that these works, whatever may be their extent or force, will be considered of consequence, and kept in proper repair by the Detachments. The inspection of the several posts at stated or uncertain periods by a Field Officer or Captain would have the best possible effect, by keeping the Troops in a proper degree of alertness and general attention to the duty

of their posts. You will therefore be so good as to give the necessary orders that inspections of this nature take place constantly through every part of the line, and also direct official reports to be made to the Commandant at the Head Quarters Cantonment, remarking where neglect or inattention has been discovered.

It is to be hoped that long ere this the arrival of the commandos from Stellenbosch has enabled you to complete the whole line of defence, and that the troops of every description are now at their respective stations. The necessity of treating as enemies such Kaffers as may hereafter be found lurking in the neighbourhood, or intruding between the posts, is so satisfactorily explained that His Excellency cannot avoid approving of the orders you have circulated upon that subject, as the precautions adopted in apprizing the Kaffers of the existence of those orders ought to give every reasonable expectation that sanguinary consequences may very rarely ensue.

The late partial aggression related in your letter, and which was nearly attended with the loss of so many head of cattle, would seem to render in every respect indispensable for the security of His Majesty's subjects the system of decided proceedings that you have adopted.

Altho' His Excellency will not urge your sending again overtures to Gaika, still he would not be displeased to hear that an interview could be managed with that chief, without risking the appearance of having any other motive in view than that of establishing an amicable limited intercourse with the Kaffers, and which could not fail to be productive of advantage to them.

His Excellency entirely approves of your having postponed the erection of any permanent buildings for the accommodation of the troops until experience enables us to ascertain with more satisfaction those points of the line that may be most eligible for the construction of such buildings, and in consideration of the expence and inconvenience that the officers must necessarily suffer in providing themselves with habitations, your solicitation on their behalf will be attended to, and an allowance of lodging money granted to those who are actually in the field, or not provided with quarters by Government.

I have also to signify His Excellency's approval of your intention to purchase the few horses that will be required to

complete the two troops of Dragoons stationed in the interior, and it is to be hoped that your expectation of procuring a serviceable description of animal may be realised.

Lieut. Colonel Arbuthnot has suggested some improvements as relating to your Commissariat in points of future supply, and also in respect to payments, which will be duly attended to, and the resident commissaries furnished with specific instructions upon those heads.

From the expressions of approbation contained in my former communication, and the general strain of approval which pervades this letter, it appears almost superfluous to repeat how perfectly satisfactory have all your arrangements proved to the Commander of the Forces, and how fully answered has every expectation been that your character for military judgment and discretion had induced His Excellency to entertain. I have &c.

(Signed) THOS. REYNELL, Lt. Col., Mil. Sec.

[Copy.]

Letter from HENRY ALEXANDER, ESQRE., *to* LIEUTENANT COLONEL GRAHAM.

SECRETARY'S OFFICE, *May 23rd* 1812.

SIR,—I have received your letter dated May the 2nd, and I am directed to express His Excellency's extreme satisfaction with, and approbation of, every part of your most active and judicious arrangements.

I must have been unfortunate in my expressions of His Excellency's sentiments if I conveyed, or implied, in my letter of the 2nd of May that any part of your conduct had not met with His Excellency's approval in such a manner as to excite regret in your mind.

Upon a fundamental principle referred home by His Excellency but as far decided here as in his power, it has been determined in no instances to grant loan leases.

Ignorant of such decision you had suggested to the inhabitants to return to certain deserted situations on loan leases. His Excellency authorises me to state in the grants of lands upon Quit

Rent and in perpetuity, a most serious preference will be given to persons acting on your suggestion, and in the interim between this and the time of the Survey being accomplished it is His Excellency's pleasure they should continue their possession. His Excellency is most anxious to uphold the respect due to your engagements in your public capacity, as well as to relieve your mind from any sensations of a personal nature at having created expectations not to be realized, but he considers the personal interests of the individuals, as well as those of the public, will be better consulted by the modifications proposed by His Excellency.

In answer to your letter of the 14th instant His Excellency is equally pleased with the selection of places you have chosen for military situations as with the caution and circumspection you have acted with waiting the result of experience before you recommend any extraordinary exertions to forward population or a serious expenditure of the public money.

After having made the best enquiries in your power, His Excellency must trust to your local knowledge and good understanding to do what is immediately necessary, and directs me to assure you of every support his administration can afford.

Such suggestions as you may make for the carriage of provisions and the supply of troops His Excellency will approve of as far as relates to the troops more completely Colonial, but without previously directing the officers attached to the Commissariat to obey your instructions on that point, he trusts they will do so in every thing consistent with their being enabled to pass their accounts, and I presume His Excellency will communicate to the Commissary General his sentiments.

Your sentiments as to a military village exactly describe what His Excellency directed me to convey to you and he is equally sanguine in his expectations with you of the ultimate good effects of such establishments.

His Excellency trusts you will lean as lightly upon the farmers as is consistent with public necessity, and authorises you, where the burthen is frequent and oppressive, to make compensation, but highly approves of your idea of as much as possible by arrangements guarding against that pressure.

His Excellency authorises you to exercise your own judgment in the distribution of the lands immediately surrounding the

military stations as well in deciding upon the quantities of lands to be granted to each as in the selection of the parties to whom the grants are to be made. However, hoping that if men who have distinguished themselves by their zeal and courage should apply, you will give them a decided preference.

Also in expectation that if the families of any persons who have fallen or been wounded should apply you would give them a preference also.

His Excellency will have great pleasure in considering with a wish to support every suggestion you can make as to the augmented production of grain by creating local markets or indeed by taking a certain quantity delivered at Algoa Bay, if you deem it wise, at a moderate price.

His Excellency authorises me to state that such farmers as have settled by your encouragement around the military posts according to the little field works you have caused to be created, His Excellency sees nothing that will prevent his adopting your suggestion as to granting the lands of which temporary possession has been given by you, with a certain reservation of Rent to the Crown, and of such portions of land as may be wanted for military or public civil purposes. The terms will be a lease for ever, and His Excellency will pay great attention to your suggestions as to suspending of payment for a term of years not exceeding seven.

His Excellency concurs with you that the occupation and population generally must be delayed until the situations around the military stations are planted, and His Excellency still retains his opinion that if possible in all grants a joint occupation should be attempted and habitations built with a view to common defence.

His Excellency will be obliged to you for any suggestions as to the local means of rewarding such persons as you have recommended for their zeal and courage.

His Excellency will immediately send a land surveyor or at least as soon as one can be obtained.

His Excellency has not yet received from the different Landdrosts the returns of those who have suffered on the late occasion.

His Excellency stated the extent of a loan lease as a guide to your discretion in the future distribution of lands in the recon-

quered countries, but not binding you to that precise extent either more or less at your discretion.

His Excellency remains clearly however of his former opinion that insulated houses only delay civilization and tempt the Caffres to plunder when they are incapable of contributing to the defence of the country.

His Excellency requests also a consideration of the future interests of the Crown may never escape your attention in your explanations with persons willing to settle, but he authorizes you in all situations where it is necessary to encourage building and the plough, to suspend payment for seven years.

Upon Lt. Col. Arbuthnot's suggestion that this letter, which he has read, may not be sufficiently understood by you as authorising establishments in every part of the recovered districts, I have to state that it is His Excellency's intention you should encourage settlers in the Zuurberg or wherever you please, but always as far as possible that you should bear in mind that to encourage grazing and an indolent easy life in the individual is not the public object of His Excellency, but progressive civilization, agricultural improvement, and common defence.

The Landdrosts will furnish you with their instructions if you should require them, containing the usual precautions used in the granting of land to protect the public and to guard against inadvertent injury being done to individuals.

His Excellency will in future direct all civil disbursement shall take place in small Colonial currency according to Lt. Col. Arbuthnot's suggestion.

His Excellency particularly authorizes you to have the lands applied for by Major Cuyler surveyed and valued, but in this, as in all other instances, he relies upon as much rent for the Crown being obtained as is reasonably to be expected. I have, &c.

(Signed) HENRY ALEXANDER, Col. Sec.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 25th May 1812.

SIR,—I am to acquaint you that His Royal Highness The Prince Regent has been graciously pleased to approve of the Appointment of Mr. Edwin Maude to the vacant situation of Searcher of the Customs at the Cape of Good Hope; and I am to desire that you will cause the necessary Authority to be granted to him for the Execution of the Duties of that Office on his arrival in the Colony. I have, etc.

(Signed) LIVERPOOL.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas the important and decisive success which has attended the force placed under the direction of Lt. Col. Graham, Civil and military Commissioner on behalf of His Majesty in the frontier districts, has restored to this settlement all that valuable tract of land situated between the Sunday and Great Fish Rivers, and has also given that Security to the whole of the important districts of Graaff-Reinet and Uitenhage, which was indispensable to their future welfare.

I therefore lose no time in making known to the colonists, that I intend to devote my utmost attention to the improvement of these distant parts of His Majesty's territory, and render them as valuable as their fertility and numerous resources give the best grounded hopes.

The establishment of military quarters, and the payment of the troops and their necessary supplies on the spot, will originate a variety of measures, and a constant communication with the seat of government, that cannot fail to create a new system of things, concentrate the population, so necessary for their common defence and comforts; and found extensive settlements from Algoa Bay, the future naval mart of those quarters, to Uitenhage and Graaff-Reinet.

It will be my zealous study to maintain tranquillity from all external aggression; introduce all the arts of civilization and improvement that prevail in the other parts of the colony longer settled; and reward, in every practicable shape, the labours of agriculture and active industry.

Given under my Hand and Seal, at the Cape of Good Hope, this 29th day of May 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

The Agent for the Honourable East India Company having transmitted to His Excellency the Governor and Commander in Chief, a copy of a letter from Mr. Secretary Ramsay, dated 2nd March, 1812, written by order of the Hon. the Court of Directors, His Excellency has thought proper to direct the following extract to be made public for general information.

Castle of Good Hope, 29th May, 1812.

By command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

To JOHN PRINGLE, ESQUIRE,

Agent to the Company, Cape of Good Hope.

SIR,—The Court having taken into consideration the nature of the commercial intercourse which shall be hereafter carried on with the late French Islands of Mauritius and Bourbon, and also with divers other places within the limits of the Company's exclusive trade, have seen it proper to send instructions to the several governments of India, as follows, viz:—

In consequence of the Isles of France and Bourbon having fallen under the British Dominion, we have seen it proper to enter into an arrangement with His Majesty's Ministers for regulating the trade to and from those islands.

It is intended that the trade between those islands and Great Britain shall be carried on by British subjects, who may chuse to

engage therein, under the usual restrictions which attend the trade of settlements held on colonial principles, with a further limitation, that no ships shall sail to the islands except from London, and without being furnished with a licence from the Company, and no goods or commodities, the produce of the islands, shall be exported therefrom, except directly for London, there to be landed, and sold at our sales in common with other privileged goods, except to the Cape of Good Hope and India, in return for goods received at the islands from those places as noticed in the next paragraph of the present dispatch.

As a supply of Indian commodities is essential to the comfort of the inhabitants of the Isles of France and Bourbon, and they are entitled to every indulgence compatible with the non-infracton of the colonial principle, we had it in contemplation, that the East India Company should supply the islands with Indian goods, in like manner as the Cape of Good Hope is supplied, and subject to other regulations, should any be considered necessary for the complete attainment of the proposed object; but as we have not finally determined on this point, and it is possible that the inhabitants may suffer inconvenience from delay, we desire you to issue a licence for permission to carry Indian goods to the islands, for the consumption of the inhabitants, to any persons who may apply for the same, and that those persons be allowed to import into India from the islands, any articles the produce of the islands, or of any other places, except Europe and North America.

It must be clearly understood, that the Indian goods are to be imported into the islands for internal consumption only, as such goods cannot be exported from these islands to England without the direct violation of the act of navigation, and of the licence from us, which alone will be the sanction for any British ship trading within our exclusive limits.

In the Packet, we transmit a copy of the licences which we have seen proper to issue on this occasion, and which also allows a trade to be carried on by British ships upon the east coast of Africa, and the west coast of America, viz. for ships to proceed to all ports and places on the west coast of the continent of North and South America, and on the east coast of the continent of Africa, and in the Red Sea within the Straits of Babelmandel, and to all islands and places in the Pacific Ocean, and to the ocean to the eastward of Africa, save and except all places whatsoever between the 60th

and 180th degrees of longitude east from Greenwich, and save and except all places whatsoever in the Arabian Sea, and in the ocean between the continent of Africa and the 60th degree of longitude east from Greenwich, which are to the northward of the equator other than places on the continent of Africa, and in the Red Sea within the Straits of Babelmandel.

From the above orders you will have observed, that no Indian goods can be allowed to be imported into the colony of the Cape of Good Hope from the French islands, nor can any articles of the produce of the islands be imported into the Cape, except for consumption, as the re-exportation thereof to England from the Cape would be contrary to the act of navigation; you have however been informed, that prize goods, when accompanied by proper certificates, and cotton wool of the growth of any country, are exempt from the general enactments of the navigation laws.

But it appearing to the Court, that as Europe necessaries and colonial goods may be exported from the Cape of Good Hope to the islands, the returns for which, in the absence of specie and bills of exchange, must be made in produce and which produce may occasionally be unsaleable at the Cape for internal consumption, the Court direct, that in case the parties shall obtain licence of His Majesty's Most Honorable Privy Council, for importing such surplus produce into London to be sold at the Company's sales as usual, you afford all official facilities for sending the same to London on British ships. But you will inform all applicants, and insert in the document which you may give them, that the Company's licence is of itself non-effectual to due importation of the goods into London, *vide*

The act 49, Geo. III. Chap. 17.

49, Geo. III. Chap. 60.

51, Geo. III. Chap. 96.

also the order of His Royal Highness the Prince Regent in Council, dated 1st Oct. 1811, which revokes the Order in Council of 12th April, 1809, allowing foreign vessels to carry on trade and commerce with the Cape of Good Hope and its dependencies, and will in no case be granted, but in consequence of a previous licence from His Majesty's Government in London.

[Copy.]

Letter from SIR JOHN CRADOCK *to* CHIEF JUSTICE
VAN RYNEVELD.

GOVERNMENT HOUSE, *May 30 1812.*

SIR,—I beg to receive your assistance upon a subject that seems to demand the most serious attention of Government. All our united endeavours to extend Christianity and education can have but a very limited effect while some Part of the ancient Dutch Regulations subsist, which affect the complete Property of the Master in his Slave if he become a Christian. It seems unnecessary to dwell upon the case. Human Nature will have its Infirmities, and it is impossible to contend against them. If therefore this Law be suffered to remain in force the Doors of our Churches will always be closed against the Slaves, and those only of the Mahometan or other Persuasions lie open.

However it might be wished that Slavery altogether were abolished, still as the state is suffered to remain, all that can be done is to remedy the evil as far as it is practicable.

In other parts of the British Dominions this peculiar Point appears better understood for the Public Advantage, for let the Slave receive the Benefit of Christianity, inestimable to him in many attendant considerations, still the exact Property of the Master in the Individual is unimpaired, and he is bought and sold without alteration of the former practice.

I beg therefore to submit the Abrogation of the present Restrictions to the enlightened consideration of you and Mr. Truter, His Majesty's Fiscal, and from the humane and patriotic Principles which so much distinguish the Actions of both, and the influence you so justly possess over the liberal minds of the Inhabitants of this Settlement, I entertain a confident expectation we may introduce a new Regulation that will not only remove the present Obstructions without dissatisfaction, but even advance the cause of Christianity in behalf of our less fortunate Fellow Creatures in the same Community. I have &c.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from the EARL OF LIVERPOOL *to* SIR JOHN CRADOCK.

DOWNING STREET, 1st June 1812.

SIR,—I herewith transmit the Agreements entered into with Mr. Rennie with the several Persons engaged by him to superintend and execute the Water Works at the Cape of Good Hope; and I am to desire you will take care that the Stipulations therein severally specified may be carried into effect. I have etc.

(Signed) LIVERPOOL.

[Office Copy.]

Letter from ROBERT PEEL, ESQRE., *to* SIR JOHN CRADOCK.

DOWNING STREET, 1st June 1812.

SIR,—Lord Liverpool directs me to request you will take charge of the several Boxes and Packages addressed to Governor Farquhar, and sent to the Cape on board the *Ceres*, and forward them by the earliest opportunity of Conveyance to the Isle of France.

I have etc.

(Signed) ROBERT PEEL.

[Original.]

Letter from REAR ADMIRAL STOPFORD *to* J. W. CROKER, ESQRE.

LION IN SIMON'S BAY, June 1st 1812.

SIR,—You will be pleased to inform my Lords Commissioners of the Admiralty that adverting to your letter of the 7th January 1811 (but I suppose intended for 1812) and to the copy of intelligence transmitted therewith respecting a meditated expedition from Brest against the Isle of France, I observe that two Line of Battle Ships from Cherbourg were expected at Brest, which force added to the two frigates at that time in Brest Water and two in the Harbor, would be superior to the united strength upon

this station. Conceiving it therefore probable that their Lordships would send to the Cape an encrease of strength in the event of this expedition still going forward, I have judged it adviseable to keep the *Lion*, *Nisus*, and *President* in Simon's Bay ready for sea, that the squadron might proceed in force against the enemy in the event of his arrival, and not to run the risque of failure by dividing it.

My last accounts from the Isle of France only reach to the 14th March, but I am in daily expectation of the arrival of the *Astrea* from thence. I have etc.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Original.]

Letter from REAR ADMIRAL STOPFORD to J. W. CROKER, ESQRE.

Lion in SIMON'S BAY, June 1st 1812.

SIR,—You will be pleased to inform my Lords Commissioners of the Admiralty that with a view of ascertaining the exact position of the numerous shoals in False Bay, under the idea of Simon's Bay becoming the principal rendezvous upon this station, I have directed Mr. Peter W. Gawthorpe, the Master of the *Lion*, who has passed his examination as a surveyor at the Hydrographer's Office at the Admiralty, to embark on board the *Atlanta* Transport for the purpose abovementioned, and that he has already made some progress in the Survey.

The Beacon which was placed last year upon a dangerous shoal in that Bay called the Whittle has been washed away in a late gale of Wind. I have etc.

(Signed) ROBERT STOPFORD, Rear Admiral.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor having taken into consideration the various representations which have been made to him of the state of the road over the Hottentots

Hollands Kloof and the Houw Hoek, has thought proper to direct that the whole of the receipts of the toll at the aforesaid Kloof shall be in future accounted for to the Deputy Landdrost of Zwelendam at the Zwarteberg, to be by him entirely expended upon the road in question, until such time as it is brought into complete repair, by which steps His Excellency trusts that the safety and convenience of the inhabitants of the interior districts will be attended to, and the facility of communication with Cape Town be materially improved.

Castle of Good Hope, 5th June 1812.

By command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, 10th June 1812.

MY LORD,—I have now the honor to forward to your Lordship several papers which will put your Lordship in possession of all the circumstances that have attended the conclusion of the warfare with the Kaffir tribes upon the Frontiers of this Settlement.

I anxiously hope that your Lordship is persuaded that nothing but a conviction that if the depredations of these people were suffered to gain greater strength, not only all the inhabitants of the Frontier would be driven from their dwellings but that the progress of the Kaffirs would in time extend to the very interior of the Colony, and the most fertile part of His Majesty's territory be entirely lost, would have led me to the hostile measures I pursued. I also gratify myself in the hope that your Lordship will consider that the vigorous steps so necessary to take have been executed by Col. Graham and the Officers employed upon this unpleasant and severe service in a manner that does the greatest credit to their discretion and humanity. Every order to the same effect has been given, and nothing but the recurrence of aggression on the part of the Kaffirs will give cause, I trust, to future hostility. Whatever may have been the ill conduct of the

inhabitants upon former occasions, and great I fear it was, I beg permission to state it was against the Bosjesman nation, and forms altogether a separate question, but the Kaffirs, a very different description of people and warlike in all their notions and habits, have been uniformly the aggressors, and have always been the objects of terror rather than oppression. The Bosjesman Nation are now in perfect amity with the inhabitants, and many of them are in the service of the farmers. Indeed I have every reason to hope that of late years oppression and misconduct have much ceased, and that the pains that have been taken to create new principles and benevolent proceedings have not been thrown away.

I have now to request your Lordship's attention to the papers laid before you, by which your Lordship will perceive that it appears necessary to alter the whole system in that part of this territory, and that to prevent the recurrence of the evils we have just overcome it is required to concentrate the population for the advantage of society and defence, and fix the pursuits of the inhabitants upon agriculture rather than pasture alone, which at present leads to a roving life, and is the source of their present weakness and occasional misconduct. The injurious effects of Loan Leases appear in their strongest light in the present view.

To effect all these objects and permanently establish the tranquillity of these distant districts I am under the necessity for a time to station the Cape Regiment upon the Frontier and to sustain them by a considerable detachment of Europeans, which I can but ill spare from the reduced force under my command; but as indisputably this country is the most fertile part of the Colony and can be made capable of the most abundant supply of every description, I felt an irresistible inducement to improve His Majesty's territory to the utmost of my power. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

*Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.*GOVERNMENT HOUSE, CAPE TOWN, *June 10th 1812.*

MY LORD,—I have great satisfaction in informing your Lordship that I consider the small pox, that lately alarmed us so much in this Colony, to be nearly at an end. An instance now and then may yet occur, where the individual has been deceived or withheld himself from vaccination, but it cannot have bad consequences, as the whole mass of the population has undergone the operation.

Upon this apparent conclusion to an evil of such apprehended magnitude, I cannot but express that all the civil and medical persons have shewn the greatest attention and zeal, and that the exertions of His Majesty's fiscal have been most useful and conspicuous. I have etc.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor has been pleased to appoint W. S. van Andringa, Esq., to be Landdrost of Stellenbosch in the lieu of R. J. van der Riet, Esq., who has resigned.

Castle of Good Hope, 12th June 1812.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Original.]

Letter from J. A. TRUTER, ESQRE., to SIR JOHN CRADOCK.

FISCAL'S OFFICE, 15th June 1812.

SIR,—I have the honor to acknowledge the receipt of your Excellency's letter of the 27th February last, forwarding copy of a dispatch with its enclosure from the Earl of Liverpool, His

Majesty's principal Secretary of State for Colonial Affairs, dated the 9th of August 1811, respecting complaints of atrocious ill treatment, cruelty, and oppression inflicted by inhabitants of this Colony on Hottentots, which the Missionary Read of Betheldorp stated to the Missionary Society of London were either entirely not, or not properly investigated into, and prosecuted by the Magistrates of the Country Districts; on which subject your Excellency was pleased to desire that I should report:

1st. What steps have already been taken with regard to the cases of ill treatment, cruelty, and oppression alluded to by Mr. Read? and 2nd, what further is to be done respecting such cases?

In compliance with your Excellency's desire I have the honor to say on the first point that when your Excellency's predecessor the Earl of Caledon was informed of the Extract from Mr. Read's letter dated Betheldorp the 30th of August 1808, which was published in No. 20 of the Transactions of the Missionary Society at London 1809, his Lordship on the 21st September forwarded a copy of that letter to the Landdrost of Uitenhage, in which District the Institution of Betheldorp is situated and most of the cases seemed to have occurred, with directions to "summon Mr. Read before him and take from him the fullest information on oath touching the matter alluded to in his letter, and transmit his deposition by the earliest opportunity to his Excellency, together with such other information as it may be in his power to collect on this subject." The Landdrost of Uitenhage on the receipt of this letter summoned Mr. Read and other persons who were concerned in the complaints alleged, and having investigated into some of them he transmitted a written report thereof dated the 25th October 1810 to the Earl of Caledon, together with the depositions which were sworn to before him, which report and documents his Excellency was pleased to transmit to me, together with another letter written by Mr. Read himself to Lord Caledon dated Betheldorp the 19th October 1810 (a copy of which is annexed to the Earl of Liverpool's dispatch) with orders to take the whole of this case into my consideration and give him my opinion on the following points:

(a) Whether the Landdrost of Uitenhage had made all the enquiry which the nature of circumstances and of the case required?

(b) If not, what further measures he should take for discovering the truth of these insinuations.

(c) Whether any case of cruelty or other crime appears to have been committed since the British Government took possession of this settlement?

(d) Whether any other cases appear or can be brought to light in which it is incumbent to proceed against the parties accused?

(e) Whether any of the cases alluded to by Mr. Read were made known to and prosecuted by the Batavian Government?

(f) If any other points arose in my consideration of the case which I thought it essential His Excellency should be made acquainted with, to enter fully upon them.

On all those points I had the honor on the 19th February 1811 to forward an ample report to Lord Caledon, in which I shewed:

(a) That the enquiry of the Landdrost of Uitenhage was incomplete and insufficient.

(b) That the business therefore necessarily demanded a further investigation.

(c) That some cases of ill treatment, cruelty, and oppression, specified in my report, had come to the knowledge of the British Government and had been regularly prosecuted.

(d) That besides the latter mentioned cases no others had come to light excepting those communicated by Mr. Read first in his letter to the Missionary Society dated 30th of August 1808, afterwards in his letter to the Earl of Caledon of the 19th October 1810, and lastly in the deposition he made before the Landdrost of Uitenhage; all of which I recommended should be investigated into and prosecuted, should the truth thereof appear.

(e) That I never before, as Colonial Secretary under the Batavian Government, saw any list of ill treatment or cruelties committed on Hottentots, but that I well knew that two persons who had been guilty of such were relegated by General Janssens; in addition to which I gave a statement of successive Orders and Proclamations, in order to shew that from the first taking possession of this Colony to the present day all the Government Orders and Proclamations had an uninterrupted and unequivocal tendency to protect the natives of this Colony against oppression, and

(f) That notwithstanding it is a lamentable truth that the

Hottentots were not always treated by the country people as the successive Governments have desired and prescribed, that want of civilization as well on the part of the Hottentots as on that of the farmers, added to the inclination of the former for a roving life, and the distance of the administrators of the laws by which the passions might be bridled must be considered as the principal causes of the arbitrary conduct of the country people, who are the most powerful, towards the Hottentots, who constitute the less powerful part of the community, and also that the manner in which the institution at Bethelsdorp was conducted appeared to me rather to impede than promote the good intentions of Government towards the civilization as well of the farmers as of the Hottentots.

The grounds on which I founded all my answers to the proposed questions I fully stated in my said report of the 19th February 1811, to which I respectfully take the liberty to refer, and on all those grounds I submitted to His Excellency as my humble opinion, "that as the usual course of law is the sole way to convince the world that under the present Government not only good laws are enacted, but also enforced, all the documents relative to this matter should be placed in the hands of His Majesty's Fiscal, with order to examine Messrs. Van der Kemp and Read before Commissioners of the worshipful the Court of Justice, and there to cause them respectively to state on oath all the particular circumstances which have come to their knowledge in each case of ill treatment, cruelty, or oppression committed on any Hottentot, which has either *nominatim* been stated by them, or is comprehended and alluded to in their general assertions, adding the names of all persons, to the best of their knowledge, directly or indirectly acquainted with or concerned in any of those cases; to cause all the specific circumstances of each case to be carefully recorded; in those admitting of further enquiry to direct this enquiry to be effected by the respective Magistrates of the Country Districts; and to take care that each case, after all the investigation which the nature of it allows, be submitted to the worshipful the Court of Justice, in order by them to be decided according to law."

The Earl of Caledon was pleased to honour my opinion with his Excellency's approbation, and to charge me with the execution thereof by letter of the 28th February 1811, in consequence of

which Messrs. Van der Kemp and Read were written to by me on the 3rd March following to repair to Cape Town as soon as possible for the purpose of commencing the investigation, which letter they having complied with in the latter end of April, an especial Commission from the worshipful the Court of Justice commenced their Session on the 1st May and closed the same on the 29th June following; in the course of which Messrs. Van der Kemp and Read stated with the most unimpeded freedom, on oath, all the cases of cruelty, ill treatment, or oppression of which they had any knowledge, together with the names of all those who were concerned either as the perpetrators or as witnesses in each case, of all which a very ample record was held, a translated copy of which I had the honor to forward to Government on the 30th June 1811 with some remarks respecting the further mode of proceeding in the business, which are contained in the conductory letter under that date addressed to the Colonial Secretary, and to which I request to be allowed to refer as far as regards these remarks.

These remarks led me to distinguish the cases stated by Messrs. Van der Kemp and Read into the four following classes, viz. :

1st. In which wantonness has been committed and injustice done, from which however no material damage has ensued to the Hottentot; for instance when a Hottentot has been kept in service beyond the time stipulated in his contract.

2nd. In which the wantonness and injustice brought some detrimental consequences upon the Hottentot, without amounting to that degree of criminality which is requisite for a public criminal prosecution, the withholding *ex. gr.* of wages or property.

3rd. In which the ill treatment of a Hottentot, without endangering his life, yet is of that degree of wickedness as to demand a criminal prosecution, for instance intentional ill treatment accompanied by mutilation or injury done to any part of the body, by which the complainant be deprived of the use thereof.

4th. In which atrocious ill treatment and cruelty have been committed, so that death ensued, or which from the nature of the case and the intention of the perpetrator could have ensued, and in which therefore a criminal prosecution has become unavoidable.

The two first being provided against by a special local law of the 1st November 1809, I stated the provisions contained therein

as sufficient to obtain redress for the injured Hottentot; recommending that the respective Landdrosts should be enjoined to make a quarterly report of all such cases as might occur in their Districts.

With respect to the two latter sorts I recommended the criminal prosecution of all such crimes as were stated by Messrs. Van der Kemp and Read to have been perpetrated since the day of the last surrender of this Colony on the 10th January 1806; while as to the others I proposed that His Majesty's Fiscal should be charged to make himself further acquainted with the nature of the same, and thereupon to forward to Government such considerations as the circumstances of each case might appear to him to require; to which I finally conceived I should suggest that a copy should be sent to the Landdrost of Uitenhage of all cases in which any claim appeared against him, for his report thereon.

All these propositions have also met with the approbation of your Excellency's predecessor, and consequently contain, should your Excellency be pleased to coincide therein, in answer to the second point, everything which is necessary to be further done in this business, and which certainly would have been carried into effect in case on the departure of the Earl of Caledon the disturbances had not broken out between the Caffres in that part of the Colony where the cases are stated by Messrs. Van der Kemp and Read to have happened; in consequence of which disturbances the Landdrost as well as most of the persons concerned in the investigation have been employed in defending and protecting the Boundaries, which necessity in some measure even still continues.

However as we now perceive that peace and tranquillity on the boundaries are daily increasing, it would not be unseasonable to fix more in detail upon the future mode of proceeding in those cases, in order, as soon as circumstances would admit, to cause as well the civil as the criminal prosecutions of the different complaints which appear in the depositions of Messrs. Van der Kemp and Read, to take their course; on which subject as merely comprehending the manner of carrying into execution what I have had the honour to state the outlines of, I shall take the liberty to submit my opinion by a separate letter to your Excellency's better judgment. I have, &c.

(Signed) J. A. TRUTER, Fiscal.

[Office Copy.]

Letter from LORD BATHURST *to* SIR JOHN CRADOCK.

DOWNING STREET, 22nd June 1812.

SIR,—I am to acquaint you that Mr. Edmund Byng, who holds the Situation of Civil Paymaster at the Cape of Good Hope, applied to the Earl of Liverpool, previous to his Lordship's resigning the Seals of this Department, for an Extension of his Leave of Absence from the Colony, which his Lordship declined to grant.

Under these circumstances, I am of opinion that Mr. Byng will not be entitled to any part whatever of the Salary attached to that Office from the date of the receipt of this Letter until the period when he shall return to the Cape and resume in person the exercise of the Duties of his Office, in which Case the payment of the Salary may be continued to him from the date of his arrival.

There of course will be a Saving to the Colonial Treasury of the amount of the Arrears which became due in the interim.

I have, etc.

(Signed) BATHURST.

[Copy.]

Letter from the Moravian Missionaries at Groene Kloof to SIR JOHN CRADOCK.

GROENE KLOOF, June 22nd 1812.

Your Excellency will, we hope, pardon the freedom we take in making our request known to Your Excellency in writing; we are deeply convinced of the favors we have hitherto enjoyed from the English Government, and feel the share Your Excellency takes in the welfare of the Hottentots, and believe also that we have Your Excellency's best wishes for the prosperity of our mission amongst them; we can therefore not conceal from Your Excellency our intention that we wish, by degrees, to make the needful preparations for the building a new church for the Hottentots, which will

in a short time be very needful. We now humbly request Your Excellency's consent to this undertaking.

In expectation of Your Excellency's gracious answer we remain etc.

(Signed) J. G. BONATZ,
JOHS. SCHMITT.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, 23rd June 1812.

MY LORD,—The absence of the paymaster of the Cape Regiment with his corps on the frontier has prevented a more early acknowledgement of your Lordship's dispatch (No. 11) under date the 29th October 1811, requiring certain certificates from that officer, that were considered to be indispensable for the adjustment of the accounts of the late colonial agent, the Hon'ble Mr. Agar.

In the reply, which I received from Lieutenant Bell the acting paymaster upon this subject, he states, that in consequence of the communication addressed to him by Mr. Benn, he had transmitted on the 7th of last February, the requisite certificates, and having forwarded to me a duplicate of those certificates I have the honor to transmit the same herewith, to your Lordship. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, 24th June 1812.

MY LORD,—I beg to lay before your Lordship a letter I have lately received from His Majesty's Fiscal in answer to one from me written in further pursuance of your Lordship's dispatch (No. 9), to which I had the honor to advert in mine (No. 13) of the 27th January last.

In that communication I assured your Lordship that every

exertion had been made by my predecessor the Earl of Caledon to investigate and punish, as far as practicable and just, the offences stated by the Missionaries Messrs. Van der Kemp and Read to have taken place in the distant Districts of this Colony; and your Lordship will perceive by the details of measures now exhibited by Mr. Truter that the utmost energy had been employed by the preceding Government.

His Majesty's Fiscal has given very satisfactory reasons why the further prosecution of these measures has experienced some delay, but I now expect every day to receive from him the future course of proceeding he proposes to pursue, and no time shall be lost in bringing to a conclusion the whole of the subject, so difficult to accomplish from the length of period it embraces under different dominion, the vague and unsupported accusations set forth, and the great exaggeration that I believe has been bestowed upon the entire representation. It is also to be submitted to your Lordship's view that the Dutch Government had issued several Proclamations wherein general amnesty and oblivion were declared, and under such circumstances it is now impracticable upon them to revive any proceedings.

I beg to repeat, what in former communications I have stated to your Lordship, my assurance that whatever may have been the misconduct and the impunity permitted in the interior of this Colony, the same cannot happen again, from the energy that has been given of late years to the course of justice and the establishment of regular Circuits to take immediate cognizance of all offences. I have &c.

(Signed) J. F. CRADOCK.

DOWNING STREET, 2nd July 1812.

Permits Mr. F. E. Turr to proceed to the Cape.

[Copy.]

*Letter from DEPUTY SECRETARY BIRD to the Moravian
Missionaries at Groene Kloof.*

SECRETARY'S OFFICE, July 3rd, 1812.

GENTLEMEN,—Your letter of the 22nd of last month, in which you request leave to erect a church upon the Government place the Groene Kloof, having been under the consideration of His Excellency the Governor, I am directed to acquaint you that His Excellency regrets very much that he cannot immediately sanction the laudable undertaking you suggest.

It has already been explained to you that difficulties occur to the alienation of Government places which you provisionally and experimentally occupy, which, under the present circumstances of the Colony, cannot be removed. The same objections however do not appear to hold against your building a chapel at the Louws Kloof should you think proper to do so, that being a spot of right belonging to the Community under your charge, and where their Establishment has long been considered permanent. I have etc.

(Signed) C. BIRD, Deputy Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint G. S. Fraser, Esq., Captain in the Cape Regiment, Deputy Landdrost of Uitenhage; and Andrew Stockenstrom, Esq., Ensign in the said Regiment, Deputy Landdrost of Graaff-Reinet.

Castle of Good Hope, 10th July 1812.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Copy.]

*Letter from SIR JOHN CRADOCK to HENRY ALEXANDER, ESQRE.*GOVERNMENT HOUSE, *July 13th 1812.*

DEAR SIR,—As the period approaches so near when the wine licence is either to be renewed, or the present mode abandoned, it appears necessary to take the subject into immediate and final consideration.

From my first arrival in the Colony, I have directed the utmost attention to this circumstance, not only from the important advantages that may arise to the settlement in so many points of view, but the more especially because I brought with me instructions from His Majesty's Ministers to give up the present mode were it practicable, and to substitute some other source of revenue in its place.

Under the latter impression I cannot feel at ease without preparing some report to be laid before the English Government, which will demonstrate that their orders have undergone the deepest investigation, and, that whatever course I may pursue, it arises from the best consideration I could give to a very difficult subject; and that I had called to my aid the opinions of persons in whose judgment I placed great reliance.

I have therefore to request, that you will form a Committee of the persons named in the margin, and that as soon as convenient you will favor me with a report upon the following points:

1st. Whether the inconveniences or evils as attributed by many to the present system are such as to render it strongly expedient to alter it.

2nd. If it be adviseable to do it away, whether any other plan of approved utility can be substituted to form an adequate (or nearly so) source of revenue.

3rd. What might probably be the effect upon the public mind of any arrangement that would hold out the reasonable prospect of supplying the present profit on the wine licence.

4th. A general view of the sentiments of the committee upon this subject.

And how far, if the present system should be continued, alterations or amendments may be introduced to remove or lessen

Mr. Alexander
Mr. Ryneveld
Mr. Truter
Lt. Col. Bird
Lt. Col. Forster.

the evils which it is the general opinion attach to many parts of it.

I shall only have occasion to lay before the committee an extract from the Secretary of State's letter of 18th March 1811, a very valuable paper from Lt. Col. Forster, April 20th 1812, to whom I am indebted for a very laborious and able investigation of the whole subject, and a most perspicuous and closely reasoned report from his Majesty's fiscal, Mr. Truter, of the 8th instant.

I have etc.

(Signed) J. F. CRADOCK.

[Enclosure A in the above.]

Licences for retailing Wine.

On the most attentive consideration of this important source of revenue the Lords of the Committee are decidedly of opinion that the mode at present in use for raising it should be discontinued, admitting as in justice to Lord Caledon they ought that the regulations framed by him for preventing inconvenience and irregularities are as well calculated for the purpose as the system will admit; but the incurable mischiefs of it pointed out are of so very serious a nature and are likely to be attended with such consequences as to induce their Lordships to advise that it should be recommended to Lord Caledon either to adopt the substitution of licenced houses for selling wine and spirits under such regulations as his Lordship shall think expedient, or to lay a duty on wine and spirits to be paid by the consumer, continuing the licence for selling them in retail not as a source of revenue, but as a regulation of police, which their Lordships have the less hesitation in recommending, as his Lordship thinks the revenue under that change would be equal in two or three years to its present produce, and as any temporary loss for such a period would be much more than compensated by the improved discipline of the troops, the satisfaction that would be afforded to the soldiers and lower class of inhabitants, and avoiding disputes between the commanding officer of corps and the farmers of the licences.

[Enclosure B in the above.]

Among the resources of this Colony that may, by due encouragement be brought into action with effect, the wine trade has excited the early attention of the present government, as likely to conduce materially to the benefit of its inhabitants, and if I may be permitted to form an opinion from the reception which the few regulations lately recommended for bettering the cultivation of the grape and improving the manufacture of the wine have met with, it may be confidently hoped that if followed up by a wise and liberal system, it will be the means of opening to this settlement a valuable and permanent branch of commerce. The ulterior regulations for the completion of such a system, as embracing a variety of important points, requires much consideration, and it is with great deference that I attempt to offer my sentiments upon the subject.

The general system under which the wine trade of the Cape has hitherto been carried on is most defective, and appears to deviate from all the rules of sound policy. The wine grower was allowed to continue in his primitive ignorance both as regard to the mode of growing the grapes and manner of manufacturing his wine, monopoly was encouraged by farming the retail of wine and brandy to the highest bidder, operating most powerfully against the improvement of both, and the limited quantity exported was clogged by a duty of five per centum. Under such discouraging circumstances it was quite impossible that this article of commerce could be valuable at home, or be brought into fair competition with the wines of other countries following a wiser policy.

There is little doubt that the regulations of February last, already adverted to, have awakened the attention of those concerned and will have the wished for effect as far as they go; and in pursuing the subject the next consideration that invites attention is the evils produced by farming the licence to retail wine and brandy; these are so evident, and universally admitted, as renders it unnecessary to enter into a minute detail. It is only requisite to observe, that by a combination between the retail farmers and the wine merchants all competition is at an end, the price of wine and brandy is fixed, and a complete monopoly formed, which leaves the wine grower no inducement

to improve; quantity rather than quality becomes his object, and he pays equal duty at the barrier for bad as for good, and gets nearly as high a price for inferior as the best wine he carries to Cape Town.

No other consideration than that of affording so large a revenue to government, a revenue too raised in a great measure from the pockets of the lower classes of the community, could have permitted such an impolitic system to continue so long, and viewing it in this way, much attention appears requisite in the adoption of a substitute, which will afford due encouragement to the wine trade, and at the same time, as nearly as may be compatible with that object, make good the present revenue.

I may assume without fear of contradiction that a regular government is indispensable to the production of wealth, as affording security to property which is the mainspring of industry, and as every individual derives from it protection from evils both at home and from abroad, it must be considered equitable that each, in proportion to his circumstances, should contribute to the means required for fulfilling these objects, and that such taxes as may be imposed should fall as equally as possible on every member of society, in proportion to his means of contribution; the exact reverse is the case at the Cape as far as regards our present subject. The poor man is obliged to drink bad wine and brandy, for which he pays a high price, while the man in affluent circumstances uses that of a superior quality hardly taxed at all.

Having observed thus far upon the injurious practice of farming the retail of wine and brandy, and the inequality in the present mode of taxation, I will proceed to shew that as articles of export they should be exempt from duty.

It is I believe the approved principle of modern taxation that duties ought to fall on the home consumption and not upon that of others, that is upon articles imported and not upon those exported, such products therefore as are exported should be left free, otherwise they would be loaded with a double burthen, namely the tax at home and that imposed at the foreign port, and therefore could not be brought to market on equally advantageous terms with similar articles, either the produce of that country or imported from others following a more liberal system.

I therefore consider drawbacks upon exportations reasonable; and am of opinion that when a duty is imposed upon any articles produced in a Country the export of which is of consequence to the growing prosperity of the community, it is quite essential that such should be repaid on exportation, otherwise they cannot meet the competition of similar articles elsewhere on which no such duties had been paid.

Feeling the full force of these principles, I am free to declare my opinion that such duties as may be imposed upon the wines of this settlement to the time of its export should be repaid the merchant by drawbacks, that it should be left free and unincumbered by home duty will appear the more necessary, when we hold in recollection that it must meet in foreign markets, and come into competition with, so powerful an opponent as that produced in Madeira, therefore in recommending a substitution for the present regulations, altho' I shall bear in mind the amount of the revenue at present arising to the government, I will not limit my view of the subject to the present, but rather looking forward to the advantages that may naturally be expected from the encouraged extension of the trade, than to any temporary diminution of revenue that may arise from the plan I am about to propose.

Simplicity in taxation is an object of much import, and therefore imposing the whole of the duty on the wine and brandy at the barrier, or by a certain sum as a licence, would be equally advantageous in regard to facility and cheapness in the collection, but as far as respects the retail houses in Cape Town, must obviously be in most cases unequal, for, of two persons paying the same sum for licence, one from local situation added to other circumstances shall sell five times the quantity of the other, a licence has besides the disadvantage of being paid all at once, and is therefore more sensibly felt than taxes that mingle and confound themselves with the price of the commodity. I should think that a combination of both will be found necessary, the former as applicable to the wholesale dealer, and the latter to those selling by retail.

I shall therefore propose that seven Rixdrs. in addition to the present duty be paid for every leager of wine, and eleven dollars for every leager of brandy, passing the lines.

It appears that a considerable quantity of both these articles

is sold in the interior by the farmers; it will be but equitable, and acting impartially by the government and the fair trader, that such should bear its proportion in the scale of taxation. In this view I think an equal sum to that levied at the lines should be charged per leager for wine and brandy manufactured by the several wine growers, giving them credit for such quantity as may have paid duty at the barrier, this tax should not affect those whose manufactured wine did not exceed five leagers. It will be recollected that this duty will affect the farmer to the extent only of his family consumption, the rest will eventually fall on the consumer.

I would encrease the licence at present paid by the merchants in Cape Town from fifty to two hundred dollars, as this appears one of the channels by which you can come at the better classes of society and make them bear a proportion of the general tax. I would prohibit them from selling a smaller quantity if in wood than half an aam, or if in bottle five dozen. In addition to the licence, a duty of two dollars on every half aam might be added with propriety, this however I shall not notice in my calculations.

I would grant a licence to fifty houses in Cape Town, including taverns and billiard houses, for the retail of home made and foreign wines, beer and spirits, each of which should pay twenty Rixdollars per annum besides one stiver for every bottle of Cape wine and beer and two stivers for every bottle of home made brandy, as well as foreign wines, beer and spirits retailed by them.

With a view to encourage exportation and further the consumption of Cape wine in foreign markets, I would recommend that the merchant be allowed a drawback to the full amount of the duty paid at the lines.

I have thus given a general view of a substitute for the present wine regulations, and in the following calculations I will endeavor to bring the subject to a more confined statement.

In the calculations I shall be guided, as far as they will lead me, by the quantity of wine and brandy manufactured in the colony during the last year (1811) viz. 10,682 leagers of wine and 908 leagers of brandy, and the proportion of each that paid duty at the Lines.

	Rds. :
The importation of wine into Cape Town during the year 1811 was 7242 leagers, I propose that each shall pay a duty of 10 Rds. on passing the Lines including the 3 at present charged	50,694
Three hundred & nine leagers of brandy passed the Lines last year, if a duty of 14 Rds., including the 3 now charged, be paid for each, it will give	3399
Twenty eight merchant houses (the number at present in Cape Town) licence to sell home made wines, beer and spirits, not less than half an aam if in wood or five dozen if in bottle, at 200 Rds. each per annum	5600
Fifty houses in Cape Town licenced to retail foreign as well as home made wine, beer and spirits at 20 Rds. each per annum	1000
It appears that upwards of 3000 leagers of wine were exported from the Cape in the last year, and it follows that above 4000 remained of the quantity that paid duty at the Lines, and it will not be too much to say that 1500 were sold by retail, and I will propose that the retail houses licenced as above shall pay one stiver per bottle or quart upon the quantity disposed of, which at 640 quarts the leager will produce	20,000
Three hundred and nine leagers of brandy paid duty at the Lines last year, I will say that 200 has been sold by retail, the excise of two stivers per quart will produce	5333
I would propose that two stivers per bottle be paid by the retail houses on all foreign wines and spirits, and one stiver on all foreign and home made beer retailed, and as it is difficult to ascertain the quantity of these liquors retailed, perhaps a more correct data cannot be taken than the sum at present paid on the exclusive privilege.	

Carried forward 86,026

	Rds.
Brought forward	86,026
The contractor for the sale of foreign wines and spirits pays to government Rds. 7333 and the contractor for Cape beer 1400	8733
Deducting from the quantity of wine manufactured in the colony last year 10,682 leagers the proportion 7242 that paid duty at the Lines, it will be found that 3440 leagers remained to be disposed of in the interior, which if charged with Rds. 10 each will produce	
	34,400
Deducting the quantity of brandy sent to Cape Town from that manufactured in the colony there will remain to be taxed with 14 dollars each, 599 leagers	
	8386
The requisite number of houses should be licenced at Simon's Town, Muisenberg, Stellenbosch, and Salt River, agreeable to the plan proposed for Cape Town, which I shall venture to say will produce a revenue equal to that at present paid by the persons contracting with the government, which is	
	17,200
From this sum I would deduct the drawback of 10 dollars per leager on the 3000 exported last year. I would not allow a drawback on brandy at present, nor any shipment of wine that did not exceed 5 leagers	
	30,000
	124,745
Revenue 124,745	

It still remains to deduct from the above sum the expence that will attend the collection, both in Cape Town and the interior. In the latter I presume it may be managed by the landdrost at a very trifling expence. In Cape Town an additional officer to the department of the wine taster will be found necessary, but upon this part of the subject I feel such want of information as must prevent me from hazarding an opinion at present.

CAPE OF GOOD HOPE, 20th April 1812.

The following sums are at present paid for licences to retail wine, beer and spirits in this Colony.

In Cape Town :

	Rds.	st.
Cape wine and brandy	75,000	0
Cape beer	1,400	0
European wines and beer	7,333	16
Cape wine and brandy at Stellenbosch	4,066	32
Cape wine and brandy at Rondebosch and Salt River	1,733	16
Cape wine and brandy at Simon's Town, Muisenberg and Wynberg	11,400	0
Mr. Dirk van Reenen for two beer houses	466	32
	<hr/>	
	101,400	0
Amount of duty paid at the Lines for wines and brandy during the last year 3 Rds. per leager	22,255	0
	<hr/>	
Total	123,655	0
	<hr/>	
Amount of proposed duties	124,745	0
Amount of duty paid at the Lines last year	22,253	0
	<hr/>	
Total	146,998	0
	<hr/>	
	123,655	0
	<hr/>	
Increase of revenue	23,343	0
	<hr/>	

[Enclosure C in the above.]

FISCAL'S OFFICE, 8th July 1812.

SIR,—In compliance with the desire of his Excellency the governor and commander in chief, contained in his Excellency's letter to you of the 21st April last, respecting the farming out of the licence for the retail of Cape wine, I have used my best endeavours to enable myself to communicate to you my opinion on that subject, in order to be submitted to the consideration of his Excellency.

It needs no demonstration that the Cape wines are capable of much improvement, as well with respect to the cultivation of the grape, as to the manner of treatment of the wine, and as the success of the wine trade out of this colony entirely depends on this improvement, therefore all regulations of Government by

which the industry of the wine grower can be awakened to that object must be considered as highly useful and beneficent. With this view his Excellency has last April been pleased to publish some very beneficial regulations, tending to improve the quality of Cape Wine, to secure the exportation of good wine, and to encourage the wine grower to more regularity, as well in the cultivation as in the manufacture of that article.

Under these circumstances the farming of the licence for the retail of wine has become an object of consideration, especially as it is the desire of his Majesty's government that the existing system shall be changed, and some other means substituted by which the loss occasioned to the revenue of the colony by doing away the licence may be made good.

The farming of the licence for the retail of Cape wine is viewed by many in an unfavorable light, and I cannot deny that it is very difficult to me also to think favorably of a thing which abstractedly considered seems to have a direct tendency to favor the debauchery of the lower classes; however when it is allowed to assume that tap-houses are a necessary evil, and that therefore government should only take care that no greater evil results therefrom to the community, and when consequently tap-houses are to continue even after the licence be done away, then the odium of the licence in some degree decreases, and it becomes an intricate question: "Whether the doing away of the licence would be requisite?" particularly after it has become one of the essential branches of the revenues of the government of this colony.

In the consideration of this question, the following points are to be regarded, namely:

1st. Whether, and what influence has the licence on the improvement of Cape wine?

2nd. If there are other injuries occasioned by the licence, which would be removed by its being done away?

3rd. What means, in case the farming of the licence is to be done away, would be the most eligible to substitute in its stead?

With respect to the first point, it appears to me that the licence, if it is to have any influence on the improvement of the wine, ought to affect the price of it, so that the wine grower thereby either would be hindered from obtaining a higher price for his

wine than he might obtain by the improvement of his wine without it, or that he, finding an opportunity by the licence of disposing of his wine, however bad it might be, for the same price as of that of a better quality, has no inducement to apply himself to the improvement of his wine. But on examination it will be found that neither the one nor the other is the case here, for the farming of the licence, far from preventing the price of the wine from being raised, on the contrary creates an actual competition with, and even a counterpoise against the licensed wine merchants, who exclusively carry on that trade, and whose interest it is to purchase the wine as cheap as they can; while on the contrary the farmer of the licence, by having a circulating capital in his hands, by the encrease of his retail sale, when the price of the wine by the half aam becomes dear and consequently less attainable for the common man, and by always being able to proportionate his profit to the price of the wine, if he does not reap some advantage by the rise in the price, at least certainly has not any interest in complaining of a rise or to join the licensed wine merchants in fixing the price of the wine at a lesser rate.

But neither the other consequence, that by the licence the opportunity is afforded of disposing of bad wine for the same price as of good, is here the case.

If the price does not differ in proportion to the quality, it is then natural that the farmer of the licence will rather purchase good than bad wine, because he is obliged to dispose of this as soon as he can, in order to prevent the danger of its turning sour; while for the good he has nothing to fear but accidental spoiling. But moreover it is beyond the smallest doubt that the wine here, the same as everywhere else, is paid for in proportion to the superior or inferior quality of the same, and if the farmer of the licence purchases bad wine it is always for a lesser price, for which the wine grower thinks himself fortunate in selling it to the farmer, who can immediately get rid of it; because it would be too dangerous for the ordinary wine merchants, who have not an opportunity of disposing of it when they please, to purchase wine of a dubious quality. On those grounds I am of opinion that the farming of the licence, under the present circumstances, has not any prejudicial influence on the improvement of the wine. I say "under the present circumstances," by which I allude to the

present state of the wine trade, which is limited to such a number of persons as obtain a licence at the commencement of each year from Government for that purpose. From this circumstance, added to the trifling quantity of wine purchased by housekeepers for their own consumption, the wine farmer in ordinary years finds only a limited market for his wine, a limited competition among the wine merchants themselves, and some additional competition between the wine merchant and the farmer of the licence. The probable speculation for exportation alone supplies the want of a free market, and in proportion as this speculation becomes less probable, the market price diminishes. If therefore the licence was not farmed, the competition, especially when there is not much exportation, would be less, for, besides that the farmer is usually a wine merchant also, who has his own particular interest, I do not see what interest he could have in combining with the body of the wine traders respecting the price. In the meantime, how limited soever this market may be, it speaks for itself that the wine trade is as yet free within that limited circle; because every wine merchant has his own speculation and interest, and all those different interests coming in collusion, at least to a certain degree, support the interest of the wine grower.

In my opinion therefore it is not the farming of the licence, but the want of exportation, and the uncertainty of the price of the wine occasioned thereby, which is the impediment towards improvement, for pecuniary interest, under the reach of every individual's calculation, is the only incitement to actuate general industry in this respect; and I therefore consider the measure of government to promote the exportation, and to subject it to regulations connected with the improvement of the wine, not only as the best, but also as the only means to awaken industry and emulation in the cultivator.

The second point which deserves consideration in the case is, "If there are other injuries occasioned by the licence, which could be removed by its being done away."

In my opinion, monopoly cannot be said to be involved in the farming of the licence, as long as there are more wine merchants, and moreover everyone is at liberty to purchase the wine for his own consumption from the wine grower. And as far as the exclusive privilege to sell wine by retail might be considered as a monopoly,

the argument to be derived from it as a monopoly cannot be of any force in the case in question, because this monopoly, after doing away the licence, still continues to exist with the tapsters, who being restricted to a certain number, have the same exclusive right, and consequently exercise the same monopoly jointly which the farmer of the licence has hitherto done.

Another injury which is conceived to reside in the farming of the licence consists herein, that the lower class of the people are obliged to drink wine of an inferior quality for a higher price, while on the contrary the higher classes, who by purchasing good wine by the half aam drink their wine at a moderate, at least always at a lower price than the common man. This assertion is in fact true, but proves nothing else than that the licence occasions an unequal burthen, from which it by no means follows that the abolition of the licence is necessary to put a stop to this inequality, unless it be done away simply as an oppressive burthen, without substituting any other tax in its place; but this not being the case, it speaks for itself, that the force of the argument does not apply to the licence, but to the exemption of that class of inhabitants who are not obliged to buy their wine from the farmer of the licence. In short, the existing inequality of the tax would be the same, even if everyone agreed that there was not anything prejudicial or bad in the licence.

In the meantime I take the liberty with respect to this inequality to remark, that selling by retail is always dearer than by wholesale, because more expence and waste is occasioned by retail, and therefore if an inequality in the tax is to be attached thereto, such must be confined only to some part of the yearly licence money; I say *some part*, because exclusive of the additional expence and waste, the retail trade requires a greater degree of public vigilance and protection than the wine trade, and consequently should contribute more to the public expenditure.

In thus considering for and against the farming of the licence, it appears to me that the only injury which is occasioned thereby consists herein, "that the farmer on paying a considerable sum of money for having the exclusive right of selling by retail, is obliged over and above the ordinary profits of the wine trade, to secure to himself such further profits by which he can make good that sum, from which the apprehension must naturally arise that he will have recourse to the adulteration of the wine and falsifying

the measure* by which means the common man is not only cheated, but also injury occasioned to his health, against which in all civilized society it is the duty of the government earnestly to provide."

This argument is of much weight, but unfortunately the danger, upon which it rests, cannot be considered to cease by the abolition of the licence; because taphouses and tapsters will always remain who must also be heavily taxed; consequently the same motives which the farmer of the licence has for falsifying the wine and the measure continue in those from whom, as having less to lose, even less punctuality is to be expected, than from the farmer, who is generally a substantial man.

The wine merchants, by whom in case the licence were abolished the tapsters must be supplied, cannot be depended on for the goodness of the wine, not only because the tapsters themselves can adulterate it, but also because it is in the interest of the wine merchant to dispose by preference of the wine which he supposes will not keep, for a lesser price, by which again it becomes the interest of the tapster to purchase this wine in preference, a thing which will always remain to be the case, because even if there were a general improvement in the wine, wines of an inferior quality will continue to exist here as well as elsewhere.

I readily acknowledge that the fear of adulteration of the wine is less to be apprehended with the merchant than from the farmer of the licence, who exclusively selling by retail, and supplying the taphouses can commit fraud with less danger; because most of the taphouses depend on the favor of the farmer of whom, if they complain, they are in danger of losing their privilege of selling.

But I am humbly of opinion that this evil cannot be satisfactorily remedied by the abolition of the licence, because the same fraud must be expected from the tapsters which is to be apprehended from the farmer; while the diminution of the fear of fraud, which would on the other side arise from the competition

* When I speak of falsifying the measure, I confine myself to the small measure, that is to bottles and glasses, which are hardly capable of being marked, and very difficult to detect; but the falsifying of the cask is attended with more danger, because the casks are under the public vigilance and many of the tapsters are not so dependent on the farmer of the licence that they are obliged to work alone for him.

of more wine merchants, would be of no advantage on account of the greater danger on the other side, especially from the increased difficulty which there would be to watch a number of tapsters instead of one farmer of the licence. This latter, namely the taphouses, always continuing, the danger of adulterating will also remain, without there being any other means to prevent or restrain the evil than the watchful eye of the magistracy, the same as is at present in observance with regard to the farmer of the licence, and which certainly can be more securely effected with a single farmer than with thirty or more tapsters, who do not buy their wine from one man, but from different wine traders.

These regulations are as follows :

“That the farmer of the licence is obliged to deliver good and unadulterated wine under a penalty of Rds. 150.

“That in order to prevent abuses in the small measure, a bottle shall contain 22 ounces Dutch weight in liquid, under a penalty of Rds. 50, and

“That the fiscal shall have the liberty to inspect, or cause to be inspected, the wine cellars, stores and taphouses of the farmer, and also to examine how the wine purchased and retailed there is treated.”

To which it is further prescribed with respect to the military cantines :

“That all casks in which wine is to be delivered to the cantines shall be numbered, and a half bottle from each cask marked with the same number, to be sent to the town major, if required, at the delivery of the wine, in order as often as he might think proper, to have the wine examined in the cantines by persons qualified for that purpose.”

In the course of this report, I have assumed that taphouses will continue although the licence be abolished.

This I believe to be founded hereon, that taphouses are a public substitute for the retailing of wine, which, in case there were not any licenced taphouses, would nevertheless be carried on in private ; and that the object of this substitute is to bring as close as possible under the controul of the magistracy the evil, which frequently results from the excessive use of liquor, in order to be enabled to curb the same and to prevent as far as possible such excesses. And indeed in this retail trade there is, in my humble opinion, all the evil which arises from the licence, and

since, as long as this trade must continue, everything appears useful which concentrates the superintendence of the magistrate, I find a real hesitation in my mind to recommend the abolition of the licence; by which I wish it to be understood, that in my opinion the abolition of the licence is not necessary or requisite, because the injuries which are attached to the same either will not be removed by doing away the licence or may be restrained or prevented by proper vigilance; in which latter respect however I should conceive that the framing of some more special regulations would be very useful.

This is my humble opinion respecting the abolition of the licence, to which I can confidently say that I have done everything in my power to enable myself to give my opinion; but as I am very far from imagining what I conceive to be best in a business of so much importance as the revenue of the licence, should therefore actually be so, and as therefore nevertheless the decision of his Excellency might easily extend to the abolition of the farming of the licence, particularly as His Majesty's Government has pronounced so positively on the subject, I shall take the liberty briefly to state my sentiments respecting the third point, namely, "The means by which, in the eventual abolition of the licence, government could be indemnified for the same," on which point there are some very elaborate suggestions in the plan submitted to his Excellency.

In general I do not find any hesitation to declare that if the licence is to be done away, and some other means substituted upon the wine trade in its stead, the proposition submitted in the abovementioned plan appears to me, upon the whole, to be the only one by which the diminished revenue of government, occasioned by the abolition of the licence, could be made good; but as, in my opinion, there does not exist any necessity for doing away the licence, and as the proposed measures also are not free from inconveniences, of which I am afraid some appear *a priori* less than they will be found *a posteriori*, I not only do not find myself at liberty, but I even believe that my duty does not allow me, to recommend the adoption of the proposed substitute, however regular the same may appear to be.

With respect to the inconveniences, which I conceive to be in the proposed means, I take the liberty to submit the following considerations to the attention of his Excellency:

As long as the exportation of wine is not arrived to a settled footing, so that the farmers can depend upon it, and have nothing else to apprehend than the ordinary vicissitudes of trade, so long should the internal consumption be encouraged, as being as yet the only means of keeping the industry of the wine grower alive; and therefore, as all duties on wine must diminish the consumption in families, I conceive that the first inconvenience of the proposed measure would be a diminution of the consumption, which would be followed by a decrease of the market, without the wine grower having any indemnification to expect for this loss.

Another general remark is, that all revenues in this colony are very precarious, and can become stagnant in town from very trifling circumstances, for example by reduction of the garrison, want of exportation, &c. When in proportion to the falling price of the produce, the husbandman runs the danger, by such stagnation, of ruin, and of being scarcely able to find his subsistence any longer, because most of the husbandmen are obliged to pay interest for the greatest part of their possessions, and this interest as well as the support and risk of their slaves always continues, while some few rich husbandmen go behindhand, considering the proportion of the capital employed by them. The sense of such an eventual stagnation entertains a real anxiety in the breast of every thinking father of a family in this colony; and however prosperous the prospect in future may appear, the present apprehension operates in a much stronger degree, upon the first retrospect on the many periods in which individual possessions have gone, as it were by turns, to the ground; the interests of the inhabitants, by loans and securities being here so closely interwoven together, that the fall of one is generally attended with that of many others.

Under such circumstances, taxes, which even at present are not oppressive, are considered as such eventually, and this I believe would be the case with the proposed measures; the introduction of which therefore, although I could safely defend the justice of most of them, yet is a subject of much consideration, as long as the abolition of the farming of the licence is not become a necessity.

To this I take the liberty to add that I consider the tax on wine in a different point of view as the toll upon roads and the excise upon markets; because these regulations have some reciprocal utility to those who pay, and the tax upon wine rests

alone on the general principle of contribution towards defraying the public expence, and comes in the stead of the farming of the licence, against which there is no prejudicial opinion in the minds of the colonists in general, and the utility of the abolition of which they would consequently not feel.

In the meantime I cannot deny, as I have already said, that it is a hardship that the higher classes drink their wine almost entirely free, and that the duty falls almost alone on the poor and common man ; but on this point it appears to me that this hardship could be removed by a *moderate* tax on the consumption in the town, without doing away the licence, and laying on a tax, which would be sensibly felt, to make good the loss occasioned thereby, and which as yet is subject to inconveniences and would affect the internal wine trade.

From my arguments it follows that I by no means dispute the positive justice of the proposed tax, but only its relative inexpediency under the present circumstances. When the exportation of wine shall have been brought to a settled footing, and the colony shall have obtained more consistency, then certainly the proposed measure will be one of the most eligible to support the revenue of government, for then also will all reasons cease why such at present should be considered in an unfavourable point of view, or subject to inconveniences.

I have no particular remarks to make on any of the proposed measures, but on that by which the wine which does not come into town should be taxed with ten rixdrs. per leaguer. Herewith I have not been able, after mature deliberation, to conciliate my opinion, 1st. Because all the wine which is pressed and not brought to town is not always sold in the country, but for a part remains on hand, is spoiled or lost. 2nd. Because a great proportion of this wine is consumed by the grain farmers during the reaping time, which is at that time considered as a necessity, so that the tax upon this part would fall on the price of labour, which from the dearness of slaves and the scarcity of other hands is already enormous, without that it can be made good from the price of the produce, which depends upon the situation of the market and the town. 3rd. Because as long as the promotion of internal consumption is necessary, so long should no impediment be thrown in the way of that consumption, a thing which would be the case, because that excepting the abovementioned circum-

stance of the harvest, wine is seldom found with those, who can with difficulty pay for it.

I said in the beginning of this third point, that the proposed measures were not free from inconveniences, of which I feared that some appeared *a priori* less than they should be found *a posteriori*. By this I had generally in view the decrease of consumption which would arise from burthening the wine trade, but particularly the effects of smuggling. To this kind of fraud there exists a common inclination with all the lower class, and this inclination is always stronger in a town like this, where subsistence is precarious. As long now as there is a farmer of the licence, he guards against it, because it is his interest so to do, but when there are 30, 40, or more tapsters, the interest of each is so trifling that he will never take that trouble towards detection which the farmer of the licence does. No information is to be expected from individuals, because no person is willing to inform of a positive *civil* offence, such as smuggling is; and the reward, which is attached to the informer, makes the information a contemptible act, which most people despise. Under such circumstances the vigilance is confined to the magistracy, which not having such an important support as the interest of the farmer, misses much of its spring in the detection of smugglers, and I am therefore of opinion that the revenue which must accrue to government from the retail trade and which is proportioned to the quantity of wine drawn or consumed, would be exposed to great loss through smuggling by the abolition of the licence.

Those are the considerations which I, on my part, conceived it my duty to state on the subject of doing away the licence. I submit the same with the greatest respect to the better judgment of his Excellency, whose liberal way of thinking confidently assures me that my opinions, for so far as they may deviate from the principles upon which the abolition of the licence is considered useful and even necessary by others, will at least always be regarded as proof of my readiness at all times to comply to the best of my knowledge and abilities with the desire of his Excellency.

As there are several written opinions lodged in the colonial secretary's office, from Mr. Van Ryneveld, from the auditor general's office, and others, on the subject of the licence, some of which are for, and some against the abolition, I conceive that it

would not be amiss to forward translations of them to His Excellency, especially as the question is entirely the same, and the opinions alledged therein are supported on many reasons and grounds pro and con. I have, etc.

(Signed) J. A. TRUTER, Fiscal.

[Copy.]

Letter from the Wine License Committee to SIR JOHN CRADOCK.

We the Committee appointed by Your Excellency to investigate into the present system of farming the wine licence, and report upon its relative advantages and disadvantages to the publick, having before us Your Excellency's letter enclosing the Earl of Caledon, the late governor's, suggestions, and the opinion hereupon expressed by the Committee of the Lords of Trade, together with his Majesty's Fiscal and Lieut.-Colonel Forster's memoirs on the subject, and anxious to fulfil your Excellency's expectations, submit to your consideration the following reply to, and observation upon, Your Excellency's queries which appear to us calculated to bring most clearly the whole subject into discussion.

In reply to the 1st query, we observe that the inconveniences and evils the Committee have heard objected to the present system reduce themselves to four heads :

1st. That it enables the wine farmer and the wine merchant to combine together and oppress the wine grower by forcing him to accept such price as they are willing to give.

We must here observe that no proof of such combination was in the knowledge of any member of the Committee, neither was the name of any witness mentioned who could prove such a fact, consequently the Committee each questioned the others as to our belief and experience, and we all from the following reasons believe no such combination (attended with such consequences) does exist.

1st. Because there is a great variety in the price of wines according to their quality, from fifty rixdollars the leaguer to two hundred rixdollars and upwards, and it is evident there must be purchasers as various.

2ndly. A rise of cent per cent has taken place within these four

years last past, and the price has regularly augmented with the growing demand.

3rdly. We know the mutual competition between the wine merchants and their anxiety to possess the best wines, and indeed the jealousy they have of each other anticipating any previous purchase which they are accustomed to buy.

Your Committee further state, that the second of the alledged reasons appears to be that it is a tax which falls heaviest on the lower class of consumers, upon whom rests the whole weight of the farmer and the farmer's profit thereon.

Your Committee admit the fact that this always will happen as long as for the convenience of the lower class wine is sold by retail in small quantity, but no other statement was made that the lower classes considered it or complained of it as a grievance, and your Committee conceive they never will complain of it unless the idea be suggested by persons anxious to promote their discontent; it further appears to your Committee that under every arrangement for the retail of wine a high price proportionally must necessarily be paid by those classes.

Your committee are of opinion that no advantage would accrue to the public from the reduction of price to that class of consumers, and that the law operates beneficially for the purposes of morality, police and a guard against excess.

At the same time the Committee submit to your Excellency the wisdom of doing away all pretence for dissatisfaction at the alledged inequality by imposing a higher tythe or tax upon wine consumed by the higher classes of people whenever the exigencies of Your Excellency's administration require augmented revenue, with such modifications as to your Excellency may then seem meet and proper.

Your Committee find a third evil or inconvenience attributed to the wine farm is that the wine farmer has a great opportunity of disposing of bad or unwholesome wines to the injury of the health of their consumers.

Your Committee are fully of opinion that the wine farmer has that opportunity, and from the very rapid sale might more easily evade the vigilance of the magistracy than if the sale was divided amongst many, but altho' the power exists it does not appear to your Committee that from the sick list of the army, the reports of such commanding officers as were in the knowledge of the Com-

mittee, or the complaints of any of the burghers and inhabitants whose vigilant interest in the health of their slaves would render them most attentive to such a subject, that wine had been mixed so as to be unwholesome or bad.

Your Committee are further of opinion that the superintendence of a vigilant police, even should the retail trade be opened, would be necessary in nearly an equal degree, as merchants possessed of the worst wines will ever find customers as long as human nature continues the same, and will ever use the greatest exertions to evade the caution of the most active and attentive magistracy.

Your Committee feel there might exist a fourth evil or inconvenience, that formerly created much trouble, litigation and unpleasant consequences, between the civil and military authorities, and which much pressed upon his late Excellency Lord Caledon's mind.

Wine might be unpleasant and disagreeable to the soldiers which the civil magistrates could neither condemn as bad or unwholesome.

Your Committee find that formerly at out quarters much dissatisfaction did exist and disputes between the officers commanding and the wine farmers, latterly nothing of that nature has taken place, and the best understanding has existed. The wine offered to the military in Cape Town and in fact the whole domestic police of the cantines is submitted to the town major, in the out posts to the commanding officer, and the wines have been changed if objected to, and therefore practically no evil, dispute or inconvenience, has latterly existed or taken place, but it occurs to your Committee that in the future contracts with the wine farmers such a contingency should be guarded against, and a clause introduced in the contract, that if the wine farmer persisted in offering a wine which could not be condemned as bad or unwholesome by the civil magistrate, and yet was disapproved of by the soldiery and their officers, that your Excellency, or the governor for the time being, should have a power to name proper persons to decide upon such a state of things, and direct what in your discretion appeared proper.

No other inconveniences or evils from the present system having occurred to your Committee, from the best consideration they have been able to give the subject, they do not conceive the evils and inconveniences to be such as to render the alteration of the

system necessary as immediately expedient, whatever it may be in future when other sources of revenue may offer.

In reply to your Excellency's second query, the Committee are of opinion that no equal or nearly equal revenue could be collected from the consumption of wine, that would not prove more oppressive to the inhabitants and less popular.

In reply to the third query, the Committee are of opinion that the introduction of an excise system, which occurs to your Committee as the only substitute capable of extending itself over the consumption of so scattered and dispersed a population spread through such an expanse of territory, would be more unequal than the present system, attended with an expence in the collection not easily calculated, and ultimately not productive of the same net revenue to the treasury produced by regulations and taxes the people have been long accustomed to, submit to, and pay.

In reply to your Excellency's fourth suggestion, we beg leave to recapitulate what we have stated as to amendments and alterations with some additions.

1st. We conceive it wiser to add to the tax upon wine consumed by the wealthier inhabitants, than to diminish that which is paid by the lower class of consumers.

2ndly. We are of opinion to guard against dissatisfaction in the soldiery the clause or reference to your Excellency's appointees in case of continuing disagreement between the military and the wine farmer should take place.

3rdly. Your Committee are of opinion that as the foreign wine farm is not of vital importance to the revenue of the colony, the experiment might be advantageously made of discontinuing that farm and opening the retail trade of foreign wines and beer to each and every person willing to pay for the licence two hundred rix-dollars.

4thly. Your Committee are of opinion that at each drostdy the retail sale of wine and home brandies should be farmed out, with a permission also to retail European wines and beer.

Your Committee are further of opinion that the retail sales of wines, spirits, and beer should be farmed out at all military establishments, but to be placed under the superintendance and controul of the officer commanding the troops where no landdrost or deputy landdrost resided.

In case of their residence, to be subject as usual to their inspection and the existing regulations.

There occurs nothing further to your Committee, and we humbly beg to request if anything suggest itself your Excellency will have the goodness to point it out to your Committee, and enable us to execute according to the best of our abilities the services your Excellency expects from the Committee.

(Signed) { H. ALEXANDER,
W. S. VAN RYNEVELD,
J. A. TRUTER,
C. BIRD,
F. W. FORSTER.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 13th July 1812.

SIR,—I am to acknowledge the receipt of your dispatch No. 19, from which His Majesty's Government have learnt with great Concern that the small Pox has made its appearance at Cape Town. Intelligence to the same effect had been previously received from Admiral Stopford.

As it is of the greatest importance that the health of His Majesty's Subjects should not be endangered by the Practice of Portuguese Slave Vessels stopping at the Cape, and that no facilities whatever should be granted to those concerned in carrying on the Traffic in Slaves, I am to signify to you the Commands of His Royal Highness The Prince Regent that you do issue a Proclamation interdicting the intercourse of Slave Ships of whatever Country they may belong to with any part of the Settlement under your Government.

Lord Strangford, His Majesty's Minister at the Court of Brazil, has been instructed to notify to that Court that it was His Royal Highness's intention to give Instructions to the above effect.

I have, etc.

(Signed) BATHURST.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the destruction of worn out and defaced paper money. Similar to many preceding.

16th of July 1812.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, 21st July 1812.

MY LORD,—I have the honor to lay before your Lordship the defective state of the Church Establishment of this Colony, as far as respects the Dutch inhabitants.

It seems impossible without having recourse to Europe to supply the situations at present vacant, and from the infirm state of health of several of the actual incumbents further vacancies must soon arise.

It cannot but afford great satisfaction to observe the increasing inclinations of the people for the extension of all the clerical duties, and the ardor with which the most distant settlers solicit the erection of churches and places of worship, a subject that I have lately had the honor to submit to the notice of your Lordship.

I may therefore say that we shall be most happy to receive six additional clergymen.

I beg to further submit to your Lordship that I found it absolutely necessary to augment the salaries of the Ministers in the Country Districts (those in Town having some exclusive advantages) from 1000 Rds. to 1500 per annum, to enable them to support with becoming credit their station, and even with this addition the object is not sufficiently attained. It is not so much the higher prices of all European commodities as the extraordinary charge of labor, and the purchase of slaves is at present out of the reach of all persons who do not possess considerable funds of their own.

The income of the Dutch clergymen may now be estimated at

£300 per annum Cape currency, or upon the average of £200 sterling. To this may be added the advantage of a house and generally the annexation of what may be styled some glebe land.

I have, &c.

(Signed) J. F. CRADOCK.

[Annexure.]

List of the Clergymen belonging to the Reformed Church at present in the Settlement.

	Rds.
Revd. C. Fleck . . . Cape Town . . .	2000
von Manger . . . do. . .	1800
Borcherds . . . Stellenbosch . . .	1500
Gebhardt . . . Paarl . . .	1500
Ballot . . . Tulbagh . . .	1500
Schutz . . . Swellendam . . .	1500
Vos . . . Zwartberg . . .	1500
Kicherer . . . Graaff Reinet . . .	1500
Scholtz . . . Zwartland . . .	1500
Herholdt . . . George . . .	1500

Wanting one for Cape Town,
one for Uitenhage,
one for Simon's Town,
one for Stellenbosch.

The clergymen of Tulbagh and the Zwartberg are in so infirm a state of health that their lives are considered to be extremely precarious.

(Signed) J. F. CRADOCK.

DOWNING STREET, 21st July 1812.

Passport to Mrs. Le Febore and Daughter to go to the Cape.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint a Commission, consisting of the following gentlemen, with power to put up to auction, and farm out to the highest bidder, the wine and brandy licences for the ensuing twelve months, commencing from the first of September.

The particulars of the contracts may be seen both at the Colonial Secretary's and the Fiscal's Offices.

Names of the Committee :

J. A. Truter, Esq., His Majesty's Fiscal, F. Dashwood, Esq., Receiver General, C. Brand, Esq., Collector of Tythes, and J. P. Baumgardt, Esq., Receiver General of Land Revenue.

The auction will be at the Burgher Senate House, on Saturday the 15th of August next, at 9 o'clock in the morning.

Castle of Good Hope, 24th July 1812.

By command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Office Copy.]

Letter from LORD BATHURST *to* SIR JOHN CRADOCK.

DOWNING STREET, 27th July 1812.

SIR,—Your Letter with the proceedings of the Court of Justice in the Case of Mr. Venables has been submitted by my direction to the Consideration of the Lords Commissioners of the Treasury, and I now transmit to you a Copy of a Letter from Mr. Harrison, dated the 21st Instant, stating that their Lordships are of opinion that Mr. Venables has a Claim to the favorable Consideration of His Majesty's Government, and that it may not be improper to remit His Majesty's Share of the Fine. I am therefore to desire that your Conduct in this respect may be governed accordingly.

I have, etc.

(Signed) BATHURST.

[Original.]

Letter from LORD CHETWYND to ROBERT PEEL, ESQRE.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
WHITEHALL, 28th July 1812.

SIR,—The Lords of the Committee of Council for Trade having had under their consideration the copy of a dispatch from Sir J. Cradock, Governor of the Cape of Good Hope, (transmitted in your letter of the 20th December last) containing some observations on the subject of the regulations proposed by this Committee for the trade to and from that settlement; I am directed to acquaint you for the information of Earl Bathurst that the Lords of this Committee have nothing further to offer with respect to the duty on publick sales. Neither have they any further opinion to offer on the important point respecting the management of the land revenue of that settlement, until they shall have received the information which is collecting by Sir John Cradock. This observation applies also to the tythes as forming a part of the land revenue.

The Lords of the Committee are satisfied with the governor's explanation respecting the proceeds of the grain commission, and approve of the measures he has adopted respecting a magazine for corn.

It does not appear to be necessary that anything further should be said on the subject of wine licences, as the governor is carrying into effect the recommendation of this committee in that respect.

On the rent of the mill no observation is necessary.

It is very satisfactory to their lordships to find that their recommendation respecting the mode of taking the duty *ad valorem* on foreign goods imported has been adopted, and that the revenue derives great benefit from it.

The suggestion of a *moderate* duty on British goods imported into the Cape seems to their Lordships to be unexceptionable, if attentive care be taken that it shall in no instance be so high as to occasion a diminution in the consumption of those articles.

The instructions for the conduct of the officers of the customs are herewith transmitted, they have been carefully considered by the commissioners of the customs as well as by the Lords of the Committee, and observations are made thereupon, with a view of

rendering them effectual for the purposes intended; their Lordships trust therefore that they will be found sufficient for the guidance of the officers at the Cape. And they do not think it necessary to add anything to their former observations as to the expence of that department.

If Sir John Cradock should have any further observations to make respecting the serious inconvenience experienced from enforcing the restrictions under the charter of the East India Company, beyond those stated in the extract of his letter to Mr. Willimott of the 10th of December 1811, it would be desirable that he should communicate them with the least possible delay.

I am to add that the Lords of the Committee have referred to the East India Company the restrictions alluded to, with a request that they will communicate what may occur to them thereupon.

I am, Sir, etc.

(Signed) CHETWYND.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 29th July 1812.

SIR,—Your letter of the 18th December last with the several returns of Imports and Exports into and from the Cape of Good Hope therein transmitted having been submitted to the consideration of the Lords of the Committee of Council for Trade, I herewith enclose the copy of a letter which has been received from Lord Chetwynd, dated the 28th Inst., by which it appears that their Lordships are satisfied that the measure which has been adopted by the Order of Council of the 1st October 1811 for restricting the Trade to the Cape of Good Hope to British Ships was requisite in consequence of the number of Foreign Ships employed in that Trade. I have, etc.

(Signed) BATHURST.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 29th July 1812.

SIR,—I have the honor to acknowledge the receipt of your letters of the 23rd January and 7th of March reporting the further proceedings which had taken place against the Caffre Tribes.

I entirely concur in the opinion which was expressed by my Predecessor in this Department in his letter of the 20th December last, on the impolicy of Systematic Warfare with that people, and I fear that there will be little cause to rejoice at the success of your attempts to expel them from the Tract which they occupied if the permanent employment of a regular Force is required to secure the recovered land from further irruption.

The operations against the Caffres were undertaken at an early period after your arrival in the Colony, but I feel assured that you would not have sanctioned them unless you had not only received the most satisfactory proof that the Caffres had no Claim or right to the Territory which they have occupied, but also unless there was ground for supposing that the occupation by Right or indulgence was injurious to the Colony.

Under the circumstances of extended Warfare in which this Country is engaged, and with the urgent necessity which there exists of making every reduction of Military Force in our distant possessions consistent with their Security, His Majesty's Government would have been most anxious that the whole of the Troops under your Command should have been left entirely disposable for the defence of the Colony from external attack; and had they foreseen the probability that so large a proportion of them would be required in the service in which they are now engaged other considerations independent of the nature of that service would probably have led them to deprecate the commencement of the present hostilities.

It would be impossible for me at this distance even with the most minute local information to give any Instructions in regard to the mode of conducting Operations against the Caffres or to prescribe the period at which they had best be brought to a Close. I can only assure you that it will give me great satisfaction to

learn that you have been enabled to terminate them with a fair prospect of permanent Tranquillity in future.

If so desirable an object cannot be secured without restoring to the Caffres some part of the Land from which they have been expelled, it would not perhaps be inconsistent with sound Policy to make the Sacrifice if it will not interfere with the rights of other Individuals.

I cannot too strongly recommend to you to take every precaution that the Powers which have been intrusted to the Agents whom you have employed be not abused, and that no unnecessary Acts of Severity be committed.

They would inevitably tend to produce an irritation and desire of Revenge in the Sufferers, which must oppose the greatest obstacles to complete reconciliation.

I have learnt with great pleasure that you have directed that the Cattle which has been taken from the Caffres should be restored to them, and that Grain should be distributed in order that they may be enabled to commence the Cultivation of their own Country. I have, etc.

(Signed) BATHURST.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it has been represented to me that great inconvenience to the public arises from the present mode of farming the retail of the European wines and beer, by which the keepers of taverns, storekeepers, and others, are precluded from vending wines or beer by retail, or in smaller quantities than eighty bottles, unless upon payment of an arbitrary compromise to the farmer of the licence.

And whereas it appears to be expedient to alter and amend the system of the wine farm, in as far as this branch thereof is concerned: Be it therefore hereby made known and directed, and it is hereby ordered, that from and after the 31st day of the ensuing month of August, on which day the present licence to the farmer of the retail of foreign wines and beer will cease and determine, it shall and may be lawful for each and every person, residing in Cape Town, who may be inclined so to do, to vend his or their foreign

wines or beer by retail or in smaller quantities than eighty bottles in the mode best adapted to his or their conveniences, provided each person so dealing take out annually a licence for that purpose, at the colonial secretary's office in the castle, upon a stamp of 200 Rds., which licence will entitle the holder to vend foreign wines or beer by retail, or in smaller quantities than eighty bottles, from the first day of September next ensuing, until the 31st of August of the following year; and it is hereby also provided, in order to prevent the frauds upon His Majesty's revenue which might otherwise take place, that if any person or persons shall be detected selling foreign wines or beer by retail, or in smaller quantities than eighty bottles, (except in packages containing a less quantity, which having been imported from Europe or elsewhere, shall not have been opened subsequent to such importation,) without the licence upon a stamp of 200 Rds. as herein above specified, such person or persons shall be prosecuted by His Majesty's fiscal, and be liable, if convicted, to a penalty of three times the value of the stamp of 200 Rds. in question, which penalty shall be levied and accounted for in the manner usual in this settlement.

And it is hereby further made known that in future and until further order, the licence for vending foreign wines and beer in the other districts shall be attached to the licence for selling Cape wines, and put up to farm therewith, according to usual custom.

Given under my hand and seal, at the Cape of Good Hope this 31st day of July, 1812.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from R. PEEL, ESQRE., to SIR JOHN CRADOCK.

DOWNING STREET, 4th August 1812.

SIR,—Since Lord Bathurst's recommendation of Mr. Turr for the Rectorship at the Cape of Good Hope I have received a letter from Mr. D'Escury, an extract of which I enclose for your information, with a Copy of the Memorandum referred to, as his Lordship is desirous you should be in Possession of it; at the same time the very strong representations which Lord Bathurst has

received in favor of Mr. Turr induces him to hope that his appointment will be productive of great benefit to the Colony.

I have, &c.

(Signed) R. PEEL.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE TOWN, *August 4th 1812.*

MY LORD,—In compliance with your Lordship's instructions of April 22nd 1811, communicating to me the opinion of the Lords of the Committee of Council for Trade and Plantations, in their deliberation of the 18th March, upon the inexpediency of continuing the wine license, as it exists at present in this colony, I have given to this subject the best consideration in my power, and as the contract was not to expire till the last day of this month, full time for its examination in all points of view could take place.

As a sixth part of the income of this colony, the question of its abolition must of course, in a very limited revenue, demand the most cautious proceeding, and even any alteration in the existing system would require the closest attention to all the possible effects and consequences it might produce in so material a source of profit.

Independent of all financial objects, the consideration seemed to extend itself to many other points connected with the whole view of the wine concerns of this colony, which your Lordship knows, under the limitations and restrictions that prevail over the trade, are perhaps the only foundation, upon which the wealth, or prosperity of this settlement may rest.

Upon this general subject a great variety of opinion subsists, and putting the actual source of revenue to government, or supposed inconveniences out of view, it was quite necessary to investigate, whether the interests of the farmers and planters were affected, or the whole culture of the wine did not suffer, through the monopoly that prevails from the present contract.

I was the more impelled to ascertain these facts from the feeling, that I had done everything in my power to advance the wine interests since my arrival, and the hope I entertain, that this valuable and indeed sole branch of commerce has been much benefitted by the regulations adopted.

I, now beg to call your Lordship's particular attention to the two papers, Nos. 2 and 3 by Lt. Col. Foster and Mr. Truter, His Majesty's fiscal.

To the former, a gentleman in my family, I am most indebted for the very clear and excellent view he has given of the subject, which, if it had been judged expedient to pursue the abolition, would at the same time have afforded the best chance of preventing a loss of revenue, under circumstances perhaps of general advantage, rather than pressure, upon the public at large.

In the latter paper Mr. Truter, with much perspicacity and strong reasoning, supports the present, and argues that while it is so material a source of revenue, it is neither injurious to the wine farmer, nor productive of any real grievance.

Finally, to give myself the most complete satisfaction, I directed a Committee to revise the whole case, for it had often undergone the investigation of both Dutch and English Administrations, and I now have the honor to transmit their report to your Lordship, which influences me to continue the contract for another year, before the expiration of which period I may have the benefit of receiving your Lordship's further commands.

I have adopted the amendments suggested by the Committee and with particular pleasure rescinded the restrictions upon European wines, as the existing regulation in connecting them with those of the Cape bore extremely hard upon the tavern and hotel keepers, and much injured the proper accommodation of strangers and visitants, a point of some importance in a place that it is presumed may become of great resort in the extension of the trade to the East Indies.

I have only to add that your Lordship will observe, the Committee are sensible how unfair it is that all the higher classes of society consume wine without any tax, and that the profit of the present contract can only arise from the charge imposed upon all the lower orders.

It may not be advisable to reduce the price of liquor, as it is so intimately connected with the morals and conduct of the

people, but still it appears just that the richer persons should pay their share, and it will form a proper subject for encrease of revenue on a future day; but upon this, and other subjects of a similar nature, the greatest care must be taken, when prejudices and old proceedings are to be touched upon. I have etc.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

His Excellency the Governor and Commander in Chief is pleased to notify and direct that the present Head Quarter Cantonment of the Cape Regiment, situated in the Zuure Veld, which is also to be the future Residence of the Deputy Landdrost of Uitenhage, shall be henceforward designated, and only acknowledged, by the name of Graham's Town, in testimony of His Excellency's Respect for the Services of Lieut. Colonel Graham, through whose able exertions the Kaffer Tribes have been expelled from that valuable District.

Castle of Good Hope, 14th August 1812.

By Command of His Excellency the Governor.

(Signed) H. ALEXANDER, Secretary.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, 15 August 1812.

MY LORD,—It is with the greatest concern I have to communicate to your lordship the sudden decease of Mr. Van Ryneveld, president of the court of justice of this settlement.

This melancholy event took place yesterday, and the immediate departure of the *Kingston* Transport prevents my pursuing a subject that would require more time to do it justice.

I can only, at present, faintly describe the grief of all ranks of persons in this town, and to assure your lordship, that his Majesty

had not a more loyal subject, and that his excellent abilities and eminent character were ever devoted to the establishment of the British interests.

His qualifications were so various in the discharge of his public duties, and so equally exerted in the promotion of every Dutch and English object of advantage to the colony, that I may say it will be impossible to repair his loss. I have, etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, August 15, 1812.

MY LORD,—I avail myself of the return of the *Kingston* Transport to forward to Your Lordship twenty-five Aams of Red and twenty-five Aams of White Constantia Wine. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, August 15, 1812.

MY LORD,—Together with the accounts of the Receiver General for the months of January, February, and March last, I have the honor to transmit the several Proclamations and Government advertisements issued since the 1st November 1811. I have, &c.

(Signed) J. F. CRADOCK.

[Office Copy.]

Letter from LORD BATHURST to SIR JOHN CRADOCK.

DOWNING STREET, 24th August 1812.

SIR,—Your Dispatch of the 18th October 1811 having been communicated to the Lords of the Committee of Privy Council for

Trade and Foreign Plantations, I herewith transmit for your information the Copy of a letter from Lord Chetwynd, dated the 28th Ultimo, containing Observations by the Lords of the Committee upon several of the Points to which you had adverted principally connected with the Commerce and Revenue of the Settlement under your Government. I am, &c.

(Signed) BATHURST.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint D. Denyssen, Esq., His Majesty's Fiscal in this Settlement, in the room of J. A. Truter, Esq.

Castle of Good Hope, 28th August 1812.

By Command of His Excellency the Governor.

(Signed) HY. ALEXANDER, Secretary.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint J. A. Truter, Esq., Chief Justice and President of the Orphan Chamber.

Castle of Good Hope, 28th August 1812.

By Command of His Excellency the Governor.

(Signed) HY. ALEXANDER, Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the creation of new pieces to exchange for worn out and defaced paper money. Similar to many preceding.

1st September 1812.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, September 3rd 1812.

MY LORD,—I have the honor to submit to your Lordship a memorial from Mr. Gie, a very respectable Dutch gentleman in this town, in behalf of his wife's sister and daughter, that they may receive permission to return to this settlement.

Mr. Gie holds an employment under this government, and I have reason to believe that he and his family are well disposed to the British interest.

If therefore no direct objection arises from the late residence of Mrs. Gie and her daughter in France, as their detention in England will reduce them to the greatest distress, I humbly recommend that they may receive your Lordship's permission to return to this colony. I have, etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE OF GOOD HOPE, September 9th 1812.

MY LORD,—I have the honor to submit to your Lordship a memorial from Mr. Zorn, the Landdrost of the Cape District, praying that his stepson, Mr. Hendrik Cloete, with his family,

should they reach England, may be permitted to return to this Colony.

I can with pleasure assure your Lordship that Mr. Zorn is a very meritorious Magistrate, and that I entertain the best opinion of his loyalty and that of his family.

If therefore no objection arises from circumstances known at home, none can prevail here against the return of this gentleman.

I have &c.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from HENRY ALEXANDER, ESQRE., *to* P. J. TRUTER, JUNIOR, ESQRE.

SECRETARY'S OFFICE, *September 10th 1812.*

MY DEAR SIR,—I have the greatest possible satisfaction in informing you His Excellency has out of respect to your character and in consequence of your connection with Mr. Barrow, to whom he feels himself under obligation, consented to waive some objections which had occurred to your appointment as made by the Treasury of England. He has directed me to make out your Commission as usual and to swear you into office, and your pay is to commence from the day you presented the Treasury Warrant.

I have, &c.

(Signed) HENRY ALEXANDER.

[Original.]

Letter from SIR JOHN CRADOCK *to the* EARL OF LIVERPOOL.

GOVERNMENT HOUSE,
CAPE TOWN, *September 11th 1812.*

MY LORD,—In my letter of the 15th August I had the pain of communicating to your Lordship the death of Mr. Ryneveld, president of the Court of Justice.

His high character has been so universally acknowledged by

every person concerned in the affairs of this colony, and his devoted attachment to the British connection at the times most dangerous to evince such a disposition, so distinguished, that I have not occasion to further describe the loss the colonial government sustains.

It only remains for me to lay before your Lordship that the late Mr. Ryneveld enjoyed a pension of £500 sterling a year, which I understood was granted to him by Sir David Baird, immediately upon the late capture, as the avowed reward of his tried loyalty and uninterrupted adherence to the English interests. And I am further informed that this grant was the result of the united representations of Lord Macartney and Sir David Baird to his Majesty's ministers.

Mr. Ryneveld has left a widow and eight children in not more than moderate circumstances, but however strong the plea that descendants of so excellent and distinguished a man should not fall below the sphere in which they have begun their life, yet I beg to humbly represent that I solicit the revival of his pension to the widow, upon the ground of permanent advantage to the English interest in this colony, where it is especially necessary to mark that similar attachment and equal services to those of Mr. Ryneveld will not fail to meet their full reward, and even further, that the justice and liberality of the British government, as a memorial of their acknowledgement, will not suffer the family of such a person to sink into oblivion.

I have the honor to submit to your Lordship that I have appointed his Majesty's fiscal, Mr. Truter, to succeed Mr. Ryneveld as Chief Justice; and that I have selected Mr. Denyssen, a Dutch lawyer of the first eminence here, and of the most approved character, to replace Mr. Truter as fiscal. I have etc.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE TOWN, *September 11th 1812.*

MY LORD,—I take the liberty to present to your Lordship Lt. Col. Graham, who has lately been employed upon the Frontiers

of this Colony as commanding officer and civil commissioner in the hostile measures I was obliged to direct against the Kaffer tribes who had for a length of time made such advances into His Majesty's territory and driven the inhabitants from their lands and dwellings.

I feel under the greatest obligation to Col. Graham for his exertions and the complete success which attended all his measures, and as they were conducted with a moderation and humanity that does him and the united force under his command of the Dutch commandos and His Majesty's troops the highest credit, I cannot express myself too forcibly in their praise.

I shall consider myself much indebted to your Lordship if you will ask of Lt. Col. Graham his general opinion not only upon this subject, but upon every other that may affect this Colony, as from his long residence and various qualifications I do not know any person who can give your Lordship better information upon all subjects.

It had been my wish to have detained Col. Graham, and placed him on the Frontier in a united civil and military situation that would equally have effected what still remains to establish: the prevention of the return of the Kaffer tribes, and also to ensure and maintain all that order and good conduct among the remote Dutch settlers that I am willing to believe begins to prevail and gain much ground, but which will again be lost, unless constant exertions are employed to keep alive the present control and regulations.

Should Colonel Graham return to this Colony, I know of no person so capable of filling such an appointment, which I deem of the highest importance in this extensive settlement. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from SIR JOHN CRADOCK to the EARL OF LIVERPOOL.

GOVERNMENT HOUSE, CAPE OF GOOD HOPE,
September 11th 1812.

MY LORD,—I cannot suffer a person of Col. Bird's experience and information upon every circumstance that concerns this

valuable Colony to visit England without requesting of your Lordship to permit him to give his opinion upon the various subjects that may arise during his stay in that country.

I have deprived myself of Lt. Col. Bird's assistance and services with the greatest regret, but I could not refuse a temporary leave of absence to a person who represented to me the urgency of his private affairs, and who had, for such a lengthy period, conducted all the important and confidential duties of his office with so much ability and singular advantage to His Majesty's Government.

Lt. Col. Bird is in possession of all my ideas and wishes upon the points which I humbly hope may prove of permanent advantage to this Colony, and whatever he may submit to your Lordship will be certain of my most zealous cooperation. I am more than commonly anxious that the general subject of the tenures of the lands of this Colony should receive the benefit of his personal explanation. From the numerous applications it increases every day in importance. I have, &c.

(Signed) J. F. CRADOCK.

[Original.]

Letter from R. WILLIMOTT, ESQRE., to H. GOULBURN, ESQRE.

LONDON, 11th September 1812.

SIR,—Referring to the instructions which I received from His Majesty's secretary of State for the colonies on the 6th August and 21st November 1811, authorizing me to pay the bills of the contractors for the cast Iron water pipes furnished for the Cape of Good Hope, upon the same being certified by Mr. Rennie who had been employed in planning and superintending the construction of the works for supplying Cape Town with water, I have the honor to report to you, for the information of Earl Bathurst, that the whole of this service has been completed; and I now enclose the account thereof, in which is stated on one side, the total amount of the expence attending it amounting to the sum of £17,358. 6. 8½ including Mr. Rennie's charge for his trouble and expences, and on the other the sums received from the Cape Government, and from His Majesty's Treasury.

It will appear from this account that I have already paid £15,668 16. 7. out of the sum of £16,000 received by me for this service, leaving a balance in my hands of £331 3. 5., and that there still remains unpaid the sum of £1689 10. 1.

I am to request you will be pleased to lay this account before Lord Bathurst, and submit the expediency of authorizing the further issue to me from the treasury of £1358 6. 8½ net, being the sum which is required to complete the payments for the service in question. I have, etc.

(Signed) ROB. WILLIMOTT, Col. Agent.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to direct that on Sunday the 11th of October next, in all Churches within this Settlement, Thanksgiving shall be given to the Almighty God for His merciful interposition in protecting this People from the further ravages of the Small Pox, and for the speedy termination of an Evil which threatened such terrible consequences.

Castle of Good Hope, 11th September 1812.

By Command of His Excellency the Governor.

(Signed) HY. ALEXANDER, Col. Secretary.

DOWNING STREET, 12th September 1812.

Passports for Mr. Christian Wentzel and Mr. Christian G. Wentzel to go to the Cape.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Concerning the destruction of worn out and defaced paper money. Similar to many preceding.

18th of September 1812.

[Copy.]

Letter from CHIEF JUSTICE TRUTER to SIR JOHN CRADOCK.

CAPE TOWN, the 17th September 1812.

SIR,—In compliance with your Excellency's desire, the important subject of your Excellency's letter of the 30th May last, respecting the manner in which Christianity could be extended among the slaves here with more success, and of removing the principal obstacle, namely that, agreeably to the Dutch Laws, the property of the master is affected by the slave becoming a Christian, has been taken into serious consideration by the late Mr. Van Ryneveld and myself, the result of which I now have the honor to lay before your Excellency.

I shall not here speak of the beneficial influence which the Christian Religion has on all classes of men, and consequently on slaves also, otherwise ranked among the unfortunate. This from the nature of the case needs no demonstration.

As soon as Christianity has a good influence on the character of the free, if these become more useful for themselves and for others, then it cannot fail to have the same effect on slaves, towards rendering them even in their humiliating situation useful members of society. The true interest of the master is therefore to have *Christian* slaves, that is those who cordially embrace the Christian religion, and who therefore become faithful slaves. And in this respect the interest of the Master is the same as that of Government, whose principal object is the real happiness of each subject in his relative situation in life.

It has appeared to us the same as to your Excellency, that the present circumstances of this Colony with respect to Christianity among the Slaves are neither adapted to encourage the master to make a Christian of his slave or to spur the slave himself to embrace the Christian faith with sincerity, and thereby become a true Christian.

Agreeably to the Statutes of India, the law of the Colony in that respect, the master is obliged, as far as possible, to instruct his slaves in the Reformed Religion, but by the Batavian Resolution of the 10th of April 1770 it is further prescribed that "slaves who have been catechised and confirmed in the Christian religion shall not be sold." By this means the master on the one side is

deprived of the free disposal over his slave who becomes a Christian, and therefore he, considering only his own interest, is induced if not to prevent the improved state of his slave, at least not to promote or to oppose it indirectly. On the other side also the slave thereby acquires the inclination, or is at least tempted to become a Christian, rather with the prospect of improving his state in Society than from a true principle to embrace the Christian faith for the promotion of his eternal welfare.

Neither the late Mr. Van Ryneveld nor myself could deduce from the true principles of our religion why a slave here cannot be a *slave* and at the same time a *Christian*. Why cannot a slave exercise the duties of his religion just as well as his Master, enjoy all the comforting influence thereof, and notwithstanding do his duty to his master and the public?

On a retrospect to the reasons why such regulations have been prescribed by the law, we find the same as in the Resolution of the 10th of April above mentioned to consist herein: "that it tends to the disrespect and decline of Christianity in the eyes of the heathens and Mahometans, and especially does not encourage them from recanting from their faith and embracing the Christian Religion."

It has appeared to us that the reason of this law at the place where it was made may be considered as peculiarly adapted to answer the object intended, but that those reasons do not exist here, and that even a contrary effect is produced in the good intentions which that law had in view.

In the island of Java and most of the settlements there the Mahomedan religion prevails, or one is generally surrounded with heathens, who all, belonging to one or other of the Indian castes, embrace the faith of that caste to which they belong.

The object of the law therefore was to draw such from that religion, and as far as possible to bring them to Christianity.

Besides this the value of a slave there is not of consequence, and is in the real sense of the word considered as a mere trifle. Here on the contrary the reformed religion universally prevails, with the exception alone of the Town among the free Javanese and some who have originally in their own country embraced the Mahomedan religion, and who, having arrived here in the principles of that faith, use their endeavours to persuade their posterity and their friends to the same belief. With the exception

of those, the greatest part of the people here are Christians, and the general principles of the Christian religion are, for as far as circumstances will allow, universally propagated in the country, at least there is not an opportunity of any other religion being exercised there.

In the mean time, by the abolition of the slave trade, and the increase of industry and agriculture, the value of a slave here has become so great that it is now an essential object to the Master. Each healthy and robust slave is considered on an average as equal in value to eight slaves in India. This certainly is important in itself for the state of the slaves, the Master is thereby obliged to treat them well, to feed and clothe them properly, and to pay attention to them in sickness, to bring up the children with care, and to see that they grow up healthy and strong, all of which counteracts any inclination to lose them untimely; so that certainly the so called slavery here is at present hardly more than the name, and their real state is in many respects far better and more comfortable than that of many of the free poor classes in the civilized countries in Europe.

From this it follows that a slave and the entire disposal over him, agreeably to the law, can by no means be so indifferent to the Master here as in India, and that therefore the loss of this free disposal by bringing the slaves to Christianity with most of Masters from their nature cannot be considered any otherwise than if they had lost them by sickness, inability to work, or any other natural cause.

Few masters consequently have any inducement thereto, and many from motives of self interest either directly or indirectly oppose it, besides also that the above mentioned law, as has already been said, frequently induces slaves not from the sincere principles of conscience, but with a view of the more easily attaining their freedom, and consequently from a wrong principle, to embrace the Christian religion or to make it serviceable to their views.

I am therefore, the same as my late esteemed friend was, of opinion, with due submission to your Excellency's more enlightened judgment, that the circumstances of this Colony, with respect to the promotion of Christianity among the slaves, are not on a parallel with the reasons which induced the Government of Batavia to the introduction of the restrictions in the property of slaves there who might become Christians, and that therefore the

abolition of those restrictions at this place will just have that effect which their introduction was intended to produce, namely that slaves who embrace the Christian Religion will not do so from any *by views*, but in the sincerity of their hearts, and who will consequently become good Christians, and further that the master not being exposed to any danger of losing his property in the slave by bringing him up to Christianity, not only will not throw any obstacles in the way, but will even endeavour from motives of self-interest to improve the morals of his slaves by religion, and therefore will do every thing in his power to attain the liberal and religious object of your Excellency. I have &c.

(Signed) J. A. TRUTER, Chief Justice.

[Copy.]

Government Advertisement.

Notice is hereby given to all Landdrosts, Deputy Landdrosts, and others in Authority, that the Commandos of every description now stationed, or to be stationed hereafter, in the Frontier Line, and co-operating with His Majesty's Forces in the general Defence of His Majesty's Territories, are to place themselves at the Disposal, and to obey the Orders, of Lieut. Col. Lyster, of the Cape Regiment, or such other Senior Military Officer as may be in Command of the Forces in advance.

Castle of Good Hope, 18th September 1812.

By Command of His Excellency the Governor.

(Signed) HY. ALEXANDER, Col. Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas experience, during the last contagion of the small pox has confirmed in the most convincing manner the inoculation of the cow pox, under the blessing of Divine Providence, is not only a safe, but the only remedy to preserve this colony from the ravages

of that dreadful disorder ; and whereas the prejudicial consequences of that disease must have an essential influence on the increasing prosperity of this colony, I have therefore judged proper, for the better security of the continuance of the vaccine matter, over and above the regulations prescribed by the Proclamation of the 23rd April, 1811, further to order and direct, as I hereby order and direct accordingly :

1. That the wardmasters shall not only, agreeably to the 10th art. of the said proclamation, keep a register of the names of all children successively born in their respective wards, but shall besides be obliged to forward every month an accurate list from the same to His Majesty's Fiscal, for the purpose of keeping a proper register thereof in his office, and in order the better to ensure the effect of this regulation, every housekeeper, or head of a family, shall be obliged to report to the wardmaster, within the space of 48 hours, the birth of every child, on a penalty of 100 Rds. for each offence.

2. That His Majesty's Fiscal shall from time to time require such a number from those children as the vaccine committee shall think necessary should be vaccinated, which requisition every person shall be obliged punctually to comply with, on pain of being considered as opposers of the orders of government, and as such punished according to law.

3. That every person shall be obliged, under a like penalty, to produce his or her child, the 8th day after the operation has been performed, to the vaccine institution, at their usual place of meeting, for the purpose of being examined and registered, as also should it be deemed necessary, to take the matter from such child for the further vaccination of others.

4. That, agreeably to the 2nd art. of the said Proclamation of the 23rd April 1811, no person whomsoever, excepting the said Committee, unless expressly authorized by me, shall be at liberty to inoculate, under the same penalty of five hundred Rds. as is prescribed by the Proclamation of the 24th April 1807 against practising as a doctor, surgeon, or apothecary.

5. That in case any person may be hindered by unforeseen circumstances from complying with the orders contained in the 2nd and 3rd articles, such persons shall be obliged to address themselves to His Majesty's Fiscal, by whom, after due examination, and with the concurrence of the vaccine committee, the impediments stated

shall be removed as far as possible, if found to be grounded, or otherwise such arrangements be made as they jointly shall deem reasonable, so as not to evade the intention of this proclamation.

And that no person shall remain ignorant of what is intended by these presents for the public good, it is further directed that this Proclamation shall be published and affixed in the usual manner.

Given under my hand and seal, in the Castle of Good Hope, this 25th day of September 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Letter from MAJOR LYSTER *to* LIEUTENANT COLONEL REYNELL.

GRAHAMSTOWN, *September 30th* 1812.

SIR,—It is with real satisfaction I have to report the recent good conduct of one of the Kaffir chiefs, which I think evinces a strong wish to conciliate our good will. A few days ago young Congo sent out two horses and fifty-two head of Oosthuisen's cattle, accompanied with a message saying he was employed in collecting the remainder, which he would send us in the course of ten days, together with the Hottentots who fired at and wounded one of the guard, and also the two stand of arms which were taken on that unfortunate occasion. I know not what dependance can be placed in their promises, but this beginning looks well.

I am happy to add that for the last month I have not heard of a single depredation having been committed by any of the other hordes. I have etc.

(Signed) T. LYSTER, Major Cape Regiment.

[Original.]

Letter from THOMAS LACK, ESQRE., *to* H. GOULBURN, ESQRE.

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
WHITEHALL, *30th September* 1812.

SIR,—I am directed by the Lords of the Committee of Council for Trade to transmit to you, for the information of Earl Bathurst,

the inclosed Copy of Their Lordships' Minute of the 23rd Instant, on the subject of the Papers transmitted in Mr. Peel's Letter of the 6th August last, respecting the Tenure of Lands at the Cape of Good Hope.

The Papers which accompanied Mr. Peel's Letter being in original are herewith returned. I am, &c.

(Signed) THOMAS LACK.

[Enclosure in the above.]

AT THE COUNCIL CHAMBER, WHITEHALL,
the 23rd September 1812.

By the Right Honourable the Lords of the Committee of Council appointed for the consideration of all matters relating to trade and foreign plantations.

Read: Letter from Robert Peel, Esq., transmitting the copy of a dispatch from Sir John Cradock dated 4th March last, upon the subject of land tenures at the Cape of Good Hope, with the enclosures therein referred to.

Read also the opinion of His Majesty's advocate general, on a question referred to him, whether under the terms of the capitulation on the surrender of the Cape to His Majesty, and consistently with the law of nations, an alteration may be made under His Majesty's authority, of the tenure of lands in that colony, previously to a definitive treaty of peace.

Their Lordships have given this subject the best consideration in their power, and it appearing from the opinion of His Majesty's advocate general, that such change of tenure, altho' subject to the inconveniences he set forth, is not illegal, they are led to view the question of adopting Sir John Cradock's suggestions respecting such change of tenure as open to decision upon the principle of a just and liberal policy; considering however the uncertainty which necessarily prevails in all cases of captured possessions, as to their ultimate sovereigns, their Lordships agree with a former minute of this board, that absolute alterations of the fixed and real property of the state would be contrary to the law of nations, because the permanent and future government of the country might be thereby injured by the act of the temporary possessor by conquest; but they equally agree in the opinion expressed in that minute that the holders of the land should have such a tenure in

it as will be likely to induce them to apply capital and industry to its improvement, subject to a rent proportioned to the value of the land, because in this case the permanent interest of the future government, as well as of the people, is advanced. Their Lordships advert particularly to that quality in these possessions which prohibits any division of them among the different members of the family of the person to whom they were originally granted, the injurious effects of which restrictions are obvious in a colony thinly peopled in proportion to its extent, and consequently kept in a state of inadequate cultivation. Their Lordships cannot conceive that the grant of a power of sub-division for the future would be considered as in any degree compromising the right of a sovereign or thereby offering to any future possessor of the settlement a temptation to invalidate a grant which may have been coupled with a provision of that nature. Their Lordships are therefore inclined to command the adoption of the principles urged by Sir John Cradock.

With respect to the details of the measures proposed, much must be left to the judgment and discretion of those upon the spot.

Sir John Cradock divides the subject into two parts.

1st. The application of a remedy with respect to the tenures at present subsisting.

2nd. What is to be done with respect to future grants of government land.

Upon the first of these it seems that the tenures of land at the Cape are of three sorts.

1st. The freehold or absolute heritable property, which it is not proposed to touch.

2ndly. The *loan places*.

3rdly. The quit-rent tenures for 15 years. These two last are resumable by Government; but scarcely an instance seems to have occurred of the loan-places having actually been resumed.

The inconvenience of these two last species of tenure, and the want of encouragement to agriculture and improvement arising from the peculiar nature of the loan-places, and from the shortness of tenure of the lands held in quit-rent, seem well pointed out in the paper under their Lordships' consideration; and the detailed plan given by Mr. Smeton in his letter of the 11th February 1812 as well as his proposal for the conversion of these into *perpetual*

quit-rents, appear to their Lordships well calculated to obviate the objections to the present tenure, by furnishing a proper stimulant to industry and improvement, and at the same time augmenting and securing the revenues of the state.

Upon the second division of the subject made by Sir John Cradock, viz. as to what it might be expedient to do respecting the future grants of government land, their Lordships are well aware that with the necessarily imperfect information in their possession, any suggestion of theirs may prove inadequate to the end proposed, and may possibly be considered impracticable by those who are best qualified to form a judgment upon a subject of this nature, from being possessed of every advantage of local knowledge; their Lordships are however desirous that Sir John Cradock's attention should be drawn to the question how far it might be expedient or otherwise, in new grants of land, to dispose of the same on long tho' terminable leases:—On leases of sufficient length, perhaps of 2 or 3 lives with years concurrent, or for long terms of years, sufficient to stimulate the industry of the farmer, but terminable, so that the government might hereafter derive a reasonable augmentation of revenue, if the land shall be advantageously occupied, or resume the grant if it should appear to have been misused. Upon this part of the subject their Lordships cannot avoid adverting to a suggestion of Mr. Alexander's as to the propriety of encouraging British settlers to establish themselves in this colony. If the colony were permanently in His Majesty's possession, such encouragement might be productive of considerable advantage, and tend materially to promote the resources of this valuable possession; but their Lordships think it would be a measure of very questionable policy to take any direct steps for establishing at the Cape of Good Hope an extended investment of British capital, which, if the colony should hereafter be surrendered at a peace, would render it doubly valuable to the enemy from its increased resources if the new settlers remained there, or involve their ruin if they abandoned it.

[Copy.]

Letter from the FISCAL DENYSSSEN *to* LIEUTENANT
COLONEL FOSTER.

FISCAL'S OFFICE, *the 30th September 1812.*

SIR,—In compliance with the desire of His Excellency the Governor and Commander in Chief contained in your letter of the 16th instant, respecting an alteration of a part of the existing laws by which the owners of all slaves who have embraced the Christian religion are forbid to sell them, I have the honor to say that in my humble opinion the reasons which have induced His Excellency to fix his attention on this object appear to me to be well grounded, and too well confirmed by experience; for although a number of slaves are to be found, in whom the principles of the Christian faith have been, and are imprinted, from their childhood, still, however, there is scarcely one who has got so far as to be confirmed. It is true the sale of Christian slaves, the trading with one's fellow believers, can be considered as disallowable by Christian morality, but the same moral lesson extends to the whole system of slavery, and therefore so long as the Government here is under the necessity to suffer the greater evil of slavery, it is not unjust if the lesser evils which cannot be separated from the evil itself without increasing it, should remain attached thereto.

The liberty of selling slaves who have embraced the Christian religion being allowed to all proprietors of slaves here, it will probably soon be seen that many will be baptized and confirmed in the Christian faith, and His Excellency will thereby be enabled at the same time to grant to the increasing number of Christian slaves certain privileges tending to the promotion of good morals, which it would have been useless hitherto to have done to the slaves not Christians, as for example legal marriage, the same as was allowed among the Romans, known under the name of *contubernium servorum*, the legality of children born in lawful matrimony between slaves, liberty to attend public worship in the churches at certain times, and others of that nature.

The abrogation of the prohibition to sell slaves who may become Christians should not extend to those slaves, in case there are such in the Colony, who embraced the Christian faith previous to the abrogation, because they should not be deprived of the right they

had already acquired, nor should a new law annulling the old one retroactively affect them, by which they could not sustain any injury by the repeal of the law in question. I have etc.

(Signed) D. DENYSSEN, Fiscal.

[Original.]

Letter from JAMES BALLER, ESQRE., *to* H. GOULBURN, ESQRE.

COUNCIL OFFICE, WHITEHALL, 1st October 1812.

SIR,—The Lords of His Majesty's most Honourable Privy Council having had under consideration a Memorial of Messrs. Noble Hunt and Co. on behalf of Mr. J. Caspar Martin, praying for the reasons therein stated that an Order in Council may be issued permitting him to export from the Cape of Good Hope to England on board a British Vessel Foreign Specie to the amount of £5,000 Sterling on certain conditions, I am directed to transmit to you Copy of the said Memorial which I am to request you will lay before Earl Bathurst and that you will move his Lordship to signify his opinion thereon for the information of the Lords of the Council, I am to add that the Lords of the Council are not aware of any objection to the request above stated. I am, &c.

(Signed) JAS. BALLER.

[Copy.]

Extract of a Letter from SIR JOHN CRADOCK *to*
COLONEL TORRENS.

CAPE OF GOOD HOPE, 6th October 1812.

I am very anxious that you would be pleased, at some convenient opportunity, to submit to the consideration of His Royal Highness the Commander in Chief the establishment of a Garrison Company for the exclusive service of this Settlement, to be formed from the old soldiers of Regiments composing this force, and to be permanently stationed at Fort Frederick in Algoa Bay.

With the exception of the pay of the commissioned and non

commissioned officers, the expense arising from an Establishment so desirable would prove inconsiderable, and in a great degree counterbalanced by the saving that would result to Government from not having to provide a passage to Europe for the old soldiers that would be incorporated in such a Company.

(Signed) J. F. CRADOCK.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas by a Resolution taken by the Governor in Council at Batavia, dated the 10th of April 1770, it is enacted and prescribed that Slaves who have been catechised and confirmed in the Christian Religion shall not be sold, and whereas by experience it has appeared that a Law intended for the promotion of Christianity and true Religion has not been attended with the desired, but rather the contrary, effect,

His Excellency hereby enacts and ordains that the said Clause of the Batavian Law of 1770 be repealed and of no effect; and it is hereby repealed and annulled from the date of this Proclamation.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my Hand and Seal in the Castle of Good Hope, this 9th day of October 1812.

(Signed) J. F. CRADOCK.

[Copy.]

Government Advertisement.

Notice is hereby given that His Excellency the Governor and Commander in Chief has been pleased to appoint Major General the Hon. Robert Meade, Lieut. Governor of this Settlement, or the Lieut. Governor for the time being, President of the School Commission; and that His Excellency has likewise been pleased

to appoint the Rev. Mr. Robert Jones, Colonial Chaplain, a Member of said Commission.

Castle of Good Hope, 9th October 1812.

By Command of His Excellency the Governor.

(Signed) HY. ALEXANDER. Col. Secretary.

[Copy.]

Proclamation by SIR JOHN CRADOCK.

Whereas it is become absolutely necessary, from the increasing population of this colony and the prospects of its widely extended commerce, that the greatest regularity should prevail in the distribution and due cultivation of all lands that yet remain at the disposal of government.

And whereas it appears in many instances that the landholders in the vicinity of their own property have taken possession of, or cultivated, considerable portions of ground belonging to the Crown without any right or claim thereto, and in direct violation of the proclamations of successive governments on the 15th February 1715, Art. 25, the 1st February 1727, Art. 45, and the 11th October 1740, Art. 45, as well as by special interdiction dated the 18th February 1732, which interdiction was declared in the most public manner by a subsequent advertisement of the 1st July following.

And whereas it is indispensably required that these laws should be maintained in full force, to insure the general subsistence of the settlement, and that I may be enabled to carry into effect the beneficial instructions I have received from His Majesty's Government,

I do therefore declare, order, and direct, that the above recited ancient laws of this colony be considered as in full power and operation, and respected accordingly; and that the violation of any of them be followed by the forfeiture of the prescribed penalty of fifty Rds. and the confiscation, besides, of all the produce on the lands so unlawfully appropriated.

As, however, it is the anxious wish of His Majesty's Government to manifest that even in the necessary improvements,

and solid establishment of this colony, the most paternal and scrupulous regard, where it is practicable, will be shown to the interests and private objects of all individuals concerned, and, as it is hoped, the violations of the laws in question may have proceeded from inadvertence or error rather than design, I have resolved, trusting to indemnity from His Majesty's Government, to entirely remit all existing fines and penalties arising out of the present view of the case ; and moreover, that all persons may and shall enjoy the fair and full fruits of their labour, anterior to the promulgation hereof.

But as these ancient laws and regulations of the former governments are now repeated and promulgated in the most public and solemn manner, and the good of the community at large requires that no encroachments upon the Crown lands should any longer remain ; and as such practices are most injurious to all just proprietors and claimants, it is expressly declared, and it is to be clearly so explained by all the magistrates, that this remission of penalties, and exemption from confiscation, shall not extend to any person or persons who do not claim the benefit of this proclamation within one year after its promulgation, or apprise the government of its distinct property, and conform to the further regulations as hereafter specified.

It is therefore especially enjoined, towards the attainment of these objects, that the true situation of every place, erf, or other lands, having a limited extent, should, as soon as possible, be ascertained ; and all such landholders are hereby ordered to cause conspicuous beacons to be placed at the angles of their respective properties, not only to distinguish their own boundaries, but to enable the magistrates or other official persons, to make correct reports to government whenever this subject may be referred to them. And in case this order is neglected, the necessary measures will be taken by government, at the expence of the offending parties, for carrying it into effect, as the due execution is equally required to ascertain the rights of individuals as those of the Crown, and thereby avoid in future all confusion in private as well as public property.

That the beneficent intentions of the government may be accomplished in the fullest manner, and as there is no other view in these measures but to unite the public and private interests, it is further declared that all persons who have incautiously culti-

vated lands belonging to the Crown shall be at liberty, pursuant to the tenor of the above quoted interdiction of the 18th February, 1732, to apply to the government for a grant, on quit rent, of such grounds as may be required for the improvement or fair extension of their present property; and after due investigation, the most equitable and liberal attention will be paid to their representations. And that nothing may be wanting to prove the indulgence and forbearance, lest the immediate assumption of its right should injure a single farmer who does not wilfully transgress, it is further announced, that all such landholders will not be interrupted in the exercise of their industry, during the ensuing year, and the enjoyment of the full benefit of the labour bestowed on these grounds.

It is moreover declared that all persons who may in future apply for the lands of government, will not obtain any remote ground, before they have acquired a legal tenure to all such lands as they may have already cultivated in the immediate vicinity of their own property, with the exception however of "New Places;" provided, at the same time, that the application for such "New places" be not made with the view of evading the general intentions.

All these regulations are no more than the recital of the already stated enactments for a century past; and if they were thought suitable at those early periods of the settlement, how much more required are they now, in the present prosperous and advanced state of the colony, where land is of rapidly increasing value every day; and, in proportion, the most legal security should be given to property, and the inestimable advantage insured of its lawful transmission to the posterity of the present occupants.

The first step to attain these ends is to remove every doubt and uncertainty as to tenure, and to fix all persons in just and undisputed rights.

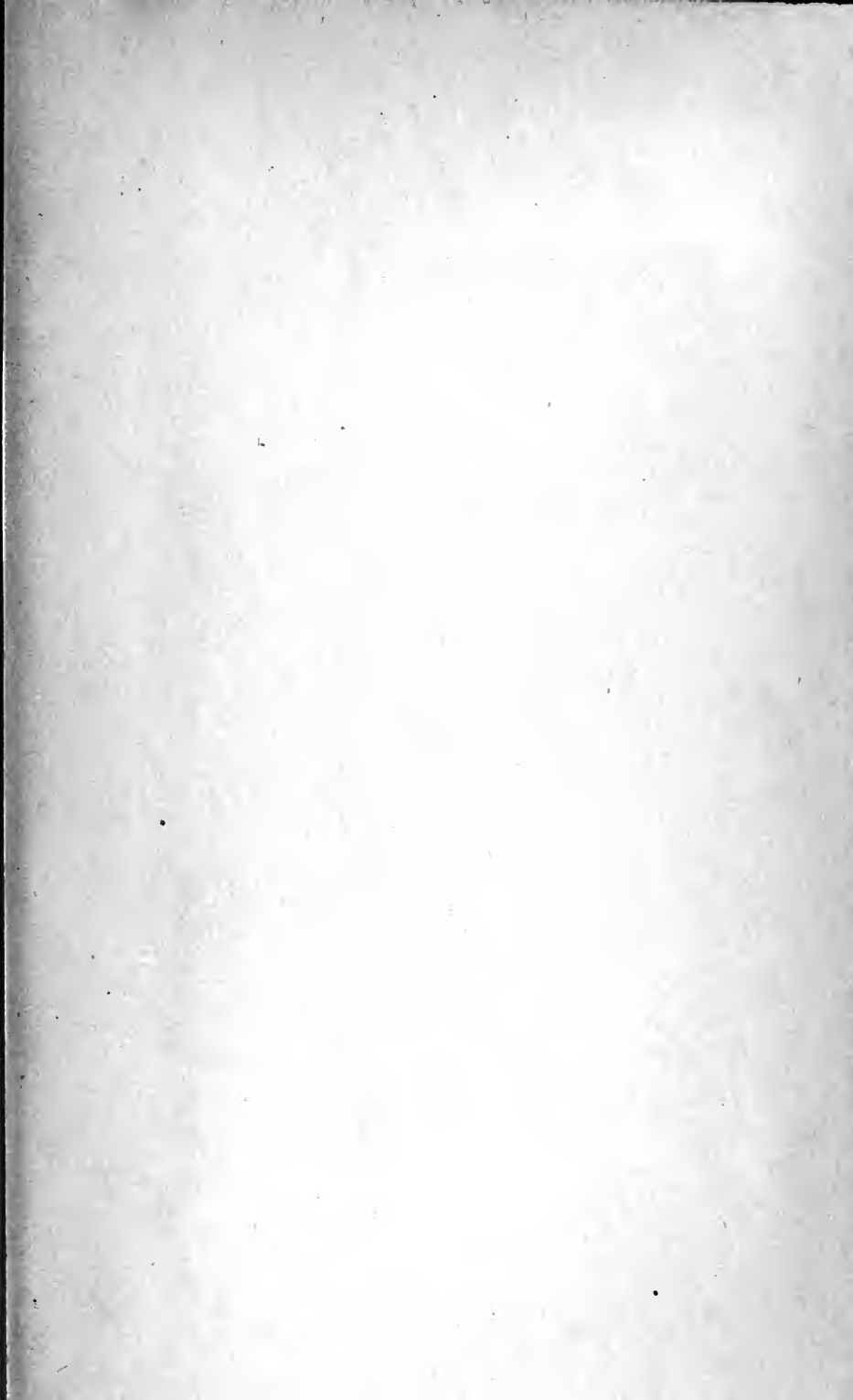
The respective landdrosts and magistrates are therefore called upon to explain the principles upon which the government proceeds, as well as to exact a strict conformity to the prescribed regulations. The prompt and active obedience to the full spirit, as well as letter, of the law, on the part of the applicants for the lands in question, will open the surest road to obtain a favorable result to their representations; and they may feel assured, from the consideration and sacrifices now made, that the government,

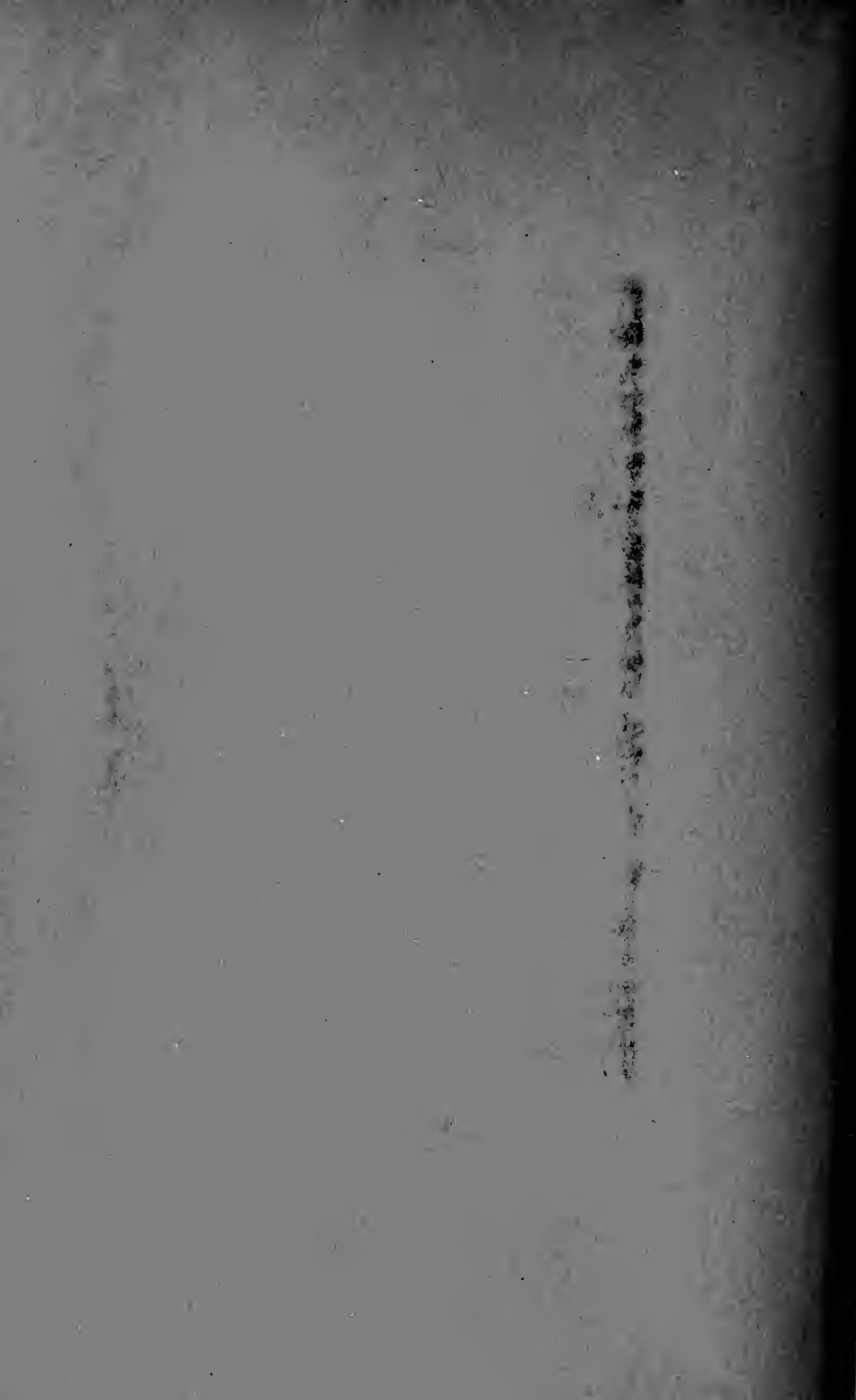
though in assertion of their rights, and the due support of their numerous dependent establishments, will never imperiously maintain even the public interest against a reasonable claim of the individual.

And that no person may plead ignorance hereof, this shall be published and affixed as usual.

Given under my hand and seal, in the Castle of Good Hope, this 16th day of October 1812.

(Signed) J. F. CRADOCK.





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Author Theal, George McCall (ed.)

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